

# **DRAFT**

## **PLANNING COMMISSION AS CONTRACTOR'S CLIENT**

Goal: Build a Zoning Ordinance fulfilling citizen aspirations expressed in the Comprehensive Plan

Stakeholders:

- Citizens
- Town Council as representatives of citizens
- Planning Commission as advisors to Town Council
- Town Staff as executor of Town Council's will
- Contractor as executor of Town Council's will

For the purposes of implementing the Zoning Ordinance, in accordance with the authority model stated in the Planning Commission-Town Council meeting on May 9, 2022:

- The Town Council has identified the Planning Commission as the Contractor's client<sup>1</sup>
- The Comprehensive Plan is the Contractor's statement of work
- The Planning Commission is responsible for ensuring the Zoning Ordinance implements citizen aspirations articulated in the Comprehensive Plan

To facilitate communication among the Town Staff, the Planning Commission and the Contractor, the Town has established the Zoning Ordinance Rewrite subcommittee, composed of the Town Manager, the Town Attorney, the Town Director of Planning and Economic Development, and two members of the Planning Commission.

Relationship between Town Staff and Planning Commission with respect to the Contractor:

- The Town Staff's job is to execute the Town Council's will by implementing the Comprehensive Plan in the Zoning Ordinance as thoroughly as possible
- The Planning Commission's role is to take direction from and advise the Town Council (in this case to ensure the new Zoning Ordinance accurately reflects aspirations captured in the Comprehensive Plan)
- The Town hired the Contractor because the Town Staff said it has insufficient resources to rewrite the Zoning Ordinance to ensure it reflects the Comprehensive Plan
- The Planning Commission's role is unchanged regardless of who is revising the Zoning Ordinance – to ensure the Zoning Ordinance reflects the Comprehensive Plan
- The Planning Commission needs Town Staff to serve as the Contracting Officer by administering the contract (ensuring bills are paid, day to day oversight over mechanics as opposed to substance of contract, scheduling meetings, etc.)
- The Planning Commission, as the client, needs to be the substantive Contracting Officer's Technical Representative (ensuring the Contractor fulfills specifics of the

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<sup>1</sup> A client is a person or company that receives a service from a professional person or organization in return for payment. © HarperCollins Publishers

statement of work, i.e., building a Zoning Ordinance reliably reflecting the Comprehensive Plan)

- The Planning Commission will need guidance from Town Staff on whether the Contractor's Zoning Ordinance fulfills Virginia Code and other legal requirements
- The Planning Commission will not require Town Staff to advise it on understanding values and aspirations in the Comprehensive Plan or how the Contractor is aligning the Zoning Ordinance to the Comprehensive Plan

The Planning Commission should update its own project plan for the zoning ordinance rewrite, dovetailing it with the Contractor's plan, projecting Planning Commission-Contractor working meetings, and including any items specific to the Planning Commission.

To achieve this model, we propose that the Planning Commission – as a body or through its two subcommittee members – have direct access to the Contractor to ensure the Contractor's work reflects the Planning Commission's understanding and expertise on the Comprehensive Plan. We propose two possible touch points per month between the Planning Commission and Contractor:

- During Planning Commission meetings as needed (on the first and third Thursdays of each month) or;
- On the Friday after Planning Commission meetings, if the Planning Commission wants its subcommittee members to serve as its proxy in dialogue with the Contractor

Furthermore, with respect to Contractor deliverables, we propose the following "rhythm":

- The Contractor submit the deliverable during the week before a scheduled Planning Commission meeting
- The Planning Commission review the deliverable at its next meeting and provide comments to the Contractor
- The subcommittee has a short meeting with the Contractor on the following Friday to review questions and concerns
- The Contractor discusses its progress and resolutions at the next scheduled Planning Commission meeting

To be efficient and productive, given Town Council's direction on the client-Contractor relationship for the Zoning Ordinance rewrite, the Planning Commission or Planning Commission representatives on the subcommittee should lead discussions with the Contractor. Town Staff, including members of the subcommittee, should attend but not lead or have veto power over the meetings, based on such reasons as convenience or ability to attend.