



The Gilbert Redevelopment Commission (Commission) has been established pursuant to Resolution No. 1039.

I. ORGANIZATION

A. Officers and Staff:

1. The Mayor shall designate a Chair and Vice Chair from among the appointed members at the regular meeting held in November. See ARS §36-1476 attached as exhibit "A":
 - a. The term of Chair and Vice Chair shall be one (1) year and any member serving as Chair or Vice Chair shall be eligible for reappointment. No Chair or Vice Chair shall serve in the same capacity for more than two (2) consecutive one-year terms.
 - b. The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior member, based upon years of membership, shall act as Chair.
 - c. Any vacancy for Chair or Vice Chair as may occur for any reason shall be filled from the Commission membership by appointment by the Mayor and shall be effective for the remainder of the term.
 - d. The Chair or Vice Chair may be removed from office at any time by the Mayor.
 - e. If any member is absent for three (3) consecutive meetings or for inefficiency, neglect of duty or misconduct in office, said member may be removed by the Mayor, but only after a hearing and after the Commissioner has been given a copy of the charges at least ten (10) days prior to the hearing and had an opportunity to be heard in person or by counsel. A new member shall be appointed by the Council to fill the remainder of the Commissioner's term.
2. The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these by-laws. The Chair shall have the right to vote on all matters before the Commission and shall also have the right to make or second motions in the absence of a motion, or a second.
3. The Town of Gilbert, Manager's Office, or his designated representative, shall serve the Commission as Staff Liaison. The Gilbert Office of Economic Development staff shall furnish professional, technical advice and clerical services to the Commission.

4. The Commission may call upon Gilbert's Attorney, or the Attorney's designated representative, who shall have the responsibility of furnishing such legal advice on all points of order, procedure, or other matters as may be requested from time to time.

II. MEETINGS

A. Regular Meetings

1. Regular meetings shall be held on the third (3rd) -Wednesday of each month at 6:00 p.m. Whenever a legal holiday is the same as a meeting, such meeting shall either be canceled or rescheduled by decision of the Chair.
2. Regular meetings of the Commission shall be open to the public and the minutes of its proceedings, showing the vote of the Commission and records of its examinations and other official actions, shall be filed in the office of the Town Clerk as a public record. For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being recognized by the Chair and stating his or her name and address and the names of any persons on whose behalf they are appearing.
3. When agenda items do not require a hearing, the Commission may, by a single consent motion, approve any number of actions where the Commission, staff, and applicant are in agreement and where, after call and invitation by the Chair to do so, no member of the Commission or general public wishes to address any particular item designated for consent action by the Commission. Should any member of the Commission or public so request, the Commission shall then withdraw the item from the consent agenda for the purpose of public discussion and separate action.
4. Regular meetings of the Commission shall be held at Council Chambers, 50 E. Civic Center Drive, Gilbert, Arizona unless otherwise noticed and posted. At least twenty-four (24) hours notice shall be given to the general public by posting such notice on the Town website and in at least one public place, and otherwise in conformance with Arizona State law. The notice shall specify the time and place of the regular meeting and an agenda of the business to be transacted. Meeting agendas and the Commission's meeting schedule will also be available on the Town of Gilbert website--www.gilbertaz.gov.

B. Study Sessions:

Study sessions for any purpose may be held on the call of the Chair or request of two or more members, or by Staff giving notice to all the members by phone, e-mail or other electronic means or personal delivery, or by verbal comment during a regular meeting, all at least twenty-four (24) hours before the meeting. At least twenty-four (24) hours notice shall be given to the general public by posting such notice on the town website and in at least one public place, and otherwise in conformance with Arizona State law. The notice shall specify the time and place of the study session and an agenda of the business to be transacted.

C. Executive Sessions:

The Commission may hold an executive session closed to the public during a regular or special meeting to consider matters permissible in executive sessions pursuant to the laws of the State of Arizona.

D. Notice Of Meetings And Hearing:

1. Written notice of all meetings to Commission members shall be deposited in the mail, e-mail or other electronic means or delivered in person at least twenty-four (24) hours before the date of meeting; except that where required by an actual emergency, members may be notified by telephone by the Staff Liaison.
2. Notice of time and place of any public hearing to be held by the Commission shall be given as required by State law and Town ordinances.
3. Hearings on all matters on which an action of the Commission is required by law, shall be open to the public. The applicant shall appear in his or her own behalf or may be represented by counsel or agent.

E. Quorum:

A majority of the members of the Commission shall constitute a quorum for transacting business at any regular meeting. No action shall be taken at any regular meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date. At a study session, any number of Commission members may hold discussion on agenda items.

F. Agenda:

An agenda shall be prepared by the Staff Liaison for each regular meeting, study session, and executive session of the Commission. The agenda shall include the various matters of business as scheduled for consideration by the Commission.

G. Withdrawal Of Request:

An item may be withdrawn upon request to the Staff Liaison, but no item shall be withdrawn after posting of hearing notice or legal ad published for notification prior to the public hearing thereon without formal consent of the Commission.

H. Field Trips:

The Commission may take field trips for purposes relevant to a public hearing or other matter under consideration. All Commission field trips shall be taken as part of a regular or special meeting, and all interested persons shall be afforded the opportunity to be present to hear any reports or comments. A record of the field trips indicate that the field trip was taken into consideration as evidence. Nothing herein shall prevent less than a quorum of the Commission, or Commission members individually at their own convenience and expense, from taking field trips which are related to an action or other matter being considered.

III. ORDERS OF BUSINESS

A. Parliamentary Procedure:

1. The Chair shall call the Commission to order and a Staff Liaison shall record the members present and absent. The Chair may call each matter of business in the order filed and shall

announce the name of the action, and the nature of their request. Supporting evidence for and against each matter shall be presented to the Commission.

2. Unless otherwise provided in these By-laws, the Chair shall conduct meetings as generally provided in Robert's Rules of Order unless such rules are suspended by majority vote of the Commission. The Chair shall direct questions to any person speaking, in order to bring out all relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the Commission and Staff.

B. Hearing Conduct:

1. The hearing need not be conducted according to technical, judicial Rules of Evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
 - a. The Chair may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing of the issues involved.
 - b. Any written evidence supporting the approval or denial of an application shall be submitted to the Development Services Department prior to the public hearing and/or to the Commission prior to or during the public hearing.
2. The Commission may continue the hearing up to ninety (90) days on any action or other matter for which an applicant fails to appear unless the applicant has requested in writing that the Commission act without him or her being present at the hearing; provided, however, the Commission may hear those persons requesting to speak in response to the notice of hearing.

A member who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon by the Commission, provided that he has listened to the tape recording made or reviewed the minutes of, any portion of the hearing from which he was absent, and state for the record prior to voting that he deems himself to be familiar with the record. A member who misses only the presentation of the staff report may vote on that matter at the time it is acted upon by the Commission, provided that he states for the record that he has read the staff report and is familiar with it.

3. In order to expedite the conduct of the hearing, the Chair may limit the amount of time which a person may use in addressing the hearing body. The Chair may also limit the speakers or testimony upon a particular issue in order to avoid repetitious and cumulative evidence.
4. The burden of proof of all legal prerequisites to the action sought shall be upon the party requesting such action.

C. Voting:

1. After all evidence has been submitted to the Commission, each action shall be heard, considered and acted upon in public meeting.

2. In taking action on any matter, the Commission may grant approval, grant approval with conditions, modify the request so as to make more restrictive, or deny the item altogether. In these actions, the Commission shall be guided by the provisions of the Town of Gilbert General Plan and elements thereof, the Heritage District Redevelopment Plan, Heritage District Overlay Zoning Ordinance, and other development standards, policies, and documents as adopted by the Town of Gilbert.
3. By majority vote, the Commission may defer action on any matter when it concludes that additional time for further study or input is necessary. If continued, any public hearing shall be continued to a date certain; if tabled, any public hearing shall be subject to the requirements of readvertising and renote as if a new action were being considered and upon majority vote by the Commission to remove it from the table.
4. A majority vote of those Commission members present and voting shall be required to take official action including but not limited to, the adopting of policy or submitting recommendations. When a motion in favor of any action or other matter fails to receive an affirmative vote, it shall be entered in the minutes as a vote to deny the action being considered if there is no other motion on the matter. In the event that there is no motion, or the motion dies for lack of a second, it shall be entered into the minutes as a denial of the action being considered if there is no other motion on the matter. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of all members present.
5. A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in the action under consideration, as described and provided by the Arizona Revised statutes (ARS §36-1477). See ARS §36-1477 attached as Exhibit "B". The Town Policy of Public Officials related to conflict of interest may be used as a general guideline. See Town of Gilbert Policy Handbook for Public Officials attached as exhibit "C".
6. Each member attending shall be entitled to one (1) vote. The minutes of the proceedings shall indicate the vote of the Commission on every matter acted upon, and shall indicate any absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or such matters as referred to in Section III C (5) of these by-laws.
7. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

D. Recommendation To Town Council:

The Commission shall forward a recommendation to Town Council of its findings and/or action (s) in writing with respect to the merits of the action within thirty (30) days of the conclusion of the public hearing at which action is taken by the Commission.

IV. OFFICIAL RECORDS

A. Retention Of Files:

The official records of the Commission shall include these rules and regulations, minutes of meetings, resolution, and its adopted reports, which shall be deposited with the office of the Town Clerk and which shall be available for public inspection during customary office hours. All actions and other matters coming before the Commission shall be filed in the Development Services Department in accordance with that department's general file system. Original papers of all actions and other matters shall be retained for not less than five (5) years after date of action. Thereafter, such matters may be microfilmed, along with other special matters as the Town Clerk's Office deems essential, for permanent record.

B. Recording Of Meetings:

All public meetings of the Commission may be recorded by electronic device. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at his or her own expense, may do so, provided that he or she consults the Commission's Staff Liaison to arrange facilities for such recording prior to the commencement of the meeting, or does not otherwise disrupt the proceedings.

V. AMENDMENTS

These by-laws may be amended by majority vote at any meeting of the Commission's provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to said meeting. Such amendment shall be subject to ratification by the Town Council and, if so approved, shall become effective at the next regular meeting of the Commission after ratification.

Approved by Commission 7.15.20
Ratified by Council 08.11.20

EXHIBIT “A”

A.R.S. § 36-1476

§ 36-1476. Slum clearance and redevelopment commission

- A. In addition to the other powers conferred by this article a municipality by resolution of its governing body may create a slum clearance and redevelopment commission, which shall be an agent of the municipality for the exercise of powers of the municipality under this article.
- B. If the governing body of a municipality adopts a resolution as described in subsection A of this section, the mayor, by and with the advice and consent of the governing body, shall appoint a board of commissioners for the slum clearance and redevelopment commission, which shall consist of five commissioners. Three of the commissioners first appointed pursuant to this article shall be designated to serve for terms of one, two and three years respectively, and two commissioners shall be appointed for four years each, from the date of their appointment. After the initial appointment of commissioners, members of the commission shall be appointed for a term of office of four years, except that all vacancies shall be filled for the unexpired term.
- C. A commissioner is not eligible to receive compensation but is eligible to receive reimbursement of expenses. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and is conclusive evidence of the due and proper appointment.
- D. The powers delegated by a municipality to a slum clearance and redevelopment commission shall be exercised by the commissioners. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the commission and for all other purposes. Action may be taken by the commission upon a vote of a majority of the commissioners present. Any person may be appointed as a commissioner if the person resides within the area of operation of the commission and is otherwise eligible under this article.
- E. The mayor shall designate a chairman and vice-chairman from among the commissioners. A commission may be authorized by the local governing body to employ an executive director, technical experts and other officers, agents and employees, permanent and temporary, as it requires and to determine their qualifications, duties and compensation. For legal services a commission may, with approval of the mayor, call upon the chief law officer of the municipality or it may be authorized by the local governing body to employ its own counsel and legal staff. A commission shall file a report of its activities with the local governing body periodically as the local governing body requires, but at least once a year, and shall make recommendations regarding additional legislation or other action that may be necessary to enable it to carry out the purposes of this article.
- F. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by the mayor, but a commissioner shall be removed only after a hearing and after the commissioner has been given a copy of the charges at least ten days prior to the hearing and had an opportunity to be heard in person or by counsel.

EXHIBIT “B”

A.R.S. § 36-1477

§ 36-1477. Interest of public officials, commissioners or employees in project prohibited

- A. A public official of a municipality, commissioner or employee of a housing authority or slum clearance and redevelopment commission to which the powers of a municipality have been delegated pursuant to this article shall not voluntarily acquire any interest, direct or indirect, in a redevelopment project or in any property included or planned to be included in a redevelopment project of the municipality or in any contract or proposed contract in connection with a redevelopment project. If an acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and the disclosure shall be entered upon the minutes of the governing body.
- B. If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which the person knows is included or planned by the municipality to be included in any redevelopment project, the person shall immediately disclose this fact in writing to the local governing body, and this disclosure shall be entered upon the minutes of the governing body. The person shall not participate in any action by the municipality, housing authority or commission affecting the property. Any violation of this section shall constitute misconduct in office.

EXHIBIT “C”

TOWN OF GILBERT POLICY HANDBOOK FOR PUBLIC OFFICIALS

GUIDELINES FOR PUBLIC OFFICIALS

Being a public official can be a very challenging and rewarding experience. There are few ways to contribute more to good government and good community development. The people have put their trust in you. You have both an opportunity and a responsibility to hold that trust sacred.

Elected and appointed public officials of the Town must be ethical in official business where there may be a conflict of interest. The following information is provided as a guide against which Council members and Commissioners/Board members may measure their actions.

Never use information received in the performance of duty as a means for making private profit or advancing the financial interest of others.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.

Do not accept gifts or benefits which could be construed by reasonable persons as influencing the performance of official duties.

Exercise caution so that a statement cannot be construed as a promise which would be binding upon the duties of office, inasmuch as private word can be binding on public duty.

Avoid negotiations entered into by the Town involving sale of land, goods or materials while acting in the capacity of a public official. In the event this occurs, certain guidelines must be observed.

CODE OF ETHICS FOR PUBLIC OFFICIALS

The proper operation of municipal government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure, and that public office not be used for personal gain.

RESPONSIBILITIES OF PUBLIC OFFICE

Public officials are bound to uphold the Constitution of the United States and the Constitution of the State of Arizona and to carry out the laws of the nation, state and municipality. Public officials are bound to observe in their official acts high standards of morality and to discharge faithfully the duties of their offices regardless of personal considerations, recognizing that the public interests must be their primary concern, and that conduct in their official and private affairs should be above reproach.

DEDICATED SERVICE

Public officials should not exceed their authority or breach the law or ask others to do so. They should work in full cooperation with other public officials and employees unless prohibited from so doing by law or officially recognized confidentiality of their work.

FAIR AND EQUAL TREATMENT

Preferential consideration of the request or petition of any individual citizen, or groups of citizens, should not be given. No person should receive special advantages beyond that which are available to any other citizen.

USE OF PUBLIC PROPERTY

No official shall request or permit the use of Town owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, or are provided as municipal policy for the use of such official in the conduct of official business. No public official shall use the time of any Town employee during working hours for personal convenience or profit.

OBLIGATIONS TO CITIZENS

No public official in the course of official duties shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in the same circumstances.