



Town of Johnstown

PLANNING & ZONING COMMISSION - REGULAR MEETING

Town Hall, 450 S Parish Ave., Johnstown

7:00 PM, Wednesday, September 13, 2022

In-person Town Hall Meeting. Live Streamed on Zoom – no participation available online, for viewing only.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
 1. Minutes of August 23, 2023
- IV. Public Comments Regarding Items Not on the Agenda (limited to 3 minutes each)
- V. New Business
- VI. Department & Commissioner Reports
 2. Work Session
- VII. Adjourn

Upcoming Meetings: No meeting September 27th. October 11th is the next scheduled meeting. Please let Planning Staff know if any Commissioners plan to be absent, to ensure a quorum.

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141



Town of Johnstown

PLANNING & ZONING COMMISSION REGULAR MEETING

7:00 PM, Wednesday, August 23, 2023

SUMMARY MINUTES

The meeting was called to order by Chair Grentz at 7:00 P.M. Roll call attendance was taken. Present were Commissioners Flores, Hatfield, Hayward, Jeanneret, Urban, and Chairman Grentz. Campell was absent and excused.

Agenda was approved 6/0.

Minutes of the regular meetings held on July 26, 2023. Flores abstained rest of the members approved.

No public comment.

The Public Hearing for **Final Development Plan for Southridge Subdivision** was opened. Tyler Smith, Planner II Planning & Development, presented a presentation and overview of the proposed 72-acre subdivision in The Ridge PUD. Commissioners inquired about the size of the streets in the plat, which Meyer clarified. Commissioners also questioned the detention pond which Smith clarified that the detention ponds. Smith noted that this would be a question for the engineers. Commissioners also questioned overall site accessibility. Meyer clarified these questions.

Morgan Kidder represented the Applicant and was available to answer any questions. Commission had questions involving pricing, long term relationships with Johnstown, and the material of the fields in the dentation pond. 6683 E CR 16, resident brought up concerns in relation to the fencing that South Ridge is to offer for the safety of their cattle. Commission asked questions of the fencing plan which was to be supplied with the Final Development Plan. Micheal asked about the home buyer programs that were going to be offered. Kidder clarified that he was not a part of the sales team but ensured that they had plans.

M: Hatfield / 2nd: Flores

Vote: 6/0 to Recommend Approval with conditions

The Public Hearing for **Preliminary Plat & Development Plan for Revere North** was opened. Tyler Smith, Planner II, Planning & Development, presented a presentation and synopsis of the proposed 309.4-acre subdivision for townhomes in the Great Plains Village ODP located North of Veteran's Parkway and East of I-25. Commissioners inquired about parking requirements and garage styles present on elevations, along with detention and open spaces. Meyer clarified these questions.

James Hayes, VP with Forester, the Applicant was available to answer questions. The Commissioners had questions for the Applicant as for the retail opportunities that may occur in this development along with the size of the plat and traffic concerns. Kevin Lovelace, the applicants engineer answered

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questions regarding the drainage plan. Meyer responded to the traffic concern due to neighboring developments. Wendy Chase, 8445 E CR 13 concerns with weeds fire hazard, traffic hazards, along with the concern for trespassers and protection of her own property.

Mario Herrera, concerns about weeds and the fire hazard that this brought on, the traffic that is not able to meet the volume that Johnstown supplies, along with concerns with irrigation around his property for his use. Herrera also brought concerns with buffers and privacy that were brought along with the Development. The applicant answered questions involving weeds and shared irrigation use with Carrera’s property.

Sandra Stoner, 4998 County Road location of Grassland Rd from Hyles driveway and property, traffic volume concerns, and overall speeding concerns with the presence of where these homes are located. Along with the concerns with the property values.

Jonah Heil, 4998 CR 50, concerns about the drainage points, with the impact of the properties that were there before the development due to flooding issues that have occurred.

Debroa Garcia, 4786 CR 50, concerns with the ROW extension to widen sections and who is responsible to supplying the land and the trees on the property. Meyer clarified these points.

Kevin Lovelace along with Jeff Mark, who represented the applicant supplied information on the Traffic concerns and processes to address concerns from the Commission and public.

Discussion occurred among Commission about the development before vote.

M: Grentz / 2nd: Flores

Vote: Planning and Zoning Commission recommends approval 4/2

Kim Meyer

Town Staff in attendance: Kim Meyer, Lilly Cory, Tyler Smith, Tony LeFevere

Kim Meyer noted the plans that were referenced during the meeting to further inform council.

Commissioners had no reports but asked an array of procedural, conduct, and general process questions. Meyer indicated there is some training intended for the commission and Staff will work on making that available to the full commission. Meeting was adjourned.

Respectfully Submitted
Lilly Cory, Planner I



Accepted by Chair:

Town of Johnstown, CO - Development Projects

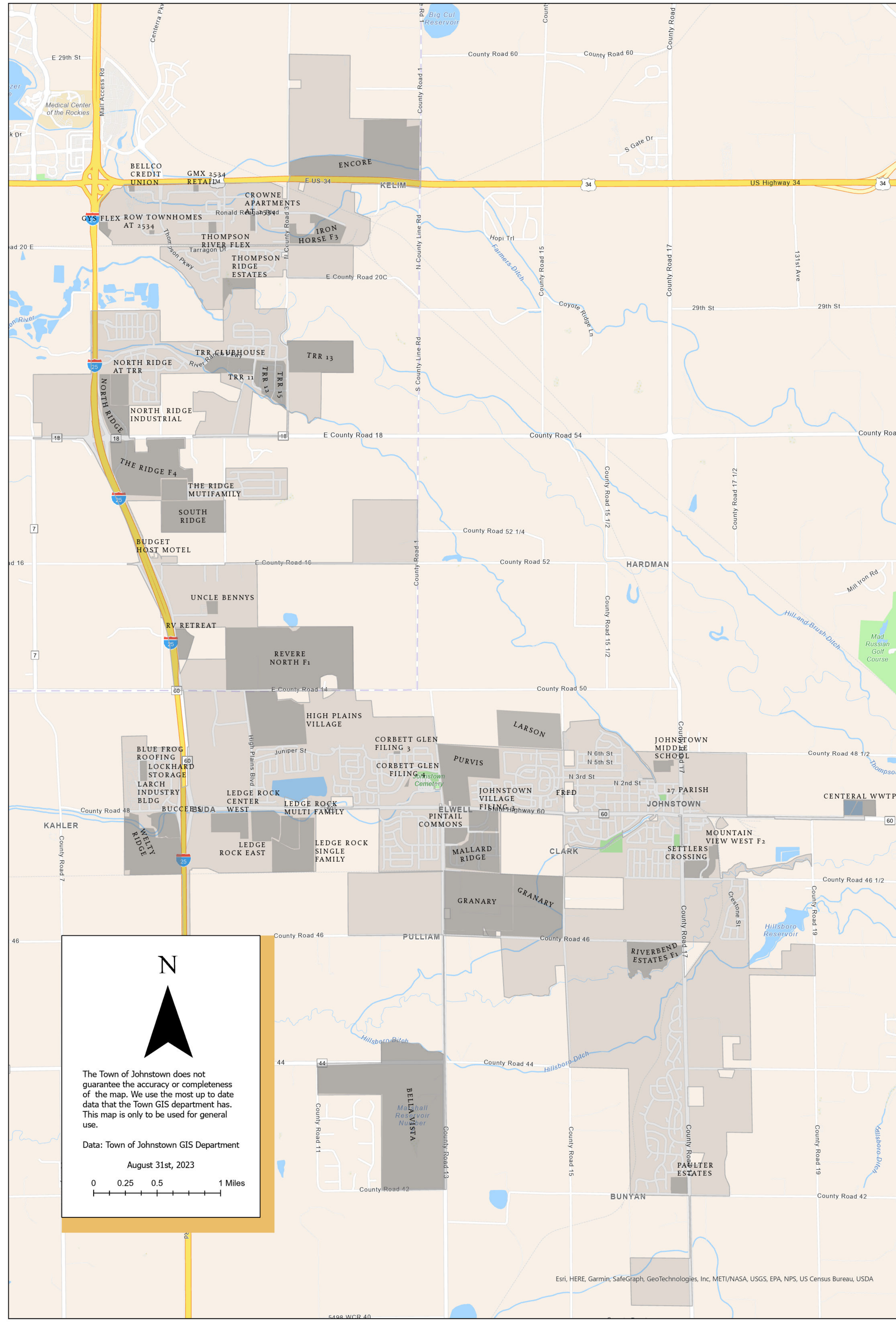


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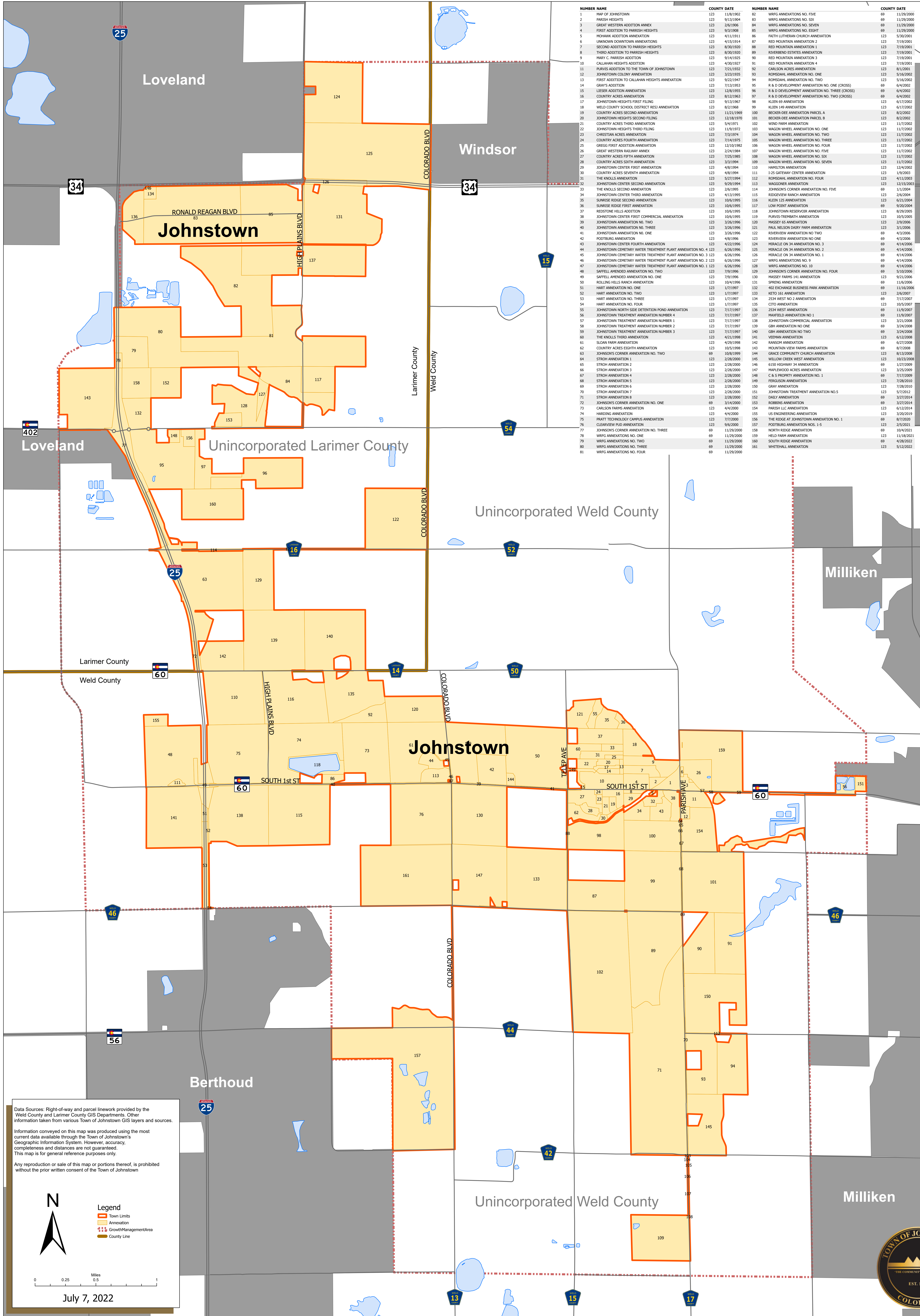
The Town of Johnstown does not guarantee the accuracy or completeness of the map. We use the most up to date data that the Town GIS department has. This map is only to be used for general use.

Data: Town of Johnstown GIS Department
August 31st, 2023

0 0.25 0.5 1 Miles



Town of Johnstown, Colorado - Annexations

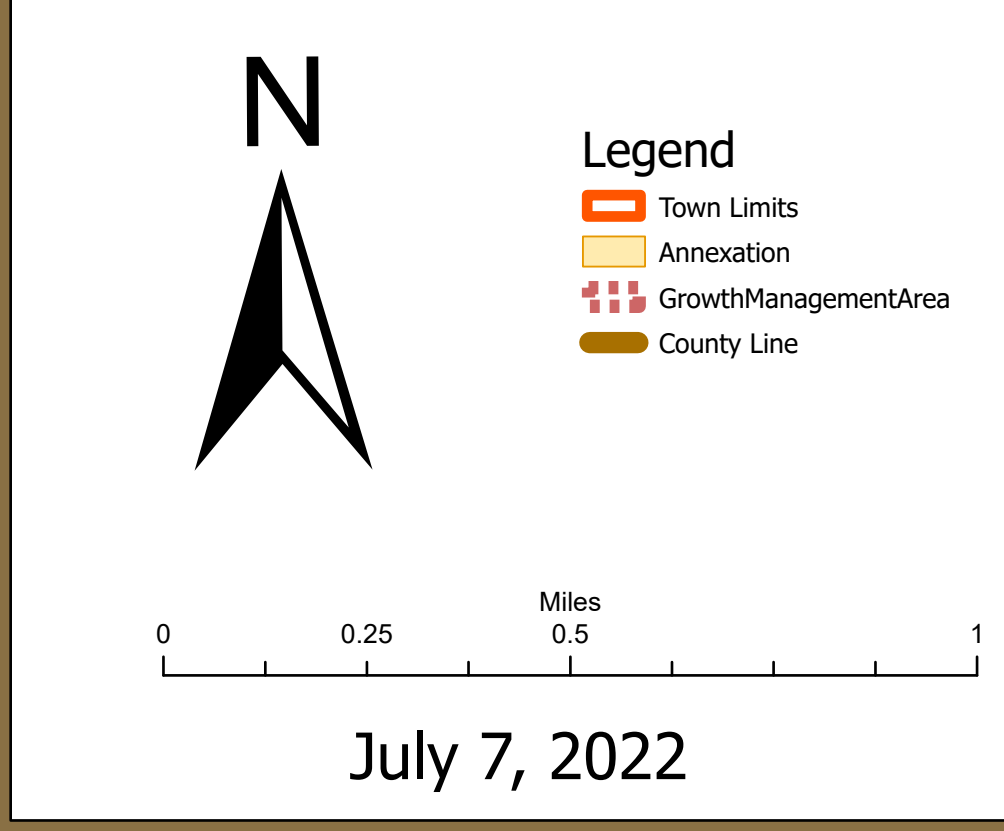


NUMBER	NAME	COUNTY DATE	NUMBER	NAME	COUNTY DATE
1	MAP OF JOHNSTOWN	123 11/01/2002	82	WRFG ANNEXATIONS NO. FIVE	69 11/29/2000
2	PARRISH HEIGHTS	123 9/13/1994	83	WRFG ANNEXATIONS NO. SIX	69 11/29/2000
3	GREAT WESTERN ADDITION ANNEX	123 2/6/1906	84	WRFG ANNEXATIONS NO. SEVEN	69 11/29/2000
4	FIRST ADDITION TO PARRISH HEIGHTS	123 9/3/1908	85	WRFG ANNEXATIONS NO. EIGHT	69 11/29/2000
5	MOHAWK ADDITION ANNEXATION	123 4/11/1911	86	FATH LUTHERAN CHURCH ANNEXATION	123 5/30/2001
6	UNINCORPORATED ANNEXATIONS	123 4/15/1914	87	RED MOUNTAIN ANNEXATION 2	123 7/19/2001
7	SECOND ADDITION TO PARRISH HEIGHTS	123 8/30/1920	88	RED MOUNTAIN ANNEXATION 1	123 7/19/2001
8	THIRD ADDITION TO PARRISH HEIGHTS	123 8/30/1920	89	RIVERBEND ESTATES ANNEXATION	123 7/19/2001
9	MARY K. PARRISH ADDITION	123 9/14/1925	90	RED MOUNTAIN ANNEXATION 3	123 7/19/2001
10	CALLAHAN HEIGHTS ADDITION	123 4/26/1927	91	RED MOUNTAIN ANNEXATION 4	123 7/19/2001
11	PURVIS ADDITION TO THE TOWN OF JOHNSTOWN	123 7/21/1932	92	CARLSON ACRES ANNEXATION	123 8/1/2001
12	JOHNSTOWN COLONY ANNEXATION	123 3/23/1935	93	ROSEDALE ANNEXATION NO. ONE	123 5/16/2002
13	FIRST ADDITION TO CALLAHAN HEIGHTS ANNEXATION	123 9/22/1937	94	ROSEDALE ANNEXATION NO. TWO	123 5/16/2002
14	GRAY'S ADDITION	123 7/13/1953	95	R & D DEVELOPMENT ANNEXATION NO. ONE (CROSS)	69 6/4/2002
15	LESER ADDITION ANNEXATION	123 12/8/1955	96	R & D DEVELOPMENT ANNEXATION NO. THREE (CROSS)	69 6/4/2002
16	COUNTRY ACRES ANNEXATION	123 8/12/1963	97	R & D DEVELOPMENT ANNEXATION NO. TWO (CROSS)	69 6/4/2002
17	JOHNSTOWN HEIGHTS FIRST FILING	123 9/13/1967	98	KLEIN 69 ANNEXATION	123 6/17/2002
18	WELD COUNTY SCHOOL DISTRICT RESJ ANNEXATION	123 8/2/1968	99	KLEIN 149 ANNEXATION	123 6/17/2002
19	COUNTRY ACRES SECOND ANNEXATION	123 11/21/1969	100	BECKER-DEE ANNEXATION PARCEL A	123 8/2/2002
20	JOHNSTOWN HEIGHTS SECOND FILING	123 12/28/1970	101	BECKER-DEE ANNEXATION PARCEL B	123 8/2/2002
21	COUNTRY ACRES THIRD ANNEXATION	123 5/4/1971	102	WIND FARM ANNEXATION	123 11/7/2002
22	JOHNSTOWN HEIGHTS THIRD FILING	123 11/9/1972	103	WAGON WHEEL ANNEXATION NO. ONE	123 11/7/2002
23	CHRISTIAN ACRES ANNEXATION	123 7/3/1974	104	WAGON WHEEL ANNEXATION NO. TWO	123 11/7/2002
24	COUNTRY ACRES FOURTH ANNEXATION	123 7/14/1975	105	WAGON WHEEL ANNEXATION NO. THREE	123 11/7/2002
25	GREGG FIRST ADDITION ANNEXATION	123 12/10/1982	106	WAGON WHEEL ANNEXATION NO. FOUR	123 11/7/2002
26	GREAT WESTERN RAILWAY ANNEX	123 2/24/1984	107	WAGON WHEEL ANNEXATION NO. FIVE	123 11/7/2002
27	COUNTRY ACRES FIFTH ANNEXATION	123 7/25/1985	108	WAGON WHEEL ANNEXATION NO. SIX	123 11/7/2002
28	COUNTRY ACRES SIXTH ANNEXATION	123 3/3/1994	109	WAGON WHEEL ANNEXATION NO. SEVEN	123 11/7/2002
29	JOHNSTOWN CENTER FIRST ANNEXATION	123 4/8/1994	110	HAMILTON ANNEXATION	123 12/4/2002
30	COUNTRY ACRES SEVENTH ANNEXATION	123 4/8/1994	111	1-25 GATEWAY CENTER ANNEXATION	123 1/9/2003
31	THE KNOLLS ANNEXATION	123 5/27/1994	112	ROSEDALE ANNEXATION NO. FOUR	123 4/11/2003
32	JOHNSTOWN CENTER SECOND ANNEXATION	123 9/29/1994	113	WAGONSER ANNEXATION	123 12/15/2003
33	THE KNOLLS SECOND ANNEXATION	123 2/6/1995	114	JOHNSON'S CORNER ANNEXATION NO. FIVE	69 1/1/2004
34	JOHNSTOWN CENTER THIRD ANNEXATION	123 4/13/1995	115	REDEVELOPER FARM ANNEXATION	123 2/6/2004
35	SUNRISE RIDGE SECOND ANNEXATION	123 10/6/1995	116	KLEIN 125 ANNEXATION	123 6/21/2004
36	SUNRISE RIDGE FIRST ANNEXATION	123 10/6/1995	117	LOW POINT ANNEXATION	69 9/20/2004
37	REDSTONE HILLS ADDITION	123 10/6/1995	118	JOHNSTOWN RESERVOIR ANNEXATION	123 8/29/2005
38	JOHNSTOWN CENTER FIRST COMMERCIAL ANNEXATION	123 10/6/1995	119	PURVIS FRESHBATH ANNEXATION	123 10/2/2005
39	JOHNSTOWN ANNEXATION NO. TWO	123 3/26/1996	120	MASSEY 65 ANNEXATION	123 2/9/2006
40	JOHNSTOWN ANNEXATION NO. THREE	123 3/26/1996	121	PAUL NELSON DAIRY FARM ANNEXATION	123 3/1/2006
41	JOHNSTOWN ANNEXATION NO. ONE	123 3/26/1996	122	REDEVELOPER ANNEXATION NO TWO	69 4/3/2006
42	POOTSBURG ANNEXATION	123 4/8/1996	123	REDEVELOPER ANNEXATION NO ONE	69 4/3/2006
43	JOHNSTOWN CENTER FOURTH ANNEXATION	123 4/22/1996	124	MIRACLE ON 34 ANNEXATION NO. 3	69 4/14/2006
44	JOHNSTOWN CEHETARY WATER TREATMENT PLANT ANNEXATION NO. 4	123 6/26/1996	125	MIRACLE ON 34 ANNEXATION NO. 2	69 4/14/2006
45	JOHNSTOWN CEHETARY WATER TREATMENT PLANT ANNEXATION NO. 3	123 6/26/1996	126	MIRACLE ON 34 ANNEXATION NO. 1	69 4/14/2006
46	JOHNSTOWN CEHETARY WATER TREATMENT PLANT ANNEXATION NO. 2	123 6/26/1996	127	WRFG ANNEXATIONS NO. 9	69 4/14/2006
47	JOHNSTOWN CEHETARY WATER TREATMENT PLANT ANNEXATION NO. 1	123 6/26/1996	128	WRFG ANNEXATIONS NO. 10	69 4/14/2006
48	SAFFELL AMENDED ANNEXATION NO. TWO	123 7/9/1996	129	JOHNSON'S CORNER ANNEXATION NO. FOUR	69 5/11/2006
49	SAFFELL AMENDED ANNEXATION NO. ONE	123 7/9/1996	130	MASSEY FARMS 141 ANNEXATION	123 9/21/2006
50	ROLLING HILLS RANCH ANNEXATION	123 10/4/1996	131	SPRENG ANNEXATION	69 11/6/2006
51	HART ANNEXATION NO. ONE	123 1/7/1997	132	402 EXCHANGE BUSINESS PARK ANNEXATION	69 11/16/2006
52	HART ANNEXATION NO. TWO	123 1/7/1997	133	KETTO 161 ANNEXATION	123 2/6/2007
53	HART ANNEXATION NO. THREE	123 1/7/1997	134	2534 WEST NO 2 ANNEXATION	69 7/17/2007
54	HART ANNEXATION NO. FOUR	123 1/7/1997	135	CTIO ANNEXATION	123 10/5/2007
55	JOHNSTOWN NORTH SIDE DETENTION POND ANNEXATION	123 7/13/1997	136	2534 WEST ANNEXATION	69 11/9/2007
56	JOHNSTOWN TREATMENT ANNEXATION NUMBER 4	123 7/17/1997	137	MAXFIELD ANNEXATION NO 1	69 11/9/2007
57	JOHNSTOWN TREATMENT ANNEXATION NUMBER 1	123 7/17/1997	138	JOHNSTOWN COMMERCIAL ANNEXATION	123 3/21/2008
58	JOHNSTOWN TREATMENT ANNEXATION NUMBER 2	123 7/17/1997	139	GBH ANNEXATION NO ONE	69 3/24/2008
59	JOHNSTOWN TREATMENT ANNEXATION NUMBER 3	123 7/17/1997	140	GBH ANNEXATION NO TWO	69 3/24/2008
60	THE KNOLLS THIRD ANNEXATION	123 4/21/1998	141	VEENAN ANNEXATION	123 6/12/2008
61	SLOAN FARM ANNEXATION	123 4/29/1998	142	RANSOM ANNEXATION	69 6/27/2008
62	COUNTRY ACRES EIGHTH ANNEXATION	123 10/5/1998	143	MOUNTAIN VIEW FARMS ANNEXATION	69 8/7/2008
63	JOHNSON'S CORNER ANNEXATION NO. TWO	69 10/8/1999	144	GRACE COMMUNITY CHURCH ANNEXATION	123 8/13/2008
64	STROH ANNEXATION 1	123 2/28/2000	145	YELLOW CREEK WEST ANNEXATION	123 10/23/2008
65	STROH ANNEXATION 2	123 2/28/2000	146	6130 HIGHWAY 34 ANNEXATION	69 1/27/2009
66	STROH ANNEXATION 3	123 2/28/2000	147	MARK EWING ACRES ANNEXATION	123 3/25/2009
67	STROH ANNEXATION 4	123 2/28/2000	148	C & S PROPERTY ANNEXATION NO. 1	69 7/17/2009
68	STROH ANNEXATION 5	123 2/28/2000	149	FERGUSON ANNEXATION	123 7/28/2010
69	STROH ANNEXATION 6	123 2/28/2000	150	GRAY ANNEXATION	123 7/28/2010
70	STROH ANNEXATION 7	123 2/28/2000	151	JOHNSTOWN TREATMENT ANNEXATION NO.5	123 5/7/2012
71	STROH ANNEXATION 8	123 2/28/2000	152	DAILY ANNEXATION	69 3/27/2014
72	JOHNSON'S CORNER ANNEXATION NO. ONE	69 3/14/2000	153	ROBBINS ANNEXATION	69 3/27/2014
73	CARLSON FARMS ANNEXATION	123 4/4/2000	154	PARRISH LLC ANNEXATION	123 6/3/2014
74	HARDING ANNEXATION	123 4/4/2000	155	US ENGINEERING ANNEXATION	123 3/20/2019
75	PRATT TECHNOLOGY CAMPUS ANNEXATION	123 7/7/2000	156	THE RIDGE AT JOHNSTOWN ANNEXATION NO. 1	69 8/7/2020
76	CLEARVIEW PUD ANNEXATION	123 9/6/2000	157	POOTSBURG ANNEXATION NOS. 1-5	123 2/5/2021
77	JOHNSON'S CORNER ANNEXATION NO. THREE	69 11/29/2000	158	NORTH RIDGE ANNEXATION	69 10/4/2021
78	WRFG ANNEXATIONS NO. ONE	69 11/29/2000	159	HELD FARM ANNEXATION	123 11/18/2021
79	WRFG ANNEXATIONS NO. TWO	69 11/29/2000	160	SOUTH RIDGE ANNEXATION	69 4/28/2022
80	WRFG ANNEXATIONS NO. THREE	69 11/29/2000	161	WHITTHAL ANNEXATION	123 5/13/2022
81	WRFG ANNEXATIONS NO. FOUR	69 11/29/2000			

Data Sources: Right-of-way and parcel line work provided by the Weld County and Larimer County GIS Departments. Other information taken from various Town of Johnstown GIS layers and sources.

Information conveyed on this map was produced using the most current data available through the Town of Johnstown's Geographic Information System. However, accuracy, completeness and distances are not guaranteed. This map is for general reference purposes only.

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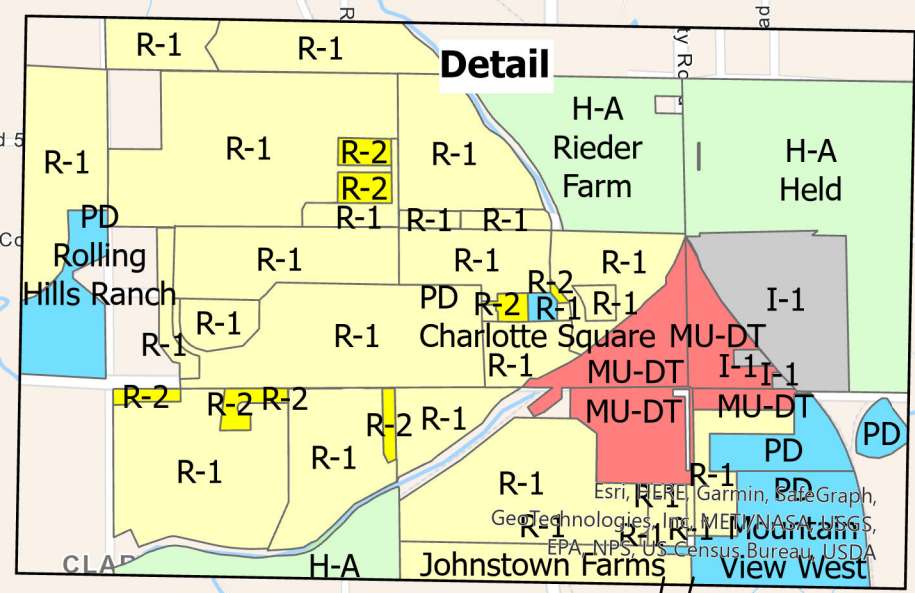
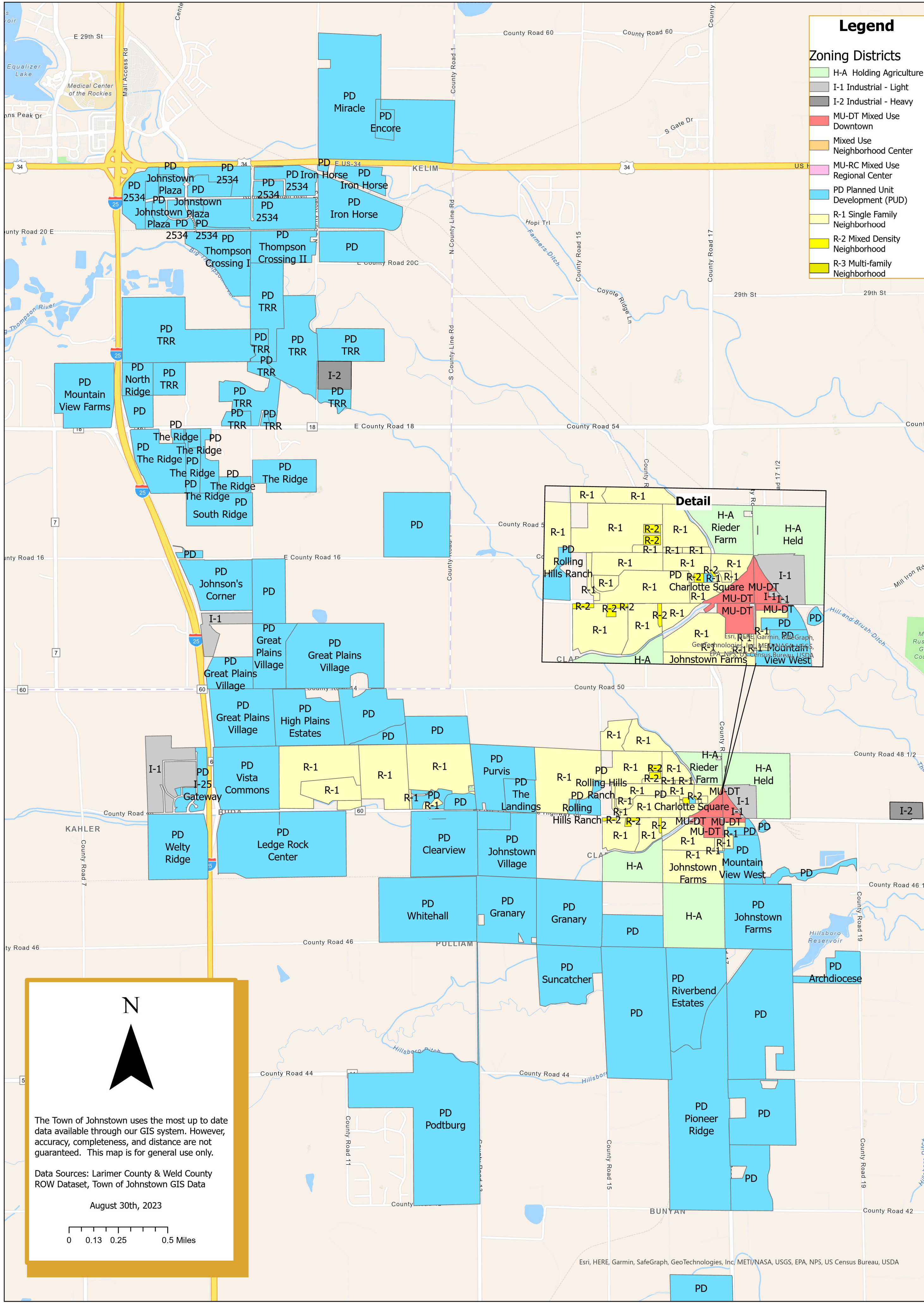


Town of Johnstown, CO - Zoning Districts

Legend

Zoning Districts

- H-A Holding Agriculture
- I-1 Industrial - Light
- I-2 Industrial - Heavy
- MU-DT Mixed Use Downtown
- Mixed Use Neighborhood Center
- MU-RC Mixed Use Regional Center
- PD Planned Unit Development (PUD)
- R-1 Single Family Neighborhood
- R-2 Mixed Density Neighborhood
- R-3 Multi-family Neighborhood

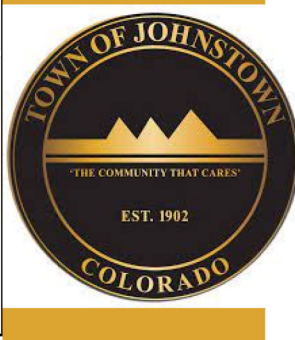


The Town of Johnstown uses the most up to date data available through our GIS system. However, accuracy, completeness, and distance are not guaranteed. This map is for general use only.

Data Sources: Larimer County & Weld County ROW Dataset, Town of Johnstown GIS Data

August 30th, 2023

Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA





Town of Johnstown

PLANNING COMMISSION RESOURCES & REFERENCES

V04.22

LEGAL AUTHORITY

The legal basis for planning and land use regulations is the “police power” of the town to protect the public health, safety, and welfare of its residents. Colorado State Statutes outline the legal authority for planning and land use regulations.

State Enabling Legislation – C.R.S. Section 30-28-115 state that land use regulations “shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state, including lessening the congestion in the streets or roads or reducing the waste of excessive amounts of roads, promoting energy conservation, securing safety from fire, floodwaters, and other dangers, providing adequate light and air, classifying land uses and distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, and protecting both urban and nonurban development.”

Zoning is the process of “classifying land uses” referred to above. Those regulations are found in Chapter 16, Zoning, of the Johnstown Municipal Code. Please note that this website is updated by [MuniCode](#) after the Town Council makes amendments to the Code by ordinance, the website is updated at least annually.

Duty to Disclose – There is a duty to disclose all possible conflicts of interest that may exist personally, with family members, and the principals or the issue under consideration. If a true conflict of interest exists, it is at the Commission members discretion to abstain from discussion and decision on that issue. The intent is to ensure personal interests do not outweigh those of the community for which you serve.

FREQUENTLY USED DOCUMENTS

- [2023 Updated LUDC](#)
- Johnstown Comprehensive Plan – link is currently broken
- [Transportation Master Plan](#)
- [Parks, Trails, Recreation, and Open Space Master Plan](#)

INTERACTIVE MAPS

- [Zoning Map](#)
- [Larimer County GIS Map](#)
- [Weld County GIS Map](#)

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RESOURCES

- planning.org
- planetizen.com
- CDOLA
- apacolorado.org
- downtowncoloradoinc.org

SUGGESTED PARTICIPATION

- Community events and planning meetings
- Prepare for hearings by reading the staff packet and visiting the proposed project site on an individual basis

Staff is working on establishing a lending library of planning, land use, and zoning materials for you to utilize

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Law Office of Avi S. Rocklin, LLC

ATTORNEY AT LAW
1437 N. DENVER AVENUE, #330
LOVELAND, CO 80538
PHONE: (970) 419-8226 EMAIL: AVI@ROCKLINLAW.COM

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Law Office of Avi S. Rocklin, LLC ^{AS}

DATE: January 28, 2022

RE: Email Communication and Legislative vs. Quasi-Judicial matters

The purpose of this Memorandum is to provide a brief synopsis of the use of electronic mail (“email”) communication and examination of the difference between legislative and quasi-judicial matters. Please feel free to contact me to discuss.

EMAIL COMMUNICATION

With respect to email, be advised of the following general rules:

- Except for very limited privileged communications, emails are subject to production to the public pursuant to the Colorado Open Records Act, C.R.S. § 24-72-200.1 *et seq.*, and are subject to production in litigation through “discovery;”
- An email among three or more Commissioners constitutes a meeting and may violate the Colorado Open Meetings Law, C.R.S. § 24-6-401 *et seq.*, which provides that all meetings should be noticed by at least 24 hours and be open to the public; and
- The rules regarding emails also apply to text messages.

Overall, email is best used for scheduling and forwarding documents. Email is not appropriate for expressing opinions, comments or positions on matters pending before the Planning and Zoning Commission. While you may, in your discretion, communicate with members of the public via email, my suggestion is to use email sparingly and be careful of the content of an email, knowing that it could be seen by the public. Last, as explained in more detail below, do NOT use email to discuss quasi-judicial matters. Such use could implicate the integrity of the process.

LEGISLATIVE VS. QUASI-JUDICIAL MATTERS

The distinction between legislative and quasi-judicial matters is important because applicants requesting quasi-judicial action are afforded constitutionally-based procedural protections. The vast majority of matters that come before the Planning and Zoning Commission are quasi-judicial in nature.

Legislative action is action that impacts the Town as a whole and only incidentally impacts individual persons, entities or properties. An example of legislative action heard by the Planning and Zoning

Commission would be a matter related to the Town's comprehensive plan. Examples of legislative action heard by the Town Council include amendments to the Johnstown Municipal Code, zoning of the Town as a whole and adoption of the Town fee schedule and uniform building codes. When taking legislative action, the governing body acts in a capacity similar to a "legislature."

Quasi-judicial action is action that impacts the rights, duties or obligations of specific persons, entities or properties. Examples of quasi-judicial matters include land use applications, plat approvals, re-zoning requests, uses by special review and variance requests. When taking quasi-judicial action, the governing body acts in a capacity similar to a "judge."

Because of the individualized impact of quasi-judicial action, such matters implicate an applicant's constitutional due process rights. To protect due process rights, an applicant is entitled to a decision based "solely" on evidence presented during a public hearing before a "neutral" decision maker. As such, the decision maker should refrain from considering evidence outside the public process and refrain from determining the merits of a matter prior to the public hearing. With quasi-judicial matters, the decision-making "process" may sometimes be more important than the final "substantive" decision.

Practically then, when a quasi-judicial matter is pending before the Planning and Zoning Commission, the Commissioners should not: (i) undertake an independent investigation of the matter, (ii) engage in communication with the applicant or members of the public (by email, verbally or in any other manner) prior to the public hearing or (iii) enter a public hearing with pre-conceived ideas about how to vote. Importantly, if persons with an interest in a quasi-judicial matter desire to state a position or discuss the subject of the public hearing, such persons should attend the public hearing and provide comments in that forum. Understandably, members of the public may not know the rules and may sometimes have to be advised of the proper process.

Because the distinction between legislative and quasi-judicial matters is not always readily apparent, erring on the side of caution and deeming the matter to be quasi-judicial may be prudent. Of course, you are always welcome to contact me, Matt LeCerf or Kim Meyer to discuss.



The Voice of Colorado's Cities and Towns

FAQ: Ethics and Conflicts of Interest

The FAQ column features frequently asked questions submitted to the Colorado Municipal League. This information is of a general nature and should not be interpreted as legal advice. Local facts determine which laws may apply and how, so you should always consult your municipal attorney before proceeding.

COLORADO CONFLICT OF INTEREST AND ethics laws are codified in the Colorado Revised Statutes in Title 31 the Law Governing Municipalities and Title 24 Code of Ethics for Public Officials. The following are frequently asked questions about the laws governing conflict of interest and ethics.

Q: As a member of a local governing body, when am I required to abstain from voting?

When you have a personal or private interest in any matter proposed or pending before the governing body, elected officials are required to abstain from voting. When this situation arises, you must disclose the interest to the governing body, not vote, and not attempt to influence the votes of other members of the governing body. C.R.S. § 31-4-404(2).

Q: What sort of “personal or private interest” triggers this duty not to vote?

There is no direction from statutes in this area. Generally, a personal or private interest is

treated as a pecuniary interest, or financial stake, in the matter at hand. A pecuniary interest standard is applied to avoid the appearance of impropriety among government officials. Always talk to your attorney if you think you may have a personal or private interest in a matter.

Q: Are there situations in which I can vote even if I have a conflict?

Yes. A member of a governing body may vote notwithstanding his or her personal or private interest if such member's participation is necessary to achieve a quorum and disclosure pursuant to § 24-18-110 is made in writing to the secretary of state prior to the official action. C.R.S. § 31-4-404(3).

Q: What other ethical obligations does the law require?

The Code of Ethics sets out a variety of ethical obligations. In addition, your own municipal charter or ordinances may impose obligations. Restrictions involve use of

confidential government information for personal gain, accepting gifts in connection with public services, and any restriction outlined in Amendment 41 to Colorado Constitution (codified at Colo. Const. Art. XXIX). There is a lot of detail regarding ethical obligations for government officials. The bottom line is: do not use your public position for private financial gain and talk to your attorney if you think there may be an issue.

Q: Should I rely on this advice in lieu of contacting my own attorney if I think I have a conflict?

No! This information is intended to be advisory only and merely scratches the surface of ethical obligations. If you think you may have a conflict of interest or another ethical obligation, contact your attorney.

individual should be reflected in every word and action taken by Board members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Board Conduct with Other Public Agencies

Be clear about representing the Town or personal interests. If a Board member appears before another governmental agency or organization to give a statement on an issue, the Board member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the Town; 2) whether this is the majority or minority opinion of the Board. Even if the Board member is representing his or her own personal opinions, remember that this still may reflect upon the Town as an organization.

If the Board member is representing the Town, the Board member must support and advocate the official Town position on an issue, not a personal viewpoint.

If the Board member is representing another organization whose position is different from the Town, the Board member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Board members should be clear about which organizations they represent and inform the Mayor and Board of their involvement.

Correspondence also should be equally clear about representation. Town letterhead may be used when the Board member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed as part of the permanent public record.

It is best that Town letterhead not be used for correspondence of Board members representing a personal point of view, or a dissenting point of view from an official Board position.

Town Board Conduct With Other Boards and Commissions

The Town has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Town Board. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

If attending a Board or Commission meeting, be careful to only express personal opinions. Town Board members may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board or Commission is conducting a public hearing, the Town Board member shall remove themselves from the

proceedings. Town Board members should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Town Board member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Board. Also, a Town Board member's presence may affect the conduct of the Board or Commission and limit their role and function.

Limit contact with Board and Commission members. It is inappropriate for a Town Board member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Town Board members should contact staff in order to clarify a position taken by the Board or Commission.

Remember that Boards and Commissions serve the community, not individual Board members. The Town Board appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Town Board. But Board and Commission members do not report to individual Town Board members, nor should Town Board members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions. A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Town Board with advice based on a full spectrum of concerns and perspectives. Town Board members must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums. Board and Commission members may offer political support to a Town Board member, but not in a public forum while conducting official duties. Conversely, Town Board members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Town Board member.

Inappropriate behavior can lead to removal. Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Town Board and the individual may be subject to removal from the Board or Commission.

Board Member Conduct with The Media

Board members may be contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record." Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the official Town position. The Mayor is the designated representative of the Town Board to present and speak on the official Town position. If the media contacts an individual Board member, the Board member should be clear about whether their comments represent the official Town position or a personal viewpoint.

Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Town Board meeting room.

Inappropriate Staff Behavior. Board members should refer to the Town Administrator any Town staff that does not follow proper conduct in their dealings with Board members, other Town staff, or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

Board Members Behavior and Conduct. Town Board members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Town Board. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Town Board.

Staff members who are present during Board meetings shall abide by appropriate standards of conduct and may be disciplined if they act inappropriately. Arguing with or challenging Town Board members is strictly prohibited.

Board members should point out the offending Board member's infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.

It is the responsibility of the Mayor to initiate action if a Board member's behavior may warrant sanction. If the Mayor takes no action, the alleged violation(s) can be brought up with the full Board in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Board members, the alleged violation should be referred to the Mayor. The Mayor should ask the Town Administrator to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Board to consider in a public meeting; or forming a Town Board ad hoc subcommittee to review the allegations; the investigation and its findings, as well as to recommend sanction options for Board consideration.

Principles of Proper Conduct

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . Respect for the validity of different opinions
. . . Respect for the democratic process . . . Respect for the community that we serve.

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
 - What are my internal motives and the spirit behind my actions?
 - If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
 - How would people whose integrity and character I respect evaluate my conduct?
 - Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
 - Is my conduct fair? Just? Morally right?
 - If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
 - Does my conduct give others reason to trust or distrust me?
 - Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
 - Do I exhibit the same conduct in my private life as I do in my public life?
 - Can I take legitimate pride in the way I conduct myself and the example I set?
 - Do I listen and understand the views of others?
 - Do I question and confront different points of view in a constructive manner?
 - Do I work to resolve differences and come to mutual agreement?
 - Do I support others and show respect for their ideas?
 - Will my conduct cause public embarrassment to someone else?
-

Glossary of Terms

Attitude	The manner in which one shows one's dispositions, opinions, and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior
Courtesy	Politeness connected with kindness
Decorum	Suitable; proper; good taste in behavior
Manners	A way of acting; a style, method, or form; the way in which things are done
Point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under

**SUGGESTED PROTOCOL FOR
PLANNING AND ZONING COMMISSION MEETINGS:**

1. [Gavel] "I NOW CALL TO ORDER THIS REGULARLY SCHEDULED MEETING OF THE JOHNSTOWN PLANNING AND ZONING COMMISSION"

2. "WILL THE TOWN PLANNER PLEASE CALL THE ROLL"

3. ARE THERE ANY PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA?
[To Planner] IS THERE ANY CORRESPONDENCE?

4. PUBLIC HEARINGS: Follow public hearing procedures.

5. NEW BUSINESS:
 - A. Minutes, "IS THERE A MOTION TO APPROVE THE MINUTES?"
 - B. County Referrals: [To Planner] "ARE THERE ANY REFERRALS?"

6. STAFF REPORT: [To Planner] "PLEASE PRESENT YOUR STAFF REPORT"

7. COMMISSIONERS' ITEMS: "DO THE COMMISSIONERS HAVE ANY ITEMS THEY WISH TO DISCUSS?"

8. ADJOURN "THERE BEING NO FURTHER BUSINESS, I WILL ADJOURN THE MEETING" [Gavel]

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

Credibility, Respect, and Power: Sending the Right Nonverbal Signals

By Debra Stein

Planning commissioners spend a lot of time choosing the right words to avoid sending the wrong message, but it is equally important to monitor the nonverbal communication signals that accompany your words. In fact, research shows that more than 93 percent of communications effectiveness is determined by eye contact, body language, facial expression, and voice quality. When you are trying to send important messages like, “I am telling you the truth” or “I respect you,” or when you’re establishing the power positions of the parties, the nonverbal signals you send can be even more important than the particular words you speak. Understanding nonverbal communication can help you monitor your own physical cues and understand what other people are telling you, even when they’re not speaking out loud. Some of the following suggestions are most relevant in planning commission meetings; others apply to less formal circumstances, when you are still in the role of planning commissioner.

Honestly, Now . . .

People involved in high-tension civic discussions often feel very distrustful, and planning commissioners need to carefully monitor both incoming and outgoing nonverbal signals of honesty. How can you tell if a witness is exaggerating or lying? How can you make sure you aren’t inadvertently sending signals of dishonesty? Here are some tips on how to enhance your own credibility and double-check to see if you’re really getting the straight story from other people.

We are very suspicious of people who won’t look us in the eye. Speakers rated as “sincere” make eye contact three times more often than “insincere” speakers. For 90 percent of Americans, intensive, personal eye contact means using your right eye to look into the right eye of the listener. Whether you’re right-handed or left-handed, chances are that you use your right eye to gather data and use your left eye only for depth perception. To test this theory, use your left eye to look at someone else’s left eye . . . feels awkward, doesn’t it? Making sincere, respectful eye contact, then, involves using your right eye to look into your counterpart’s right eye. Do not stare vaguely at a speaker’s nose or forehead, and avoid shifting eye contact between the left and right eyes, which can send messages of aggression or attraction.



John Roberts, now Chief Justice of the Supreme Court, positively reinforced his testimony at his confirmation hearing with forceful, but not domineering, hand gestures.

Maintaining sincere eye contact doesn’t mean you have to stare like an unblinking lizard. Honest speakers blink between 10 and 20 times per minute. Yet excessive blinking can also send messages. When Richard Nixon attended his first Watergate press conference, he blinked up to 40 times a minute. It is especially important to avoid excessive blinking when facing a news camera or when sitting on a brightly lit podium, where strong lights may naturally trigger a lot of blinking.

There really is something called the “Pinocchio Syndrome.” Stress and tension can cause delicate nerves in the face to tingle, so people who are lying or otherwise stimulated really do scratch their noses,



All photos this spread: Vin McNamere/Getty Images

These two people are sending a message of exclusion at this hearing by covering their mouths with a file folder and a hand.

We are very suspicious of people who won't look us in the eye. Speakers rated as "sincere" make eye contact three times more often than "insincere" speakers.

touch their cheeks, and rub their eyes more frequently than calmer speakers. Keep your hands away from your face!

The same autonomic response that makes the nerves in your face tingle can also thicken the consistency of saliva. Dishonest or uptight speakers often lick their lips, swallow, or clear their throats more often than relaxed and happy speakers. So have a cup of water on hand when making a stressful presentation so that you don't send inadvertent messages of dishonesty.

People with something to conceal often conceal their hands. In stressful situations, keep your hands where people can see them. People who talk with their hands are also perceived as being more powerful and confident than communicators with hidden hands.

Showing Respect

It is easy to say, "Treat citizens with respect," but what do you actually do to demonstrate your esteem and regard? Let's start by paying attention. In casual conversation, we tend to prove that we are listening merely by making a sensible response to the speaker's statement. A teenager who appears to be ignoring a parent's instructions to turn off the television will suddenly demonstrate adequate listening by turning the TV off. In more formal settings or where there is distrust between the parties, it is important to demonstrate attention towards a speaker long before the citizen actually begins speaking.

The first way to show a speaker that you are paying attention to what is being said is to abandon other activities competing for your attention. Set aside reports and turn off your cellular telephone. Put your pen down as soon as a citizen approaches the microphone to indicate that you are now turning your attention to the speaker. Needless to say, turning away from the witness to exchange private whispers or jokes with a fellow commissioner is an obvious and inappropriate misdirection of attention.

Leaning forward is an effective way to convey attention to and interest in a speaker. By inclining forward in your chair, you create a more intimate environment between yourself and the speaker that seems to exclude other people or distractions. Leaning back, on the other hand, signals that you feel distanced from the speaker or unwilling to get personally interested in the issues.

Eye contact is a crucial way we signal our respect for another person. In an audience setting, some commissioners adopt a machine gun approach to eye contact, shifting their heads from side and quickly skimming their eyes over the entire audience. No personal relationship is formed with individ-

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ual audience members, who feel both disrespected and more likely to view the planning commission as impersonal targets to attack.

No matter how big the audience is, genuine, respectful eye contact involves looking at one individual at a time, using your right eye to look into the other person's right eye. Select one audience member and make personal eye contact with that citizen, then look at another part of the audience and make eye contact with another individual. Even if you cannot make personal eye contact with each person in the room, attendees will perceive that you are respecting each citizen as a unique individual and trying to interact on a personal level.

We have a natural tendency to make more eye contact with people we know and like, and with an individual who has asked a question and is now listening to the answer. In an audience setting, however, looking exclusively at one person for too long can actually send messages of disrespect to everyone else. Yes, the one person you are looking at will feel important, but everyone else in the audience will feel excluded and offended. If you have something to say of interest to one audience member, assume that it is of interest to everyone, so shift eye contact regularly throughout the audience to convey your respect for everyone.

Planning commissioners, who process information best when it is in writing, may alternate between looking at the witness and looking at staff reports and other printed materials, trying to link what they are hearing to the written evidence before them. Other commissioners are such focused listeners that they need to eliminate visual distractions that could compete with auditory evidence. These commissioners may close their eyes to listen to a witness, or seem to stare straight "through" the speaker without really seeing anything, or gaze vaguely at their desk or off into space. While these can be effective strategies to help commissioners balance verbal, written, and visual input, if overused, they can send the inadvertent message that the commissioner isn't "really" listening.

It is extremely important to keep your hands away from your mouth whenever you are speaking or listening. Roughly three-fourths of people who are covering their mouths when listening are hiding thin, compressed lips of disapproval. Concealing your lips while listening sends the signal that you don't like the person you are listening to, that you disagree with what is being said, or that you don't want to be involved in the discussion. These negative nonverbal signals are often accompanied by positive but insincere cues such as nodding one's head or smiling, but the rejection message always prevails. In fact, a savvy audience can often predict the planning

Sen. Carl Levin (D-Mich.), Sen. Mary Landrieu (D-La.), and Sen. Jack Reed (D-R.I.) display varying levels of skepticism about what they are hearing. Sen. Landrieu, who has her mouth almost completely covered, is the least receptive. This hearing focused on post-hurricane federal contracts.



commission vote simply by watching what happens when various supporters and opponents are testifying. If a supporter stands up to speak at the microphone and the majority of commissioners slowly raise their hands to conceal thin, compressed lips of disapproval, then supporters know they aren't getting their message across. If too many audience members start covering their lips while you are speaking, then you know you aren't getting through and that you need to take another approach to communicate with the audience.

While keeping your hands away from your mouth is a must, it is perfect O.K. to touch other parts of your face while listening. Resting your chin on your hand while listening, touching your cheek with your finger or pencil, or adjusting your glasses all send the message that you are listening carefully to what is being said and working hard to understand its meaning.

Powerful Planning

Power is a real part of the world of planning and politics. Neighbors who feel pushed around feel resentful and angry, while commissioners who appear weak, ineffective, or lacking in confidence may be unable to achieve important civic goals.

Your perceived power has something to do with your title, your authority, and your expertise, but it has a lot to do with the nonverbal signals you send. One of the earliest ways power is demonstrated is through our handshake. Power is not demonstrated by the bone-crushing strength of your grip, but by the position of your hand in relationship to the other person. Offering your hand with your palm facing downward



Alex Wong/Getty Images

signals your belief that the other person is “beneath” you or you wish to dominate the other person. When you offer your hand with your palm face down you’re telling your counterpart, “I’m the top dog, get out of my way before I push you out of the way.” Not surprisingly, men are more likely than women to offer their hands palm down, especially when shaking hands with a woman. Be careful that you don’t automatically offer your hand downwards, which can send inadvertent signals of disrespect or condescension.

Shaking hands with your palm facing upwards shows a conciliatory attitude or suggests that you see yourself as weaker than your counterpart. When someone has forced you into a submissive, palm-up handshake, you cannot reestablish dominance simply by squeezing your hand in a vise-like grip; the only way to regain power is to use your other hand to touch the other person’s arm while shaking hands. Shaking hands with your palm vertical to the floor sends a neutral message and is usually the most appropriate way to offer your hand. And an important tip for men: Shake hands with a woman exactly the same way you shake hands with a man. Merely clutching a woman’s fingertips conveys one of the lowest messages of contempt.

Beyond the handshake, hands communicate power in several ways. Powerful people speak with their hands and point with their index fingers while speaking. Like Prince Charles, they clasp their hands behind their backs when standing or walking. On the other hand, people who engage in hand-washing

motions, clutch their fingers, rub the back of their necks, put their hands in their pocket, or touch their body or face are sending signals of nervousness or insecurity, so be aware of what you are doing with your hands to ensure you are sending appropriate signals of confidence and authority.

The person with the tallest shoulders at the table is usually perceived as being the most powerful. When it is important to establish your control in a professional situation, pick a tall chair, sit fully back in your seat, and keep your shoulders up and your head high. If you’re trying to encourage cooperative negotiations or consensus among equals, then consider sitting in a less intimidating chair compared to your counterparts.

Powerful people occupy a lot of space. They spread their belongings across the table and even intrude into other people’s personal space by touching the individuals or their belongings. Not surprisingly, men tend to touch women twice as often as women touch men.

No matter how much space you like to occupy, it is important to keep in mind that everyone has a sphere of private space around them into which intruders are not welcome. When you inadvertently invade someone’s private bubble, that individual feels threatened. Parties engaged in friendly conversation usually stand between two and five feet from each other. Business discussions and professional presentations are usually carried out at a distance of up to 12 feet. Territorial dimensions, however, can vary considerably depending on the race, sex, or cultural background of the people involved. Asians, North Americans, and people of northern European descent, for instance, prefer more space between speakers than do most Latinos, African Americans, Arabs, or Jews. Men tend to define a territorial buffer that is larger than the personal space women reserve for themselves, and to feel threatened when their turf is invaded from the front. Women, on the other hand, dislike intrusions from the side and prefer to have strangers sit across from them at a table. So when you see someone moving closer or farther away from you, don’t automatically adjust the distance to your own comfort level, but consider whether the individual has moved in order to minimize his or her own sense of discomfort.

Sending the Right Signals

While it is always important to pick one’s words carefully in the high-profile world of planning, it is equally important to monitor and control one’s nonverbal communication signals as well. By using nonverbal communication skills such as body placement, eye contact, and hand movements, planning commissioners can enhance their verbal statements, better communicate with the public, and help make the planning process more inclusive. □

WHAT IS A METROPOLITAN DISTRICT?

Colorado Revised Statutes Title 32 defines Special Districts which includes Metropolitan Districts

Local Government

A special district is an independent unit of government formed under the Special District Act (§§ 32-1-101 *et seq.*, C.R.S.)

Districts are quasi-municipal corporations and political subdivisions of the State

- **Single Purpose District**

- Water District
- Sanitary Sewer District
- Fire District

- **Metropolitan District**

Providing two or more specific services, including but not limited to:

- Domestic Water, Sanitary Sewer, Roadways, Irrigation Water, Park and Recreation, Transportation, Traffic and Safety Controls



HISTORY

Special districts were first authorized by the General Assembly in 1949, to provide certain municipal-type services in rural and unincorporated areas. The Special District Act was repealed and reenacted in 1981.

WHY SPECIAL DISTRICTS ARE CREATED

- ✓ Public infrastructure can be financed over time
- ✓ Public infrastructure can be financed at tax-exempt interest rates
- ✓ Property owners can deduct taxes paid to the district on their federal income tax returns
- ✓ New infrastructure is funded by those who will benefit (Constituents within the District) and not all City residents
- ✓ Permanent operation and maintenance of certain public improvements that are not dedicated to the City
- ✓ Sovereign immunity protections
- ✓ Districts are used throughout Colorado as an essential development tool

SERVICES AND IMPROVEMENTS

Construct public improvements

Districts may finance and construct public improvements, subject to Title 32, the City Code, land use regulations, development agreements, and service plans

Operate and maintain public improvements

Districts may own, operate, and maintain public improvements not otherwise dedicated to the City

FORMATION AND ORGANIZATION

Step 1: Service plan submitted to the City

The City may approve, deny, or approve with conditions

The City may require specific provisions

The service plan limits the district's authority and sets parameters within which the district can operate

Step 2: Petition for district organization submitted to district court

Following City approval of the service plan Court holds a hearing and orders a formation election be held

Step 3: Election

Organize district/authorize taxes and debt (TABOR)

Elect initial district board of directors

Step 4: Court orders organization of district if the election is successful

SERVICE PLAN

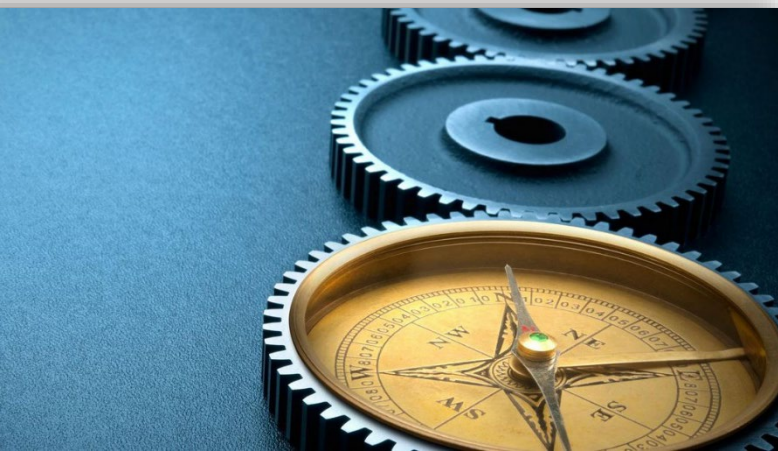
Districts operate pursuant to the powers and limits established in Title 32 and their service plans, which are approved by the governing body of the Town, City, or County in which they are located

District Service Plan

- Defines District services and powers
- Defines facility ownership and operation
- Debt Cap
- Mill Levy Cap

Exhibits provided with the Service Plan

- District Infrastructure Maps
- District Boundary Maps and Legal Descriptions
- Capital and O&M cost estimates
- Financial Modeling



DISTRICT GOVERNANCE

- Districts are independent governmental entities separate and distinct from the City
- Districts are governed by an elected board of directors
 - Regular elections are held in May of even-numbered years
 - Eligible electors of a district participate in election
- The City is not liable for debt or other obligations of a district
- Not a government of general jurisdiction
- No police power
- No land use regulatory authority

GOVERNING LAWS

District actions are subject to the following:

- Local Government Budget Law, §§ 29-1-101 *et seq.*
- Local Government Audit Law, §§ 29-1-601 *et seq.*
- Open Meetings Law, §§ 24-6-101 *et seq.*
- Local Government Election Code, §§ 1-13.5-101 *et seq.*
- Open Records Act, §§ 24-72-200.1 *et seq.*
- Public Bidding Requirements for Construction Contracts, § 32-1-1001(1)(d)(I), C.R.S.
- Colorado State Constitution

DISTRICT OPERATIONS

Administration

- Daily Operations
- State and Local Compliance
- Contract Administration
- Board Meetings

Construction of Public Infrastructure/Facilities Facility Operations and Maintenance

Facilities retained by the District

Most common improvements operated:

- Parks
- Street landscaping
- Open space
- Irrigation systems

BORROWING

Tax-exempt bonds, notes, and loans

Require an election (Colo. Const. Art X, § 20 (TABOR); Art XI, Title 32, C.R.S.)

Subject to limits within the Service Plan, State statute, State Constitution

Repayment Sources:

Taxes, fees, and other legally available funds

SOURCES OF REVENUE

Property tax mill levy

- Operations and Maintenance
- Debt

Mill levy limitations

Service Plan

TABOR

5.5 % Limitation §§ 29-1-301 and
29-1-302, C.R.S.

Fees, Rates, Tolls, and Charges for services, facilities, and programs:

- Utility Tap Fees
- Utility Use Rates
- System Development Fee
- Operation and Maintenance Fee
- Park and Recreation Fee

HOW MILL LEVIES WORK

A mill levy is a property tax applied to the assessed value of the property. The county determines the assessed value. The mill levy in a tax district sets the rate charged for property taxes. The rate of the tax is expressed in mills with one mill representing one-tenth of one cent, so for every \$1,000 of assessed value, one mill is equal to one dollar.

The tax is applied by local governments and other jurisdictions to raise revenue to provide their services, such as School District, County, City, Health Service District, Water District, Pest Control, etc.

In a tax district with a mill levy of 50.000 mills, a residential property owner pays \$50.00 for every \$1,000 in assessed value.

1 mill = 1/10 of 1 cent

Property tax = (actual value of house/property) x
(assessment rate) x (mill levy)

- Actual Value of House = \$400,000
- Residential Assessment Rate = 7.15% (in Colorado)
- Tax Rate/Mill Levy = 50.000 mills (.05)
- Property Tax = \$1,430.00

METROPOLTAN DISTRICT MILL LEVIES

How metropolitan district mill levies affect your property tax payments

Home in Loveland not in a metropolitan district:

Actual Value (County determined):	\$ 400,000
Assessment Rate(set by state Legislature):	x <u>0.0715</u>
Assessed Value:	\$ 28,600
Tax Rate(Mill Levy):	x <u>.079511</u>
Taxes Due:	\$ 2,274

Home in Loveland in a metropolitan district:

Actual Value (County determined):	\$ 400,000
Assessment Rate(set by state Legislature):	x <u>0.0715</u>
Assessed Value:	\$ 28,600
Tax Rate(Mill Levy):	.079511 + .040 = .119511
Metro District Mill Levy (40 mills):	x <u>0.119511</u>
Taxes Due:	\$ 3,418

