



WILDWOOD

MEMORANDUM

TO: Planning & Zoning Commission

FROM: Jim Bowlin

DATE: January 2, 2019

RE: Proposed *Bylaws* Revisions

DIST: John Young
Joe Vujnich
Travis Newberry

SECTION 1 – BACKGROUND

A copy of our current *Bylaws* is attached as the first attachment. The impetus for my request to conduct a *Bylaws* review was based on existing inconsistencies and a legally problematic provision. These are:

Item 1

Citation	Provision
Art. IV.7(b)	Omits Public Comment as an item for meetings.
Art V.1	States that a “public comment session shall be held at the beginning of each meeting”.

Item 2

Citation	Provision
Art. VI.2	Chair may appoint special committees with approval of Commissioners.
Art. VI.3	Chair may fill committee vacancy (omitting approval of Commissioners).

Item 3

Citation	Provision
Art. V.4(f)	Allows the Chair to randomly and subjectively authorize exceptions to time limits allowed to petitioners and other speakers, thereby presenting the risk of legally actionable arbitrary action by the Commission.

SECTION 2 – ADDITIONAL PROPOSED CHANGES

In preparation for the Commission’s Work Session, I obtained an exemplar set of *Bylaws* for planning and zoning commissions from our City Attorney, John Young. It is the second attachment.

As can be seen with only a cursory comparison of our current *Bylaws* and the form submitted by John, the form he provided is much more thorough and well-written.

It includes several provisions that are either absent or different from our current version, and which we should consider including and changing. These provisions are highlighted in his draft (attached), and set forth in the graph below (along with citations to where they appear in John’s draft, a description of the item, and why it should be considered).

Citation	Subject	Purpose
Art. II.2	Membership on an <i>ex officio</i> basis of the Director of Planning, etc.	This provision does not currently exist in our <i>Bylaws</i> .
Art. II.5	Removal of Commissioners by City Council	Renders <i>Bylaws</i> consistent with City <i>Charter</i> and Code.
Art. II.6	Compensation of Commissioners	States that no compensation is paid.
Art. III.1 & Art. IV.2	Election of Officers	Allows the full Commission to elect officers, in place of our current Nominating Committee process which includes several risks – including the existence of a barrier to those interested in serving, and the perpetual continuation of the same people in officer roles.
Art. IV.4	Removal of Officers	We currently have no provision addressing this possibility.
Art. V.2	Each Commissioner has a single vote	This provision does not currently exist in our <i>Bylaws</i> .
Art. VIII	Use of municipal funds allotted by the City Council	This provision does not currently exist in our <i>Bylaws</i> .
Art. IX	Code of Ethics	This provision does not currently exist in our <i>Bylaws</i> .

SECTION 3 – RECOMMENDATION

I recommend that the Commission approve of requesting our City Attorney to:

1. Prepare *Bylaws* changes necessary to correct and resolve the issues noted in Section 1, above, and to render our *Bylaws* consistent with the items noted in Section 2, above; and,
2. Present a draft with these changes to the Commission for final approval at its February 4, 2019 meeting.

Att. – 2