

MESA COUNTY PLANNING COMMISSION RESOLUTION NO. 2015-01

APPROVAL OF UPDATED BYLAWS FOR THE MESA COUNTY PLANNING COMMISSION

WHEREAS, the Mesa County Planning Commission Bylaws were last updated in 2011 by the Board of County Commissioners pursuant to Resolution # MCM 2011-058 (the "2011 Bylaws"); and

WHEREAS, the Mesa County Planning Commission requested that amendments to the 2011 Bylaws be approved; and

WHEREAS, at a workshop on July 7, 2015, the Mesa County Planning Commission reviewed the proposed amendments to the 2011 Bylaws that are attached hereto and incorporated herein as Exhibit A (the "2015 Bylaws").

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION IN THE COUNTY OF MESA, STATE OF COLORADO:

THAT the 2015 Bylaws comply with the relevant sections of the Mesa County Land Development Code and Colorado State Statutes; and

THAT the 2015 Bylaws promote the health, safety and welfare of the residents of Mesa County; and

THAT the 2015 Bylaws are hereby approved and a recommendation is hereby sent forth to the Board of County Commissioners to approve the 2015 Bylaws.

PASSED AND ADOPTED THIS 7th DAY OF July, 2015.



RUSTY PRICE, VICE CHAIR
MESA COUNTY PLANNING COMMISSION



CHIP PAGE, SECRETARY
MESA COUNTY PLANNING COMMISSION

BY LAWS
MESA COUNTY PLANNING COMMISSION
(July 7th 2015)

ARTICLE I
GENERAL BUSINESS AND STRUCTURE

Section I. GENERAL

A. Appointments:

The Board of County Commissioners shall appoint a Planning Commission consisting of seven members, plus three alternates. The term of each member shall be three years. Terms of office shall be staggered so that approximately one-third of the members' terms expire each year.

B. Alternates:

Alternates shall act for Planning Commission members, in their absence, as voting members. The order of selection for alternate members to act as voting members shall be based on tenure (i.e., Alternate 1, 2, 3), or as designated by the Board of County Commissioners.

Section II. POWERS AND DUTIES

The Planning Commission's powers and duties are established by Colorado Statutes, are generally set out in the Mesa County Land Development Code (the "Code"), and include the following :

A. Master Plan Adoption and Amendments:

The Planning Commission has the statutory duty to adopt a Master Plan for unincorporated Mesa County. The Planning Commission shall be responsible for taking final action to approve, approve with conditions, or deny proposed text and map amendments to the Mesa County Master Plan.

B. Recommendations:

As set forth in the Code, including, without limitation, Section 2.2.3 of the Code, the Planning Commission is be responsible for reviewing certain land use applications ("Land Development Applications"). For certain Land Development Applications, the Planning Commission is charged with recommending that the Board of County Commissioners or other_applicable decision maker approve, approve with conditions, or deny such Land Development Applications. For other Land Development Applications, the Planning Commission is charged with reviewing the Land Development Applications, and for recommending that the Board of County Commissioners approve or deny such applications (without conditions).

- C. **Quasi-Judicial Hearings:**
Certain Land Development Applications require the Planning Commission to review the Application in a quasi-judicial hearing. A quasi-judicial hearing is one in which the Planning Commission members are acting as judges rather than legislators. The Planning Commission acts in a legislative capacity when it is making new laws or regulations, such as when it considers amendments to the Master Plan or the Code. When the Planning Commission is reviewing a specific Land Development Application, it generally is not making new laws, but rather applying existing laws and regulations to specific facts, concerning one person or a small number of people rather than the entire County. When the Planning Commission reviews a Land Development Application in a quasi-judicial capacity, its decision should be based upon the testimony taken and evidence presented at the scheduled public hearing, including the Planning Staff Report, other information provided by the Planning Staff and the Applicant, and any public testimony or evidence presented at the public hearing. The Planning Commission should avoid ex-parte communications, which include discussions or contacts outside of the public hearing about a Land Development Application that is subject to the quasi-judicial process. If a Planning Commission member has ex-parte communications, such communications should be disclosed during the scheduled public hearing, and any information obtained during such ex-parte contact should be entered into the record at the public hearing.
- D. **Other Matters:**
The Planning Commission shall also have such powers and duties as determined by the Board of County Commissioners or as provided for in the Colorado Revised Statutes.
- E. **Plan Implementation:**
The Planning Commission shall actively promote implementation of the Mesa County Master Plan.

Section III. MEETINGS

- A. **Regular Meetings:**
All regular meetings shall be held each month at the dates, times, and place posted on the County Bulletin Board or other posting location authorized by the Board of County Commissioners. Dates, times and place may be revised with due public notice. Unless otherwise identified, meetings shall begin based on the time adopted by the Planning Commission. If the Chair and Commission members determine that any Land Development Application cannot be heard and considered for action by 11:00 p.m., it may, at the sole discretion of Chair of the Planning Commission, be continued and considered at a specifically scheduled meeting or the next regularly scheduled meeting. Such Land Development Application shall have priority at the next meeting and may be

heard before any other matters or applications. Generally, Robert's Rules of Order shall govern the proceedings of the Planning Commission in its regular meetings, although strict adherence is not required so long as the meetings are conducted to allow fundamental fairness to all participants.

B. Special Meetings/ Workshops:

The Planning Commission may hold special meetings/workshops at any time upon call of the Chair; by a majority of the entire membership of the Planning Commission; or upon request of the Board of County Commissioners. Generally, notice of at least seven (7) calendar days shall be given to each member of the Planning Commission by telephone or e-mail. Time, place and proposed agenda of Special Meetings/Workshops shall be posted at the designated location per County policy. Public Hearings and Special Meetings/Workshops are Open Meetings.

C. Open Meetings:

The Planning Commission shall be operated as though the Planning Commission is a local government subject to Colorado's Open Meetings Act and Open Records Act, or any successor statutes.

D. Quorum:

A majority of the Planning Commission shall constitute a quorum for the transaction of business at any meeting or workshop. In cases where a quorum is not present, Land Development Applications shall be rescheduled for hearing at the next regular Planning Commission meeting, or at a special meeting/workshop set by the Chair of the Planning Commission.

E. Voting:

Planning Commission members are required to vote on all issues (excluding Conflicts of Interest). Unless a member is disqualified due to a Conflict of Interest, as defined within paragraph III(F) below, all members of the Planning Commission, including the Chairman, who are present at a meeting are required to vote. Votes will be by "roll call" unless a circumstance exists in which the Chairman believes a "voice vote" is more appropriate.

Alternate Planning Commission members may speak at a public hearing as a citizen if such Alternate member is not seated on the Planning Commission for that public hearing. If an Alternate member is seated as a Planning Commission member at a public hearing, they may not speak as a citizen unless they recuse themselves. Alternate members may vote only when seated for an appointed regular Planning Commission member.

Resolutions or motions for the transaction of the business of the Planning Commission shall require the affirmative vote of a simple majority of those

members present, so long as a quorum exists.

Any change to the Master Plan shall require a minimum of five (5) appointed or qualified alternate or regular Planning Commission members voting in favor of a proposed amendment. A qualified alternate commissioner is defined as one who has attended at least ten (10) Mesa County Planning Commission public meetings or workshops.

F. Conflicts of Interest:

Any member of the Planning Commission shall be considered to have a conflict of interest as may be determined by the applicable conflict of interest provisions of C.R.S. 24-18-101, et seq., as they may be amended. A Conflict of Interest shall also exist if the following situation is evident relative to a specific application scheduled for discussion:

1. The member will be directly and substantially affected to his/her economic benefit or detriment, or those of his/her immediate family, by the action proposed to be taken on the subject Land Development Application (also see paragraph 3 of the attached EXHIBIT A, "Guidelines for Board of County Commissioner - Appointed Board Members").
2. Any member who considers him or herself to be in a position of conflict of interest as defined above, or any member who is deemed to have a conflict of interest by a majority of a quorum of the other Planning Commission members present at a meeting, must declare such conflict as soon as it becomes evident, or immediately upon such vote of the other Planning Commission members, and such member shall not participate in any discussion of the proposal, shall not vote on the proposal, shall remove him or herself from the dais or Planning Commission table during which discussions of the subject Land Development Application are taking place, and shall recuse him or herself from voting on any such Land Development Application. An officer or member of the Planning Commission who is recused due to a conflict of interest may speak to the Planning Commission as a member of the public or as an applicant on such Land Development Application.

Section IV. ATTENDANCE

Regular attendance by members of the Planning Commission to all meetings is expected. Sub-committees of members may also be assigned to participate in Master Plan projects or other special studies for which attendance is expected.

Any member of the Planning Commission (excluding alternates) who has been absent from one fourth of the regular monthly meetings or special

meetings/workshops over a six (6) month period, without a "leave of absence request" or having advised the Chair of the circumstance of the absence, shall be reported to the Board of County Commissioners by the Chair or Recording Secretary. Leave of absence requests shall be submitted to the Chair and the Recording Secretary noting the reason for the leave and how long the Commissioner will be gone. Extended "leave of absences" shall be referred to the Board of County Commissioners for review. The Recording Secretary shall forward this information to the entire Planning Commission.

Section V. VACANCY APPOINTMENT

When any vacancy occurs in the membership of the Planning Commission, either prior to the expiration of a term or for any other reason, such vacancy or vacancies shall be filled by the Board of County Commissioners. The Board shall strive to appoint a Planning Commission with a varied and diverse background, including consideration of the following in the determination of appointments:

1. Residency within Mesa County (required)
2. The balance of geographic location of residence within the County
3. The current composition of the Planning Commission, and the need to achieve a balanced background, including:
 - a. Agricultural
 - b. Energy
 - c. Land Development
 - d. Real Estate
 - e. Planning
 - f. General community experience
 - g. Architecture, engineering, environmental science or similar background

Section VI. TRAINING

Minimum orientation, training and continuing education is desirable for all Planning Commission members and is encouraged by the Board of County Commissioners, including attendance of:

1. initial orientation meeting with staff
2. Planning Commission meetings (alternates)
3. annual workshop with the County attorney
4. informational workshops
5. at least one planning related event per year, based on availability of funding
6. periodic meetings with the Board of County Commissioners

ARTICLE II PROCEEDINGS

A. At any regular meeting of the Mesa County Planning Commission, the following shall be the regular order of business and Roberts Rules of Order shall guide the conduct of the meeting.

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes for previous meetings
4. Amendments to the Agenda
5. Announcements and or presentations
6. Correspondence report of Recording Secretary
7. Items which have been withdrawn
8. Consideration of Consent Agenda
9. Planning Commission Hearing Items
 - a. Chairman opens the Public Hearing
 - b. Chairman reads agenda item
 - c. Presentation of issue, with recommendations, by the Department of

Planning and Economic Development

- d. Petitioner presentation of project proposal
 - e. Public Comment
 - f. Petitioner Rebuttal and final comments
 - g. Final staff comments and/or clarifications
 - h. Chairman closes the public comment portion of the Public Hearing
 - i. Planning Commission discussion of proposal
 - j. Chairman calls for a motion, second, and then a vote
- 9. Planning Director Updates
 - 10. Planning Commission comments and/or discussion
 - 11. Adjournment
- B. Matters referred to the Planning Commission by the Board of County Commissioners will be placed on the agenda for consideration, discussion, and/or action at the next regular meeting of the Planning Commission, which meets the Public notification requirements of the Colorado Open Meetings Act, after such referral.

**ARTICLE III
OFFICERS**

Section I. OFFICERS

- A. Election:
The Planning Commission, by its last regular meeting in January of each year, shall elect a Chair, Vice- Chair, and a Secretary. They shall hold office for a term of one year. No member shall hold the same officer position for more than two full consecutive terms. The Director of Planning and Economic Development shall designate a Recording Secretary.
- B. Vacancy:
The Planning Commission shall vote to fill a vacancy of an officer position at the next regular meeting following the position becoming vacant.

C. Duties:

The duties and powers of the officers of the Planning Commission shall be as follows:

The Chair shall:

1. Preside at all meetings of the Planning Commission and maintain proper decorum by controlling the meeting, avoiding duplication of testimony, and avoiding demonstration(s). In cases where decorum cannot be maintained, any commissioner may request the Chair to recess, continue the agenda item, or adjourn.
2. Call special meetings of the Planning commission in accordance with these by-laws.
3. Sign the documents of the Planning Commission.
4. Insure that all actions of the Planning Commission are properly taken.
5. Perform all duties incidental to the position of Chair and such other duties as may be prescribed by the Board of County Commissioners or as requested by other Planning Commission members from time to time.

The Vice-Chair shall:

1. In the absence of the Chair or in the event of the inability, or disqualification of the Chair, the Vice-Chair shall perform the duties of the Chair, and when so acting, shall have all the authority and duties of the Chair.

The Secretary shall:

1. Sign or attest to the signature of the Chair or Vice-Chair on the documents of the Planning Commission. In general the Secretary shall perform all duties incidental to the office of Secretary and such other duties as may be prescribed by the members from time to time.
2. Preside over the Planning Commission meetings or workshops in the event both the Chair and Vice – Chair are absent
3. Sign all copies of the approved minutes of regular or special meetings or workshops.

The Designated Recording Secretary shall:

1. Keep the minutes of all meetings of the Planning Commission in an appropriate and designated file.

2. Be custodian of Planning Commission records.
3. Inform the Planning Commission of correspondence relating to business of the Planning Commission and attend to such correspondence.

**ARTICLE IV
AMENDMENT**

These Bylaws may be amended at any meeting of the Board of County Commissioners; provided, that notice of said proposed amendment be given to each Planning Commission member in writing at least ten (10) days prior to said meeting.

END OF DOCUMENT

EXHIBIT A

MESA COUNTY PLANNING COMMISSION

GUIDELINES FOR BOARD OF COUNTY COMMISSIONER-APPOINTED BOARD MEMBERS

1. No member shall publicly take any position regarding political candidates or political issues in their official capacity as a Board member.
2. Members are expected to attend all Board meetings and be informed of general activities and operations of programs of the organization.
3. A Board member shall not participate in decision making, including discussions and presentations, when the Board member or a member of the immediate family has any financial interest in the subject matter of the decision.
4. No Board member shall make any presentation which presents, or appears to present, information on behalf their Board without the express direction of that Board.
5. There is a presumption by the Mesa County Commissioners that integrity, honesty, and impartiality will be exhibited by Commissioner-appointed board members. If a Board member feels they may be biased in a decision, regardless of evidence presented at hearing, they may need to recuse themselves.
6. A Board member has the responsibility to be objective and consider the best interests of the community.
7. Appointed Members serve at the convenience of the Board of County Commissioners and may be removed at any time by the majority vote of the Board of County Commissioners for non-adherence to these guidelines, or habitual unexcused absence in the view of the Board of County Commissioners.
8. Any policy that is not codified within the land use code, contained in the bylaws of the Mesa County Planning Commission, or not properly adopted by a resolution of the Board of County Commissioners or the Planning Commission shall not apply.