

# **TOWN OF MEAD PLANNING COMMISSION PROCEDURES AND RULES OF ORDER**

## **ARTICLE I – AUTHORITY**

The Town of Mead Planning Commission (the “Planning Commission” or “Commission”) has been established under the authority of Article VII of Chapter 2 of the *Mead Municipal Code* (the “Code”). Sec. 2-7-40 of the Code authorizes the Planning Commission to adopt procedural rules for the conduct and transaction of its business. The Commission hereby adopts these Procedures and Rules of Order (the “Rules” or the “Commission Procedures”).

## **ARTICLE II – MEMBERS**

### **SECTION 1. APPOINTMENT OF PLANNING COMMISSION MEMBERS AND TERMS**

The Planning Commission shall consist of five (5) regular members and two (2) alternate members. All members shall be appointed by the Board of Trustees in accordance with Article VII of Chapter 2 of the Code. The terms of office of all Planning Commission members shall be as set forth in Sec. 2-7-30 of the Code.

### **SECTION 2. CONFLICTS OF INTEREST**

Any Planning Commission member shall disclose a personal or financial conflict of interest in accordance with § 24-18-101, *et seq.*, C.R.S., as amended. As a general matter, Planning Commission members shall not disclose or use confidential information acquired in their official duties to further substantially their financial interests or accept gifts of substantial value which would tend to influence a reasonable person from departing from the faithful and impartial discharge of his or her public duties, or which is offered for the purpose of rewarding the member for an official action. Planning Commission members shall not perform official acts which may have a direct economic benefit on a business or other undertaking in which they have a direct or substantial financial interest.

Planning Commission members who have a personal or private (e.g., financial) interest in a matter pending before the Planning Commission shall disclose such interest to the Planning Commission, shall not vote on the matter, and shall not attempt to influence the decision of other Commission members. Commission members may request legal advice from the Town Attorney through the Town Manager in determining whether a personal or private interest would prevent the Commissioner from voting on a matter.

## **ARTICLE III – PLANNING COMMISSION OFFICERS**

### **SECTION 1. OFFICERS**

The Chairman and Chairman Pro Tem shall constitute the officers of the Planning Commission. The Chairman shall be the presiding officer of the Commission. In the absence of the Chairman, the Chairman Pro Tem shall be the presiding officer of the Planning Commission. A representative of the Planning and Zoning Department shall serve as the Secretary to the Planning Commission. The Commission, by majority vote, shall approve the minutes, and the Secretary is authorized to attest to the Planning Commission minutes as being accurate. In the absence of the Chairman, the Chairman Pro Tem may sign any documents

required to be signed by the Chairman. Commission officers shall perform such other duties as may be required or assigned by the Code or these Commission Procedures.

## **SECTION 2. ELECTION OF OFFICERS**

At its first regular meeting of each calendar year, the Planning Commission will elect from its regular members a Chairman and a Chairman Pro Tem in accordance with Sec. 2-7-40 of the Code. This shall be the first order of business at that meeting. Any member may nominate any member, including themselves, and no second shall be required. Any nominee may decline the nomination. After nominations, each officer shall be elected by a majority vote of the Commission. Until one person has received the vote of a majority of all members of the Commission, successive votes will be taken. Once the officers are elected, they will preside in their respective positions over all Commission meetings. All duties of the Secretary, other than attesting to the minutes and other records of the Commission, are delegated to Town staff who shall serve as the "Recording Secretary".

## **SECTION 3. TEMPORARY PRESIDING OFFICER**

In the case of the absence of the Chairman and Chairman Pro Tem, the Secretary, being a representative of the Planning and Zoning Department, shall call the Planning Commission to order and call the roll of the members. The Commission shall proceed to elect, by a majority vote of those present, a presiding officer of the meeting to act until the Chairman or Chairman Pro Tem appears.

# **ARTICLE IV – PLANNING COMMISSION MEETINGS**

## **SECTION 1. REGULAR PLANNING COMMISSION MEETINGS**

The Planning Commission shall meet in regular session at least once per month, in accordance with Sec. 2-7-40 of the Code provided there are scheduled cases and/or general business items for discussion. When a scheduled meeting falls on a holiday which is officially recognized by the Town of Mead or there is a conflict with a Board of Trustees meeting, the regular meeting shall be cancelled, and the Planning Commission may, at the Commission's discretion, reschedule the regular meeting for another date and time upon consultation with Town staff. Town staff will notify the Planning Commission of a cancelled meeting in the event there are no scheduled cases or other general business items. As necessary, additional special meetings of the Planning Commission may be called by the Chairman of the Commission or by any three (3) members of the Commission in order to accommodate timely consideration of cases or other matters pending before the Commission.

## **SECTION 2. CONTINUED MEETINGS/HEARINGS**

Any meeting of the Planning Commission, including hearings, may be continued to a time and date certain, but no continuance shall be for a longer period than thirty (30) days, unless requested by the applicant. Any continued meeting shall be scheduled to occur prior to the Commission's next regular session. A hearing that is continued or tabled indefinitely shall not be permitted.

## **SECTION 3. EXECUTIVE SESSION**

In accordance with the Colorado Open Meetings Law (§ 24-6-401 *et. seq.*, C.R.S.), the Planning Commission may meet in executive session under the following rules of procedure: (a) an executive session

may be convened on a vote by two-thirds of a quorum present at either a regular or special meeting; (b) attendance at the executive session shall be limited to the members of the Commission and Staff members required for advice and information; (c) no formal action shall be taken on any matter under discussion; (d) the items which may be discussed are those dealing with: (1) the purchase, acquisition, lease, transfer, or sale of any property interest; or (2) conferences with the Commission's attorney for the purpose of receiving legal advice on specific legal issues; and (e) the executive session shall be recorded in the same manner its regular meetings are recorded. Other executive session topics, as enumerated in § 24-6-402(4), C.R.S., may be discussed by the Commission; however, it is the Commission's intent that the use of executive session be limited, to the maximum extent possible, to the specific topics identified above.

#### SECTION 4. MEETINGS TO BE PUBLIC

All regular meetings of the Planning Commission shall be open to the public as required by the Colorado Open Meetings Law. Meetings at which three or more Commission members are present, and during which any public business is discussed or any formal action may be taken, are considered open to the public and shall be noticed as such in conformance with the Colorado Open Meetings Law. Planning Commission members may use electronic mail to communicate with each other and Town Staff. Electronic mail, however, should not be used to discuss the merits of a pending application or to elicit members' reactions to a pending application because such correspondence might be deemed a "meeting" under the Colorado Open Meetings Law, thereby necessitating public notice and provision for public participation.

#### SECTION 5. QUORUM

~~Any three majority~~ of the members of the Planning Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may adjourn a meeting or continue a meeting to a later time or date; and, in the absence of all members, the Secretary may adjourn a meeting or continue a meeting. In the event any meeting is continued to a later date, the Secretary shall prepare and cause to be delivered to each member of the Commission timely notice setting forth the date and hour to which such meeting has been continued.

#### SECTION 6. CANCELING MEETINGS

At a regularly scheduled meeting, Planning Commission members may vote to cancel a future meeting when it has been determined that there are no cases or business items scheduled.

### **ARTICLE V – CONDUCT OF MEETINGS**

#### SECTION 1. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a Planning Commission member transgresses the Rules, the presiding officer shall call the member to order, in which case they shall relinquish the floor unless permitted to explain.

#### SECTION 2. ORDER OF BUSINESS

The business of all regular meetings of the Planning Commission shall be transacted generally in the following order unless the Planning Commission by a vote of at least two-thirds of the members present shall suspend the Rules and change the order.

1. Call to order
2. Roll call of members
3. Pledge of Allegiance
4. Additions and/or amendments to the agenda\*
5. Disclosure of conflicts of interest
6. Approval of minutes of preceding meeting(s)
7. Public forum (public comment, 3 minute time limit per speaker)
8. General Business
9. Public Hearing
10. Action Items
11. Staff Update
12. Adjournment

*\*No new application or other matter which requires a hearing in front of the Planning Commission may be added to the agenda. The agenda for all regular meetings of the Commission may be amended by the Commission, or items added thereto, that involve matters involving general commission business or items that are administrative in nature.*

### SECTION 3. VOTING

A. Passage and Failure of Motions. A roll call vote of each member shall be taken by the Secretary upon all motions and entered upon the minutes of the Planning Commission proceedings. Each member, other than those members who have disclosed a conflict of interest in accordance with Article II of these Rules, shall vote on all motions pending before the Commission. Any member may explain his or her vote after the motion is made or after the vote is taken. A motion shall pass if it receives the affirmative votes of a majority of Planning Commission members present and voting. Any motion for approval or recommendation of approval failing to receive a majority vote shall result in denial or recommendation of denial as the case may be.

The alternate members shall sit with the Planning Commission and participate in discussions as though a regular member. The alternate members may only vote in the event a regular member is unable to vote.

B. Tie Votes. In the case of a tie in votes on any affirmative motion (e.g., a motion to recommend approval), the proposed action shall be declared by the presiding officer as denied. However, a tie in votes upon a negative motion (e.g., motion to recommend denial) shall not be construed to constitute approval and, in such event, a Commission member is encouraged to make an affirmative motion to resolve the matter.

C. Straw Poll Votes. Straw poll voting of Planning Commission members occurring outside the Commission meeting is prohibited. The Planning Commission may act only in the context of a duly noticed regular or special meeting.

### SECTION 4. ATTENDANCE

A. Attendance Required. Planning Commission members are expected to attend all regular and special meetings. Three or more *unexcused* absences by a Commission member from regular meetings

in a particular year shall be considered unacceptable and shall be cause for further action as provided herein. A written report signed by the Commission Chairman and Secretary shall be sent to the Board of Trustees concerning any member of the Commission who has three or more *unexcused* absences from regular Commission meetings in a particular year, for a determination as to whether this should be cause for removal of that member from the Commission pursuant to Sec. 2-7-30(d) of the Code.

B. Excused from Attendance. In the event any member of the Planning Commission is unable to attend any meeting of the Commission, such member is requested to make a reasonable effort to so advise the Secretary or Chairman in advance of the meeting. The Chairman shall excuse an absence of any member where the Commission member contacted the Secretary or Chairman at least 24 hours in advance of the meeting regarding the reason for the absence or announced a scheduled absence at a previous meeting of the Commission.

C. Excused During Meeting. No member may leave a Commission meeting without permission from the presiding officer.

## SECTION 5. HEARING PROCEDURES

A. General. Hearings required by the Code, including but not limited to hearings on proposed re-zonings, shall be conducted in general accordance with the procedures set forth in this Section. Deviations from these procedures that do not substantially affect the fairness and outcome of the hearing shall be permitted and shall not jeopardize or in any way nullify the hearing or the Planning Commission's decision.

B. Procedures. The presiding officer, in the order indicated, will:

1. Open the hearing and read the title of the item/application into the record.
2. Generally explain the hearing procedures.
3. Establish, when determined to be necessary, reasonable time limits for the hearing and reasonable time allocations to be established therein. As a general proposition, a three (3) minute time limit shall be the customary and appropriate time limit for individuals and a five (5) minute time limit shall be the customary and appropriate time limit for persons representing groups or organizations. An applicant whose property rights are the subject of a hearing shall not be subject to time limitations provided that the applicant avoids redundant and duplicative testimony or presentation of evidence.
4. Ask for an introductory presentation of the application by the Director of the Planning & Zoning Department or other Town staff.
5. Ask for the applicant's presentation, if any.
6. Provide opportunity for public presentation by those who are in favor and against the application.
7. Provide applicant with an opportunity to present rebuttal testimony and evidence.
8. Allow, throughout public testimony portion of hearing, Planning Commission members the opportunity to ask questions of the applicant, Town Staff and members of the public.
9. Following questions from Planning Commission members, the presiding officer will declare the public testimony portion of the hearing closed.

10. Upon the closure of the public testimony portion of the hearing, the Commission will avoid additional questioning of any hearing participant except as may be found necessary by the presiding officer to clarify a factual question or resolve a factual matter of dispute between members of the Commission. No additional, unsolicited testimony shall be entertained or accepted by the Commission. The public testimony portion of the hearing may be reopened only for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event of reopening of the public testimony portion of the hearing, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
11. The presiding officer shall ask for discussion or a motion from the Planning Commission. Upon proper motion and second, the presiding officer shall ask for further discussion on the motion. Any Commission or Staff member may be recognized for comments on the motion. After all discussion has occurred, the presiding officer shall conduct a vote as provided in Section 3 of Article V of these Rules.

C. Quasi-Judicial Hearings. The nature of applications pending before the Planning Commission, including those matters requiring hearings where required by the Code, is considered quasi-judicial. Commission members are required to consider only such evidence and testimony that is presented during the hearing. Consequently, Commission members cannot consider evidence outside of the confines of the hearing and should not engage in conversations or communications about any application with an applicant, members of the public or other Commissioners before the hearing or during any recess from the hearing. The purpose of this restriction is to afford applicants due process in terms of a fair and unbiased process and to allow the Planning Commission to make an impartial and objective decision.

D. Planning Commission Decisions. The Planning Commission shall either approve, approve with conditions, deny, or shall vote to continue an application to a time and date certain. The Commission's recommendation or decision shall contain reasonable findings of fact to support its recommendation or decision, based on applicable criteria in the Code.

E. Attendance of Applicant Required. At any regular or special meeting where an applicant or party authorized in writing to represent the applicant is not present, the Planning Commission shall continue the application or hearing, as applicable, to the next following regular meeting of the Commission, or to an alternate time and date certain as determined by the Commission. A continuance necessitated by the absence of the applicant or applicant's representative shall be considered a request for continuance by the applicant and a waiver by the applicant of any applicable mandatory review period. No decision shall be made on any pending application unless the applicant or a party authorized to represent the applicant is present to answer questions that Commission members may have.

F. Record of Decision. The record of the Planning Commission's recommendation or decision shall be sufficiently detailed to: (1) inform the applicant of the Commission's basis of decision; and (2) inform the Town Board of Trustees of the Commission's recommendation or basis of decision.

## SECTION 6. PARLIAMENTARY PROCEDURE

In the event a question of proper parliamentary procedure arises during a meeting, the Planning Commission may rely upon *Rosenberg's Rules of Order*, a copy of which is attached to these Rules and is incorporated herein by reference.

#### **SECTION 7. RECESS**

A recess may be called at any time either by the presiding officer or upon motion by a member and with the consent of the majority. The Commission shall not adjourn while in recess but must reconvene prior to adjournment of a meeting.

#### **ARTICLE VI – SUSPENSION OF RULES**

Any provision of these Rules not governed by the Code may be temporarily suspended at any meeting of the Planning Commission by a majority vote of all members of the Commission. Any rule may be suspended by general consent if presented by the presiding officer and if there are no objections from any member.

#### **ARTICLE VII – AMENDMENT OF PROCEDURES AND RULES OF ORDER**

These Rules may be amended or new Rules adopted by a vote of at least four (4) members of the Planning Commission. Any such alterations or amendments shall be submitted in writing at the regular meeting preceding their adoption. This requirement shall be waived only by unanimous consent with a recorded vote of all members.

***Adopted by the Planning Commission on October 17, 2018, as amended on April 20, 2022 and September 21, 2022.***

***Attachment: Rosenberg's Rules of Order***