

## THE COMMISSIONER

Law



When it comes to keeping zoning codes relevant and current to planning issues, remember that your staff are the professionals, and you are there to listen to their recommendations.

## You and Your Staff

**S**O YOU HAVE BEEN APPOINTED TO A BOARD OR COMMISSION in your community, and now you have “staff.” Although you will undoubtedly have more intimate relationships—your spouse, children, and parents come to mind—the relationship you have with your staff is a unique one that needs to be built on trust and established practices.

The size and abilities of your staff will vary according to jurisdiction, from a one-person show involving the cemetery and street departments to a large professional staff dedicated to specific aspects of the planning and zoning world. What is realistic and fair to expect from them?

### Staff responsibilities

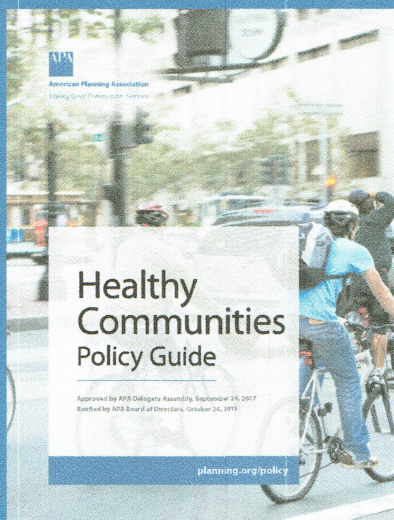
Your staff is responsible for keeping the zoning code you use as a rule book

relevant and current to planning and development issues. It is up to the staff to suggest text amendments that will address new land uses, advancements in technology, and changes to standards like parking, signs, landscaping, and lighting that reflect new industry or professional standards. Your responsibility as a commissioner is to trust that your staff has researched the topic, discussed it with professional colleagues, and vetted

it with your law director. Sure, questions are appropriate about amendments, but remember, on this issue, your staff are the professionals, and you are there to listen to their recommendations.

Staff is also responsible for assembling the material that you will review prior to a meeting and getting it to you in a timely fashion. When reviewing cases for your consideration, staff will almost always prepare a report. The format and content of a staff report varies, based on the project and community standards. The commission has a right to expect concise, thorough staff reports that include a summary of the request, site history, relationship to adjoining properties, relationship to adopted plans, a summary of code consistency, and comments from other departments. Having recently seen jurisdictions where staff reports on simple





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projects are exceeding 40 pages, I can say that staff cannot expect the commission to review this type of documentation when there are multiple cases on an agenda. The staff report should contain a combination of technical information and data to explain the subject case, but it should also be concise so that the board or commission member, as well as the public, can understand the content.

The million-dollar question is whether the staff should make a formal recommendation to “approve,” “approve with conditions,” or “deny” the request. Each community is different; some reports offer no clue as to how staff feels, while others include draft motions and specific conditions. Regardless of the position on recommendations, expectations of recommendations should be vetted, particularly when there is a change in staff.

Staff is also responsible for keeping the commission and meetings running smoothly and efficiently. That means making sure only complete applications are considered, managing housekeeping issues like agenda preparation, preparing meeting minutes, and obtaining appropriate member signatures on required documents. It also includes a periodic review of the commission or board bylaws, recommending updates when needed, and providing orientation for new members.

In addition, the staff should provide commission and board members with opportunities for training to facilitate how meetings are run, how motions are created, and what the current legal issues are. While this training may be an extra bonus in your community, ongoing training for both staff and commission is mandatory in some states and can be provided through local or national planning conferences, trained professionals, or online sessions.

Additionally, the staff's role is to act as a gatekeeper and liaison for the commission or board. It is their responsibility to make sure that applications are complete and appropriate prior to placing it on an agenda. Staff is responsible for following up with the applicant in obtaining

additional information requested, or implementing conditions imposed by the commission or staff. They must also make sure that the required legal notifications are provided to the public in a timely fashion, and are there to answer public questions, limiting the opportunity for ex parte contact with the commission.

### Working together

A commission may find that there is one member who always knows better than staff and will, at length, voice their experience and opinions. While the commission always maintains the right to question staff and offer opinions, what is not acceptable is for a commission member to dominate a discussion—or worse, belittle or abuse staff. Commission members who bully or verbally assault staff should not be tolerated by the balance of the commission, because it reflects poorly on the community, is embarrassing and uncomfortable to watch, and will end up with staff turnover, none of which are good.

The staff is there to advise the commission, and there are times when this may require them to guide the board or commission back to the request before them if discussions have strayed. It may also mean keeping discussions focused on the issue they have jurisdiction over and not overstepping their position and powers.

The commission or board and their staff are a team that must work together to effectively make decisions that will have significant impact on their communities. To do so requires trust and understanding by both parties to ensure that accurate information is disseminated, cases are properly considered, and appropriate decisions are made. As a board or commission member, your staff is your most valuable resource. Be sure to value and work with them appropriately. ■

—Anne McBride, FAICP

McBride is a principal and cofounder of the planning firm McBride Dale Clarion. She has also served for over 20 years on the Anderson Township Zoning Commission in Ohio and is the coauthor of the book *The Planning Commissioner's Guide*.