



Board of Adjustment Staff Report

Meeting Date: August 3, 2017

Subject: Removing five minute time limits within the Board of Adjustment's agenda section for Public Comment

Agenda Item Number: 8B

Summary: Discussion and possible action to change the public comment procedure during Board of Adjustment meetings by removing the five minute time limit for speakers representing a group

Recommendation: Remove the five minute time limit from the Board of Adjustment's agenda

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Description

For possible action and discussion to change the public comment procedure during Board of Adjustment meetings by removing the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment. If approved, direct staff to make changes to Board meeting agendas consistent with this change, in public comment procedures.

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Background

The Board of Adjustment's (BOA) agenda within the Public Comment section allows five minutes for a speaker representing a group. The proposed revision would remove the five minute time limit during public comment periods for speakers representing a group 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 BOA's Rules, Policies and Procedures (RPPs) were revised in early 2016 to be concise and simple to follow and interpret. That revision removed the article containing the section concerning the length of time allowed for speakers during public comment periods. The time limit for all speakers is now only stated on the Board of Adjustment agenda in the Public Comment section.

The management of the five minute time limit has been problematic for the BOA and particularly for the BOA Chair during meetings. The issues centering on the five minute time limit were recently highlighted during a meeting of the Planning Commission (PC) on May 2, 2017. During the meeting, the acting PC Chair was confronted by several citizens, each claiming to represent a group and each demanding five minutes to speak for the group. The acting PC Chair was unable to determine which person actually represented a group. The acting PC 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 rules expressed in the PC's agenda. Similar challenges and exposure exist for the BOA. Therefore, staff recommends that the five minute time limit for speakers representing a group be removed from the agenda. 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 BOA meetings with the five minute time limit rule.

The Planning Commission is also reviewing their agenda's Public Comment section to remove the five minute time limit for a speaker representing a group and updating their RPP's to remove the provision allowing five minutes during public comment for a speaker representing a group or organization. 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.

Recommendation

Staff recommends that the Board of Adjustment change the public comment procedure during Board of Adjustment meetings by removing the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment. The following motion is provided for your consideration.

Motion

I move to change the public comment procedure during Board of Adjustment meetings by removing 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 board meeting agendas consistent with this change in public comment procedures.



WASHOE COUNTY BOARD OF ADJUSTMENT Notice of Meeting and Agenda

Board of Adjustment Members

Kim Toulouse, Chair
Clay Thomas, Vice Chair
Kristina Hill
Lee Lawrence
Brad Stanley
William Whitney, Secretary

XXXXXXXX, 2017

1:30 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

PUBLIC HEARING ITEMS

- Case Number XXXXXXXX

Items for Possible Action. All numbered or lettered items on this agenda are hereby designated for possible action as if the words “for possible action” were written next to each item (NRS 241.020), except for items marked with an asterisk (*). Those items marked with an asterisk (*) may be discussed but action will not be taken on them.

Possible Changes to Agenda Order and Timing. Discussion may be delayed on any item on this agenda, and items on this agenda may be taken out of order, combined with other items and discussed or voted on as a block, removed from the agenda, moved to the agenda of another later meeting or moved to or from the consent section. Items designated for a specified time will not be heard before that time, but may be delayed beyond the specified time.

Public Comment. During the “General Public Comment” items listed below, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during public hearing and planning items that are *not* marked with an asterisk (*). Any public comment for hearing and planning items will be heard before action is taken on the item and must be about the specific item being considered by the Commission. In order to speak during any public comment, each speaker must fill out a “Request to Speak” form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, ~~five minutes for a speaker representing a group~~, and three minutes for individual speakers unless extended by questions from the Commission or by action of the Chair. Comments are to be directed to the Commission as a whole and not to one individual.

Public Participation. The Board of Adjustment adopted Rules, Policies and Procedures are available on the website provided on the next page or by contacting the Planning and Development Division.

At least one copy of items displayed and at least ten copies of any written or graphic material for the Board’s consideration should be provided to the Recording Secretary. Materials longer than one page in length submitted within six days of the Board of Adjustment meeting may not be considered by the Board in their deliberations. Subject to applicable law and the Board’s Rules, Policies and Procedures, public comment or testimony may be submitted to the Board in written form for its consideration. However, the Board is not required to read written statements aloud during the meeting.



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