



Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

AGENDA

SPECIAL JOINT MEETING OF THE JEROME TOWN COUNCIL, PLANNING & ZONING COMMISSION, DESIGN REVIEW BOARD AND BOARD OF ADJUSTMENT

**JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
WEDNESDAY, JANUARY 16, 2019 AT 6:00 P.M.**

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Council and above referenced boards and commission, and to the General Public, that the above meeting will be held.

Persons with a disability may request an accommodation such as a sign language interpreter by contacting Joni Savage, Deputy Clerk, at 928-634-7943. Requests should be made early enough to allow time to arrange the accommodation. For TTY access, call the Arizona Relay Service at 800-367-8939 and ask for the Town of Jerome at 928-634-7943.

A copy of the full public meeting packet may be reviewed at the offices of Jerome Town Hall and at the Jerome Public Library.

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor to call meeting to order. Town Clerk to call and record the roll for Council. Zoning Administrator to call and record the roll for the Commission and Boards.	
ITEM #2:	PRESENTATION / Q&A WITH TOWN ATTORNEY Town Attorney Bill Sims will provide information and answer questions regarding Arizona's Open Meeting Law, Robert's Rules of Order, Conflicts of Interest, and the Rezoning process.	<i>Sponsored by Mayor Alex Barber</i> <i>Discussion/Possible Direction</i>
ITEM #3:	ADJOURNMENT	

The Town Council may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the Town Attorney, who may participate telephonically, regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before _____ on _____, in accordance with the statement filed by the Jerome Town Council with the Jerome Town Clerk.

970 Gulch Road, side of Gulch Fire Station, exterior posting case
600 Clark Street, Jerome Town Hall, exterior posting case
120 Main Street, Jerome Post Office, interior posting case

J. Savage, Deputy Town Clerk



For TTY Access, Call the Arizona Relay Service at 1-800-367-8939 and ask for Town of Jerome at 928-634-7943

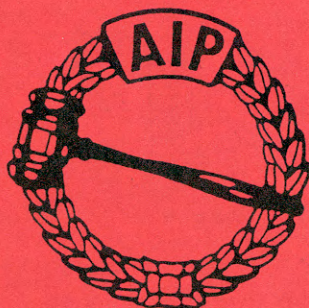


Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

The a-b-c's of
**PARLIAMENTARY
PROCEDURE**



American
Institute of
Parliamentarians



WHAT IS PARLIAMENTARY PROCEDURE?

It's a set of rules for conducting business at meetings and public gatherings.



PARLIAMENTARY PROCEDURE HAS A LONG HISTORY

IT ORIGINATED

in the early English
Parliaments.



IT CAME TO AMERICA

with the first
European settlers.



IT BECAME UNIFORM

in 1876, when
Henry M. Robert
published his manual
on Parliamentary Law.



Today, *Robert's Rules of Order Newly Revised, 9th Edition*, is the basic handbook of operation for many clubs, organizations and other groups.



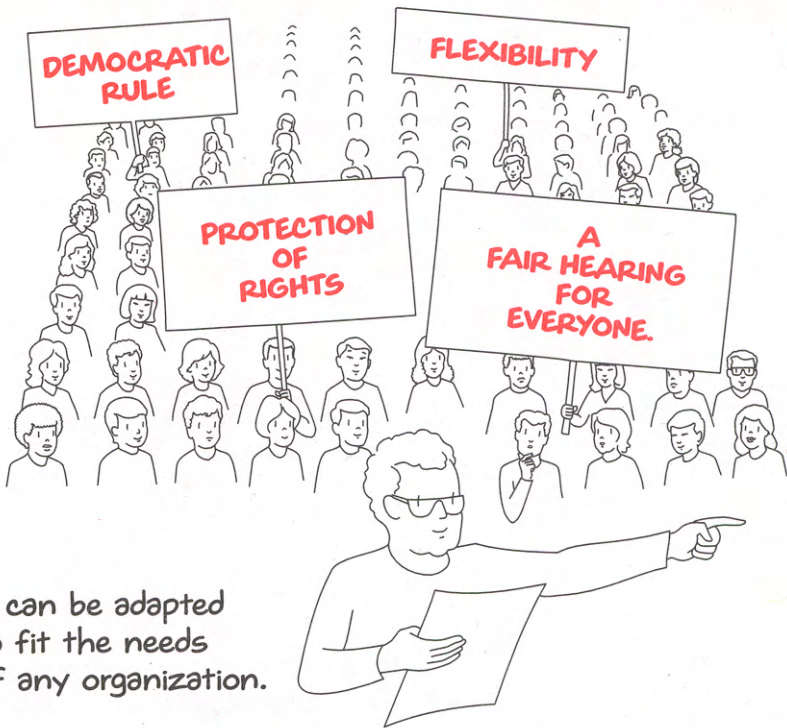
Note: A glossary and index are on page 14.



WHY IS PARLIAMENTARY PROCEDURE IMPORTANT?

Because it allows
everyone to be heard
and to make decisions
without confusion.

PARLIAMENTARY PROCEDURE MEANS:

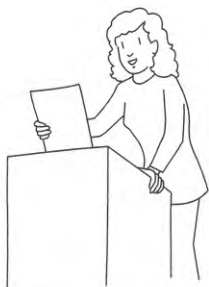


It can be adapted
to fit the needs
of any organization.

So, it's important
for everyone to know
these basic rules!

A FIXED AGENDA,

or order of business, is generally followed by organizations using parliamentary procedure. Here's a typical example:



1. CALL TO ORDER

If a quorum* is present, the chair (the person conducting the meeting) says, "The meeting will come to order."

2. MINUTES

The secretary reads a record of the previous meeting.

3. OFFICERS' REPORTS

This is often limited to a report from the treasurer, but others may report at this time.

4. COMMITTEE REPORTS

First come reports from standing (permanent) committees, then from special (temporary) committees.

5. SPECIAL ORDERS

This is important business previously designated for consideration at this meeting.

6. UNFINISHED BUSINESS

This is business that has come over from the previous meeting.

7. NEW BUSINESS

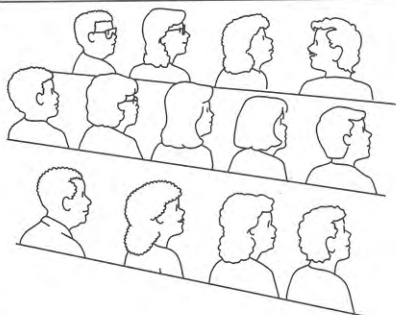
New topics are introduced.

8. ANNOUNCEMENTS

These inform the assembly (the people at the meeting) of other subjects and events.

9. ADJOURNMENT

The meeting ends by a vote or by general consent (or by chair's decision if time of adjournment was prearranged by vote).



*A QUORUM

is the number or percentage of members that must be present for business to be conducted legally. The actual number is usually stated in the bylaws.



HOW DO MEMBERS GET THEIR SAY?

They make motions. A motion is a proposal that the assembly take a stand or take action on some issue. Members have a right to:

PRESENT MOTIONS

(make a proposal)



SECOND MOTIONS

(express support for discussion of another member's motion)



DEBATE MOTIONS

(give opinions on the motion)



VOTE ON MOTIONS

(make a decision).



THERE ARE 5 GENERAL TYPES OF MOTIONS

① MAIN MOTIONS

These introduce subjects for consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions.

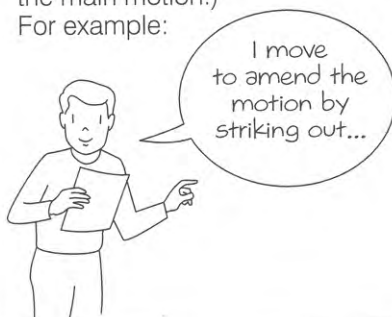
For example:



② SUBSIDIARY MOTIONS

These change or affect how the main motion is handled. (They are voted on before the main motion.)

For example:



③ PRIVILEGED MOTIONS

These concern special or important matters not related to pending business. In general, they are considered before other types of motions.

For example:



④ INCIDENTAL MOTIONS

These are questions of procedure that arise out of other motions. They must be considered before the other motion. For example:



⑤ MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY

These enable certain items to be reconsidered. In general, they are brought up when no business is pending.

For example:



PARLIAMENTARY PROCEDURE AT A GLANCE

Here are some motions you might make, how to make them, and what to expect of the rules.

TO DO THIS:	YOU SAY THIS:	MAY YOU INTERRUPT THE SPEAKER?	DO YOU NEED A SECOND?	IS IT DEBATABLE?	CAN IT BE AMENDED?	WHAT VOTE IS NEEDED?	CAN IT BE RECONSIDERED?
ADJOURN MEETING	"I move that we adjourn."	NO	YES	NO	NO	MAJORITY	NO
CALL AN INTERMISSION	"I move that we recess for..."	NO	YES	NO ¹	YES	MAJORITY	NO
COMPLAIN ABOUT HEAT, NOISE, ETC.	"I rise to a question of privilege."	YES	NO	NO	NO	NO VOTE	NO
TEMPORARILY SUSPEND CONSIDERATION OF AN ISSUE	"I move to table the motion."	NO	YES	NO	NO	MAJORITY	NO ²
END DEBATE AND AMENDMENTS	"I move the previous question."	NO	YES	NO	NO	$\frac{2}{3}$	YES ³
POSTPONE DISCUSSION FOR A CERTAIN TIME	"I move to postpone the discussion until..."	NO	YES	YES	YES	MAJORITY	YES
GIVE CLOSER STUDY OF SOMETHING	"I move to refer the matter to committee."	NO	YES	YES	YES	MAJORITY	YES ⁴
AMEND A MOTION	"I move to amend the motion by..."	NO	YES	YES ⁵	YES	MAJORITY	YES
INTRODUCE BUSINESS	"I move that..."	NO	YES	YES	YES	MAJORITY	YES

THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE. BELOW, THERE IS NO ORDER...

PROTEST BREACH OF RULES OR CONDUCT	"I rise to a point of order."	YES	NO	NO	NO	NO VOTE ⁶	NO
VOTE ON A RULING OF THE CHAIR	"I appeal from the chair's decision."	YES	YES	YES	NO	MAJORITY	YES
SUSPEND RULES TEMPORARILY	"I move to suspend the rules so that..."	NO	YES	NO	NO	$\frac{2}{3}$	NO
AVOID CONSIDERING AN IMPROPER MATTER	"I object to consideration of this motion."	YES	NO	NO	NO	$\frac{2}{3}$ ⁷	YES ⁸
VERIFY A VOICE VOTE BY HAVING MEMBERS STAND	"I call for a division," or "Division!"	YES	NO	NO	NO	NO VOTE	NO
REQUEST INFORMATION	"Point of information..."	YES	NO	NO	NO	NO VOTE	NO
TAKE UP A MATTER PREVIOUSLY TABLED	"I move to take from the table..."	NO	YES	NO	NO	MAJORITY	NO
RECONSIDER A HASTY ACTION	"I move to reconsider the vote on..."	YES ⁹	YES	YES ¹⁰	NO	MAJORITY	NO

NOTES: ¹ Unless moved when no question is pending. ² Affirmative votes may not be reconsidered. ³ Unless vote on question has begun. ⁴ Unless the committee has already taken up the subject. ⁵ Unless the motion to be amended is not debatable. ⁶ Unless the chair submits to the assembly for decision. ⁷ A $\frac{2}{3}$ vote in negative is needed to prevent consideration of the main motion. ⁸ Only if the main question has not been debated yet. ⁹ Only if the speaker has the floor but has not actually begun to speak. ¹⁰ Unless the motion to be reconsidered is not debatable.

HOW DO I PRESENT MY MOTION?

Here's what happens
when you want a
motion considered:



① YOU OBTAIN THE FLOOR

- Wait until the previous speaker is finished.
- Rise and address the chair. Say, "Mr. (or Madam) Chairperson" or "Mr. (or Madam) President."
- Give your name. The chair will recognize you by repeating it.



② YOU MAKE YOUR MOTION

- Speak clearly and concisely.
- State your motion affirmatively. Say, "I move that we do..." instead of "I move that we do not..."
- Stay on the subject and avoid personal attacks.



3 YOU WAIT FOR A SECOND

- Another member will say, "I second the motion."
- Or, the chair will call for a second.
- If there is no second, your motion will not be considered.

Motions made at the direction of a board or committee (of more than one person) do not require a second.



4 THE CHAIR STATES YOUR MOTION

- The chair must say, "It is moved and seconded that we..."
- After this happens, debate or voting can occur.
- Your motion is now "assembly property," and you can't change it without consent of the members.



5 YOU EXPAND ON YOUR MOTION

- As the person who made the motion, you are allowed to speak first.
- Direct all comments to the chair.
- Keep to the time limit for speaking.
- You may speak again after all other speakers are finished.
- You may speak a third time by a motion to suspend the rules with a $\frac{2}{3}$ vote.



6 THE CHAIR PUTS THE QUESTION

- The chair asks, "Are you ready for the question?"
- If there is no more debate, or if a motion to stop debate is adopted, a vote is taken.
- The chair announces the results.



THE METHOD OF VOTING ON A MOTION

depends on the situation and on the bylaws of your organization. You may vote by:



VOICE

The chair asks those in favor to say "aye" and those opposed to say "no" (for majority votes only). A member may move for an exact count.



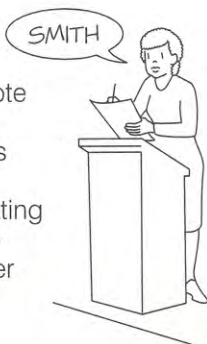
SHOW OF HANDS

Members raise their hands to verify a voice vote, or as an alternative to it. This does not require a count. A member may move for an exact count.



ROLL CALL

If a record of each person's vote is needed, each member answers "yes," "no" or "present" (indicating the choice not to vote) as his or her name is called.



BALLOT

Members write their vote on a slip of paper.

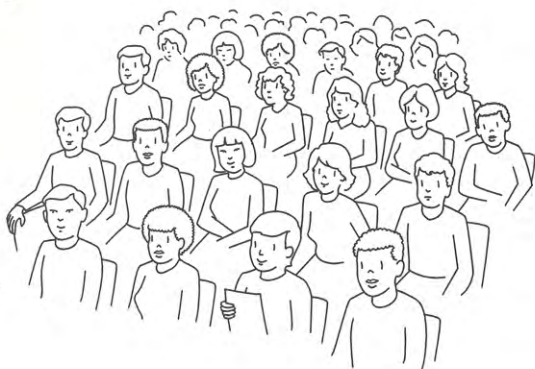
This is done when secrecy is desired.



GENERAL CONSENT

When a motion isn't likely to be opposed, the chair says, "If there is no objection..." Members show consent by their silence.

If someone says, "I object," the matter must be put to a vote.



MORE ABOUT VOTING

Are we ready
for the
question?



A question (motion) is pending when it has been stated by the chair but not yet voted on.

The last motion stated by the chair is the first pending.

The main motion is always the last voted on.

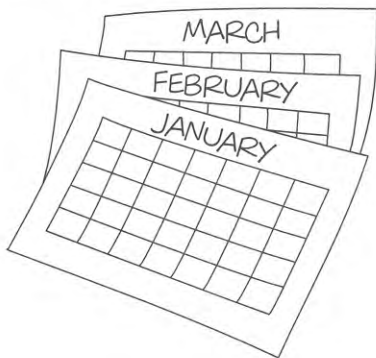
A MOTION TO LAY ON THE TABLE

This motion is used to lay something aside temporarily to take care of a more urgent matter. It should not be used to prevent debate or to kill a question.

Members can "take from the table" a motion for reconsideration. This must happen by the end of the current or next session (depending on how soon the next session is scheduled).

A MOTION TO POSTPONE INDEFINITELY

This is parliamentary strategy. It allows members to dispose of a motion without making a decision for or against. This is useful in case of a badly chosen main motion for which either a "yes" or "no" vote would have undesirable consequences.



GLOSSARY AND INDEX



ADJOURN

To end the meeting

- Ways to adjourn 4
- How to move to adjourn . . 8-9

AGENDA

Business to be considered during a meeting 4

AMEND

To change a motion

- Ways to amend 7
- How to move to amend . . 8-9

COMMITTEE

A group of members chosen for a certain task 4

DEBATE

Discussion about a motion

- Members' rights 5
- When to debate 7-9
- Rules on debate 11

GENERAL CONSENT

Adopting a motion without a vote 12

IN ORDER

Relevant to the business at hand 7

MAJORITY

More than half of the members present and voting

- In voting 7
- When required 8-9

MOTION

A proposal that the assembly take a stand or take action on some issue

- Types of motions 6, 13
- Procedures affecting motions 6-7
- Typical motions 8-9
- How to make a motion . . . 10-11

QUORUM

Number or percentage of members that must be present to conduct business legally 4

SECOND

A verbal signal from a member that he or she wishes to consider a motion just made

- Members' right 5
- When required 7-9
- How to give a second . . . 11

VOTING

Means by which motions are accepted or rejected by the assembly

- Members' right 5
- What vote is needed 7-9
- Method of voting 12

So--

PARLIAMENTARY PROCEDURE HELPS GET THINGS DONE

- ✓ **MAKE MOTIONS**
that are in order.
- ✓ **OBTAIN THE FLOOR**
properly.
- ✓ **SPEAK**
clearly and concisely.
- ✓ **OBEY**
the rules of debate.

And, most of all,
be courteous.



That's
always in
order!

LET'S IMPROVE

Leadership and meeting skills by our effective use of these tools:

Fundamentals of Parliamentary Law and Procedure

A textbook and self-instruction manual. Thirty-two lessons with quizzes and answers.

Parliamentary Opinions

AIP responses to five hundred-twenty parliamentary questions, situations and problems. Two volumes.

Readings in Parliamentary Law

Forty-three articles selected from past issues of the **Parliamentary Journal (PJ)**, the official parliamentary publication of AIP.

Correspondence Courses

Self-study courses and parliamentary guidance in parliamentary principles, rules and meetings. Based on **Sturgis Standard Code of Parliamentary Procedures**, **Robert's Rules of Order Newly Revised** and **Riddick's Rules of Order**.

For Information on these and other Parliamentary-related educational events, books, materials, audio tapes, membership in AIP, call or write:

American Institute of Parliamentarians

P.O. Box 2173

Wilmington, DE 19899

302-762-1811 (ph) • 302-762-2170 (fax)

888-664-0428 (toll free)

aip@aipparlipro.org

<http://www.aipparlipro.org>

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

**ZONING, LAND USE CLAIMS
AND DEVELOPMENT
AGREEMENTS**

**How to Avoid Liability When
Approving Land Use Matters**

**Town of Jerome
January 16, 2019**

1

COMPETING OBJECTIVES



2

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

COMPLICATING FACTORS

- Municipal budget shortfalls.
- Greater public scrutiny.
- Complex intersection of legal constraints.

3

LAND USE PROCESS

- Planning
 - General Plan
- Zoning
 - Zoning Commission
 - Recommendations –with few exceptions

4

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

LAND USE PROCESS (cont.)

- Board of Adjustment
 - Variances
 - Appeal of decision of Zoning Administration
- Subdivision
- Site Plan
- Building Permits

5

GENERAL PLAN COMPLEXITIES

“The process for adopting or amending the general plan of a municipality or a county is more comprehensive than the zoning amendment process in terms of involvement of the community and other municipal, county and state agencies. Thus, there are more opportunities for the land use lawyer to create a favorable record on which to base future litigation.”

CLE International, June 2002

6

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

THREE BASIC QUESTIONS

- What creates liability?
- How to avoid liability?
- How to induce success?

7

KEY LAND USE CLAIMS

- Violation of Constitutional Rights/42 USC Section 1983
- Equitable Estoppel

8

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the Rewards**
**LAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

CONSTITUTIONAL CLAIMS

- Federal and State Constitutions: “No person shall . . . be deprived of life, liberty or property without due process of law.”

9

CONSTITUTIONAL CLAIMS

- Federal and State Constitutions: “No person shall . . . be deprived of life, liberty or property without due process of law.”
- Due process.
 - Procedural

10

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

PROCEDURAL DEFECTS EXAMPLES

- ☛ Public notice of ordinance failed to include proper explanation – fatal and therefore unconstitutional.
- ☛ Set-back requirement invalid due to failure to provide notice.

11

CONSTITUTIONAL CLAIMS

- ☛ Federal and State Constitutions: “No person shall . . . be deprived of life, liberty or property without due process of law.”
- ☛ Due process.
 - Procedural
 - Substantive

12

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

SUBSTANTIVE DUE PROCESS

- ☛ Entitled to a hearing.
- ☛ Health, safety, morals and welfare.
- ☛ Zoning ordinance must bear a reasonable relationship to these goals.
- ☛ “Rational basis” -- “fairly debatable” test.
- ☛ “Shocks the conscience.”

13

CONSTITUTIONAL CLAIMS

- ☛ Federal and State Constitutions: “No person shall . . . be deprived of life, liberty or property without due process of law.”
- ☛ Due process.
 - Procedural
 - Substantive
- ☛ Equal protection – must treat similar property owners similarly.

14

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

EQUAL PROTECTION EXAMPLES

- No rational basis for treating group homes for mentally challenged and other multi-person homes differently.
- There is a rational basis for treating adult theaters and non-adult theaters differently.

15

Ways Property Rights Can Be “Taken”

- Explicit taking/condemnation.
- Regulatory taking/inverse condemnation, but must deprive property owner of “all economically viable use of land.”
- Exactions – rough proportionality and legitimate government interest.
- Development fees – more broadly based, but non-discriminatory.

16

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

COMMON LAW VESTED RIGHTS

- ☛ Historically, Arizona courts have adopted a “building permit” rule.
- ☛ Special use permit and reliance in the form of substantial monetary expenses may be enough.

17

VESTED RIGHTS

- ☛ Common law.
- ☛ Development agreement.
- ☛ Protected development right plans.

18

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

LEGISLATIVE ACTS OF COUNCIL

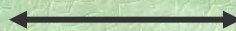
- Council acts are typically legislative.
- Judicial deference.
 - Arbitrary capricious standard.
 - Should be hard to create liability.
- Developer typically cannot trap you.
- Legislative acts provide greatest flexibility.

19

DAMAGES AND 42 USC SECTION 1983

- Create a right
- Create damages
- If constitutional right denied under color of state law:

**\$1.00
Damages**



**\$1.2 Million
Attorney Fees**

20

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the Rewards**
**LAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

EQUITABLE ESTOPPEL

- ☛ City takes one position.
- ☛ The property owner reasonably relies.
- ☛ City takes different position.
- ☛ The property owner is injured due to the reliance.

21

DETRIMENTAL RELIANCE APPLIED TO GOVERNMENTS

- ☛ DOR informs taxpayer that “sales tax” does not apply and later changes its position.
- ☛ City issues billboard building permit that violates zoning code and property owner relies.

22

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

DETRIMENTAL RELIANCE APPLIED TO GOVERNMENTS

- ☛ Town issues permit for driveway on hillside.
- ☛ Town requires installation of sewer.
- ☛ Town induces start of construction.
- ☛ Town passes hillside preserve ordinance and stops work.

23

TO AVOID DETRIMENTAL RELIANCE CLAIMS

- ☛ Clearly identify “chain of command.”
- ☛ Periodic review of communications/correspondence concerning key project.
- ☛ Try to limit communications to written correspondence.

24

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

CASES CUTTING GOVERNMENT'S WAY

- ☛ Cannot use estoppel to enforce a contract that is against public policy. *Western Collectors, Inc. v. Tierney*, 96 P.3d 1070 (Ariz. App. 2004).
- ☛ Governments are entitled to some leeway as to how its employees conduct government business.
- ☛ A government is not estopped by the casual acts, advice or instructions of non-supervisory employees.
- ☛ Government may correct a mistake of law. *Thomas King, Inc. v. City of Phoenix*, 92P.3d 429 (Ariz. App. 2004).

25

Dispute Resolution

- ☛ Arbitrate factual disputes.
- ☛ Mediate all disputes?
 - Give parties “day in court.”
 - Litigation: zero sum game.
 - Mediation: problem resolution.
 - Avoid recovery of attorneys’ fees.
 - Leaves the parties (not the lawyers) in control.

26

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

CONTRACTUALLY REQUIRED MEDIATION

If a dispute arises out of or relates to this Agreement, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try to settle the dispute through mediation before resorting to arbitration, litigation or some other dispute resolution procedure. In the event that the parties cannot agree upon the selection of a mediator within 7 days, either party may request the presiding judge of the Superior Court to assign a mediator from a list of mediators maintained by [the Arizona Municipal Risk Retention Pool].

27

MEDIATION REQUIRED BY ORDINANCE

- ☛ Accomplish by ordinance what would accomplish via agreement.
- ☛ Get the parties before a mediator.
- ☛ Subject to approval by appropriate person/body.
- ☛ Mandatory hearing.

28

LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS -- Balancing the Risks and the Rewards

LAND USE CLAIMS AND DEVELOPMENT AGREEMENTS

LIMITATION ON DAMAGES

- Limit damages.
- Preserve injunctive relief.
- Must decide if you want to agree to binding arbitration.

29

LESSONS LEARNED

- ☞ Challenge developer to forge fair deal.
- ☞ Once fair deal negotiated, do all you can to deliver deal.
- ☞ Assume everything you write could be on the front page.
- ☞ Use clear chain of command.

30

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

LESSONS LEARNED

- ☛ Get everyone on same page.
- ☛ Use executive session when applicable.
- ☛ Identify problems early on.
- ☛ Correct mistakes early.

31

LESSONS LEARNED

- ☛ Don't shock the conscience.
- ☛ Avoid "over my dead body."
- ☛ Get data to support your views.

32

**LAND USE LIABILITY AND PUBLIC PRIVATE PARTHERSHIPS --
Balancing the Risks and the RewardsLAND USE CLAIMS AND
DEVELOPMENT AGREEMENTS**

**WHY ARE LAND USE
CLAIMS
ON THE RISE?**

DEVELOPER EXPECTATIONS	» CITY/TOWN	» TAXPAYER CONCERNS
-----------------------------------	--------------------	--------------------------------

- ☛ City/town officials caught in the middle.
- ☛ Developers are well financed and experienced.
- ☛ Developers squeezed by market looking for somebody to blame.
- ☛ Taxpayers are ultimate “deep pocket.”
- ☛ Land use law complexity.

33