

**ARCHULETA COUNTY PLANNING COMMISSION
RULES AND BYLAWS**

*Adopted on December 11, 2019 by the Archuleta County Planning Commission
Ratified on January 7, 2020 by the Archuleta County Board of County Commissioners*

ARTICLE I. MEETINGS

Section 1. The Archuleta County Planning Commission (hereinafter “Commission”) in the Archuleta County Administration Building, 398 Lewis Street, Pagosa Springs, CO 81147. The designated office of the Archuleta County Planning Commission is P.O. Box 1507, 1122 Highway 84 Pagosa Springs, CO 81147. All meetings shall be conducted in accordance with Colorado Open Meetings Law C.R.S. § 24-6-401, et. seq.

Regular Meetings. Regular meetings are held the fourth (4th) Wednesdays of each month at 6:00 p.m.

Annual Meeting. The annual meeting shall be held in January of each calendar year at a Regular Meeting at which Election of Officers and designation of notice location shall take place.

Special Meetings. Special meetings and/or hearings may be called by the Chair with concurrence of a majority of the Commission. Special meetings shall be announced at least 7 days in advance, with notice made which shall include the date, time and place of the meeting/hearing and the items to be considered.

- a. Study sessions, work sessions, or workshops can be called at any time for educational purposes. No official record will be kept. No formal action or decisions can be made at any gathering other than at an annual or regular public meeting.

ARTICLE II. MEMBERS

Section 1. Authority is granted to the Board of County Commissioners (herein after “Board”) in C.R.S. § 30-28-103 to appoint a Planning Commission of not less than three and not more than nine members. Each member shall be a county resident. Term of membership shall be 3 years and until their respective successors have been appointed, with terms being staggered so that approximately one-third of the members’ terms expire each year.

Section 2. Board duties and responsibilities with respect to the Commission. The Board shall fill vacancies on the Commission and provide for removal of a member for nonperformance of duty or misconduct. The Board may appoint associate members of the Commission, who are also residents of the county, who may act in any regular member’s place to fulfill the absent associate member’s purpose.

Regular member attendance is expected at all regular meetings, special meetings and work sessions. The Board shall have authority to remove a Commission or Associate member without cause or for reasons including, without limitation, unsatisfactory or nonperformance of duty, misconduct, conflict of interest, or other activities deemed by the Board to be detrimental to the best interest of the County. C.R.S. §30-28-103(3)

- a. Archuleta County Planning Commission shall consist of 5 (five) regular members and 1 (one) associate member. The associate member shall be an appointee of either the Chair or Vice-Chair of the Town of Pagosa Springs’ Planning Commission.

Section 3. Regular attendance by members of the Planning Commission is expected. It shall be the member’s responsibility to notify the Planning Department as soon as practicable but no less than 24 hours in advance if they will be absent from a scheduled meeting. An attendance report and recommendation for removal may be forwarded to the Board of County Commissioners if a member is unexcused from 2 consecutive meetings or if a member is absent from 4 or more total meetings in any 12-month period.

ARTICLE III. QUORUM

Section 1. A quorum shall consist of 3 members.

ARTICLE IV. OFFICERS

Section 1. Officers shall be elected by the Commission at the Annual meeting and shall serve for a 1-year term. Officers of the Commission include Chair and Vice-Chair. An officer may be re-elected to successive or consecutive terms. County staff shall serve as the Recording Secretary. A vacancy of any officer may be filled by the Commission.

Chair.

The Chair's role is to see that the meeting/hearing and debate is conducted in a smooth, orderly, and expeditious manner (see also Meeting Protocol, below). The duties of the Chair include but are not limited to:

- a. Preside over all meetings of the Commission and conduct meetings in accordance with these Bylaws, and in conformity with State laws, rules of order and any other rules adopted by the Board.
- b. Call special meetings of the Commission, as needed, in accordance with these Bylaws, and in conformity with State laws.
- c. Utilize expert advice and information from all state officials, departments, and agencies having information, maps, and data pertinent to county planning or zoning as well as technical assistance while conducting meetings. To this end, the Commission is specifically empowered to receive and expend all grants, gifts and bequests, including state and federal funds and other funds available for the purposes for which the Commission exists. C.R.S. §30-28-104.
- d. The Chair may place reasonable time limits on debate to preclude or limit public testimony including discussion by Commission members.
- e. Sign the documents of the Commission.
- f. Cancel regular meetings for cause, including but not limited to, absence of a quorum, absence of an agenda, meeting falls on a holiday, or hazardous weather conditions.

Vice-chair.

The Vice-chair shall assume the duties of the Chair in his/her absence.

Designated Recording Secretary.

County planning staff shall serve as the Recording Secretary with the following duties of that position:

- a. Keep the minutes of the Commission public meetings.
- b. Prepare and distribute the Commission public meeting agenda, copies of the minutes, and materials for review appearing on the upcoming agenda.
- c. Act as Custodian of Records for the Commission.
- d. Sign and certify documents.

Chair pro tem.

In the event both the Chair and Vice-chair are absent from the meeting, the Commission members present shall vote for a Commission member to act as Chair pro tem for that meeting.

ARTICLE V. DUTIES AND AUTHORITY

Section 1. Powers enumerated by Statute and delegated by Board. In accordance with C.R.S. §30-28-104(1), the Commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times. The Commission shall elect a chairman from its members, whose term shall be for one year. A Chair may be re-elected for consecutive terms. The Commission is advisory to the Board of County Commissioners on land use requests with the exception of the County Master Plan on which its decisions are final. Duties include, but are not limited to:

- a. Elect a Chair C.R.S. §30-28-104.
- b. Adopt rules and regulations for the Commission. C.R.S. §30-28-104.
- c. Make and adopt a Master Plan in part or in its entirety. C.R.S. §30-28-106.
- d. Approve, disapprove, or make recommendations on rezoning applications. C.R.S. §30-28-112.
- e. Develop, propose and recommend subdivision regulations. C.R.S. §30-28-133.
- f. Review and recommend to the Board for its consideration all plats of Subdivisions. C.R.S. §30-28-133(3).
- g. Certify copy of the plans for zoning to the Board. C.R.S. §30-28-112).
- h. Approve the proposed location and extent of roads, parks, or other public ways, and public utilities, whether publicly or privately owned. C.R.S. §30-28-110(1)(a).

ARTICLE VI. VACANCIES

Section 1. When vacancies occur on the Commission, the Board shall fill the vacancies through appointments. The Board will generally announce vacancies to the local media. Interested citizens can submit a written request of interest to fill this vacancy to the Board. The Board decides when to advertise and/or interview for an appointment.

This appointment shall be effective only for the unexpired portion of the term in which the vacancy occurs. The Board, in its discretion, may, at the end of the unexpired term, appoint any member to full term status to fill the vacancy. C.R.S. §30-28-103(3).

ARTICLE VII. NOTICES

Section 1. The Commission at the Annual meeting shall designate the public place for posting public notice. C.R.S. §24-6-402(2)(c). Such notice shall state the date, time, location and item(s) to be discussed. It shall be the duty of the Recording Secretary to comply with these notice requirements.

- a. Unless otherwise designated the posting location of the Commission's public meetings requiring prior public notice shall be the designated bulletin board to be determined by the Commission located at the Administration Building, 398 Lewis Street, Pagosa Springs, Colorado.
- b. The Recording Secretary of the Commission shall be responsible for preparing, recording, and certifying the agendas for the Commission meetings. Documents requiring posting, in compliance with the Sunshine Act, will be forwarded to the Administration Department for posting.

ARTICLE VIII. AGENDAS

Section 1. The Agenda for the Commission's meeting shall be prepared by the Recording Secretary. The Agenda shall include, but not be limited to:

- a. Type of meeting
- b. Date
- c. Time
- d. Location of the meeting.

Items for consideration may include, but not be limited to:

- a. Consent items.

The Chair announces certain applications may be considered as Consent Items. The Chair requests comments from the audience. If there are significant concerns with the agenda item being

considered, it may be moved from the Consent Agenda to the Regular Agenda. A Commission member may request that an item be moved from the Consent Agenda to the Regular Agenda.

The meeting minutes shall be scheduled on the Consent Agenda. If a Commission member requests discussion for possible amendment to the minutes, the Secretary shall review the record of the proceedings, consult with the Attorney as necessary, and the Commission shall either approve the minutes as amended or schedule any amended minutes on a future Consent Agenda.

If there are no concerns, the Chair will call for a Motion to approve Consent Agenda items.

The Commission may approve/deny Consent Agenda items without the Applicant being present.

b. Regular Agenda.

Items on the Regular Agenda may include: Old Business which includes items discussed at a prior meeting; New Business, Other Business, Announcements and other items as deemed appropriate by the Recording Secretary and approved by the Chair.

A copy of all exhibits presented during the hearing shall be automatically incorporated as part of the record unless specific objections are raised at the hearing.

All documents referenced or tendered at the hearing shall be automatically admitted and accepted as exhibits.

The Recording Secretary shall retain all exhibits and mark accordingly.

ARTICLE IX. CONFLICT OF INTEREST

Section 1. A Commission member and Associate member have an obligation to carry out his/her duties for the benefit of the people and accordingly should promote public confidence to avoid the impropriety of a conflict of interest. Conflicts of interest and ethics are addressed in Title 24, Article 18 of the Colorado Revised Statutes. Examples of possible conflicts of interest are:

- a. One who acquires or holds a direct personal interest in a business or undertaking and could be directly and substantially affected economically.
- b. A financial interest in the matter.
- c. Accepting a gift of substantial value or economic benefit, which could be viewed as a bribe.
- d. Using confidential information to further one's personal financial interest.
- e. A personal or private interest in the matter.

Section 2. If a Commission member or Associate member has a private, personal or financial interest in a matter pending before the Commission, the member shall:

- a. Disclose the interest prior to the matter being heard at the meeting.
- b. Abstain from voting on the item and shall leave the hearing room until the matter has concluded.
- c. The Commission member and Associate member shall not discuss the matter privately with other Commission members voting on the matter or, in other words, shall refrain from influencing the outcome of the vote.
- d. Under no circumstances should an announcement of a conflict be interpreted as a means to declare a loss of quorum.

Section 3. If the Commission member's participation is necessary to maintain a quorum or to otherwise enable the Commission to act, he/she may participate if he/she complies with the following disclosure requirements:

- a. Disclose and summarize the nature of the interest prior to the matter being heard at the meeting.
- b. Disclose the interest in writing to the Secretary of State. C.R.S. §24-18-110.

Section 4. The Commission member or Associate member should not obtain employment, within six months of government service, which would allow the Commission member or the Associate member to take direct advantage over others based on his/her direct involvement/decision making powers as a Commission member in a given manner.

Section 5. While all members of the public, elected officials, staff, applicants and their representatives are invited to contact any or all Commission members and Associate members to provide input regarding any matters that may come before the Commission, with respect to quasi-judicial matters, no Commission member or Associate member shall pre-judge or commit to a position or reach a determination on the merits of any quasi-judicial matter prior to the hearing without publicly disclosing the fact and recusing themselves from the official hearing/meeting at which the quasi-judicial matter is presented.

ARTICLE X. MEETING BUSINESS CONDUCT

Section 1. Order of Business.

- a. The Chair shall call the meeting to order and a roll call will be taken.
- b. Reports, announcements.
- c. Consent Agenda.
- d. Old Business.
- e. Regular Agenda.
- f. Review Items to be included on next meeting's agenda.

ARTICLE XI. MEETING PROTOCOL

Section 1. The order of business may be altered by the Chair or by a majority consensus of the Commission at the beginning of the meeting and as circumstances arise.

Section 2. The Chair may allow citizen comment on any matter not scheduled on the agenda, and comments may be limited by the Chair. The Commission may not take immediate action on citizen comments not properly scheduled before the Commission.

Section 3. The Chair may request Commission members and/or speakers to confine comments to the issue(s) under consideration, offer factual information, and to refrain from offering repetitive and cumulative evidence.

Section 4. To avoid over-crowding, the Chair may direct crowds or gatherings as necessary. Groups of citizens may be asked to select a spokesperson to be admitted to speak on their behalf.

Section 5. To maintain decorum and a businesslike atmosphere, the Chair shall establish what types of language and comments will not be considered acceptable. Generally, clapping, shouting and/or other outbursts are inappropriate and may not be tolerated; picket signs are prohibited. The Chair is responsible for enforcing the rules and may interrupt the speaker, and remind the speaker of the rules. If the speaker refuses to cooperate and persists in inappropriate behavior, the Chair may call a recess and have the offending party escorted from the hearing room.

Section 6. The Chair shall decide all questions of order, subject to appeal of the Commission. In case of an appeal from a ruling of the Chair, the questions shall be: "shall the decision of the Chair stand as the decision of the Commission?" If a Commission member violates the rules, the Chair shall call such member to order, in which case the member shall be silent unless permitted to explain.

Section 7. Speakers:

- a. The Chair shall request presentations from Staff and the Applicant(s) who shall both state their names for the record.
- b. Upon completion of the presentations by Staff and the Applicant(s), the Chair may either: call for public comment or call for proponents first and opponents second.
- c. The Commission may address or ask questions of each speaker during and/or upon completion of their presentation. Persons in the audience shall not address any speaker at the podium.
- d. The Applicant may provide rebuttal. If comments are allowed after the rebuttal, then a final rebuttal by the Applicant shall be allowed.
- e. A copy of all exhibits presented as evidence shall be submitted to the Recording Secretary.
- f. The Chair shall instruct speakers to avoid undue repetition of issues.
- g. The Chair may impose time limits for presentation/testimony.

Section 8. Recommendations or actions by the Commission.

The Commission shall find as follows:

- a. Approval of the proposal without conditions.
- b. Conditional Approval of the proposal indicating recommended conditions.
- c. Denial of the proposal and state the reasons for denial.
- d. Continuance of the request to a date and time certain, to an event specific (which shall not be in excess of 180 days), with direction to Applicant as to specific issues that need to be resolved.

Section 9. Closing the Hearing, Commission Decision(s):

- a. Upon closure of the public testimony, the Chair shall declare the meeting closed and request discussion or questions from the Commission. Commission members shall not talk over each other, but rather shall seek permission to speak from the Chair.
- b. A question under consideration, which covers two or more points, shall be divided into separate questions (if possible) upon demand of any Commission member.
- c. The statement of a motion using the words "I move that..." must not be interrupted even if another Commission member intends to amend the motion. The original motion requires a second. Upon receipt of a motion and second, the Chair shall restate the motion, state who made the motion and second, and call for discussion from the Commission members.
- d. Discussion then ensues. The only debate permitted is on the Original Motion.
- e. Any Commission member, staff, applicant, or member of the audience may receive clarification of a motion.
- f. The Chair or other Commission member shall then call the question on the motion, and announce the action noting any votes cast in favor or in opposition.
- g. While the Original motion is on the floor, a member may move to amend it.
 - i. A Motion to Amend requires a second.
 - ii. The motion is read as it would be amended and debate centers on the amendment only.
 - iii. A vote for approval or denial is taken on the amendment.
 - iv. If the amendment fails, then the original motion is once again read and debate continues on the original motion.

- v. If the amendment succeeds, then the original motion as amended is read and debate continues on the amended motion.
 - vi. A final vote is then taken on the motion in its final form. ‘
 - vii. The Chair or other Commission member shall then call the question on the motion, and announce the action noting any votes cast in favor or in opposition.
- h. **Motion to Reconsider.** If any change is desired to an action, a Commission member who voted for the prevailing motion may initiate a motion for reconsideration. A motion to reconsider requires a second and is not amendable. Debate centers on reconsidering the action taken and after debate, a vote is taken. If a majority of the Commission members vote to reconsider, the original motion returns to the floor and debate continues on the original motion. A final vote is then taken on the motion in its final form.
- i. Any Commission member shall have the right to express dissent from or protest against any Commission action, and have the reason entered into the record.
- j. The Chair shall be automatically authorized to execute all necessary documents and orders disclosed during the meeting by personnel to effectuate the intent of the Commission’s action(s) and need not be part of the motion.

Section 10. Voting. Once discussion and debate has concluded, the Chair shall call for a vote.

- a. The Chair shall take the vote by voice call or roll call. Votes in favor shall be “aye” and votes in opposition shall be “no”.
- b. The Chair shall always vote last.
- c. The Chair shall state the result of the vote.
- d. The Chair will allow Commission members to explain their votes, if they so desire.
- e. Tie vote: no recommendation; a tie vote results in failure of the Motion.
- f. A Motion to Approve that fails is denied.
- g. A Motion to Deny that fails needs an affirmative motion to pick up conditions and notations.
- h. Where associated requests are presented simultaneously (e.g., a rezone and plat), if the motion to rezone fails, then there needs to be a motion to Deny on the associated request.
- i. Each Commission member is entitled to one (1) vote.
- j. All voting shall be by voice vote or roll call. Votes in favor shall be “aye” and votes in opposition shall be “no”; if not by roll call, the Chair shall state the motioning and seconding Commission members for the record.
- k. No abstentions are allowed with the exception of a conflict.
- l. Voting shall be required to transact business.
- m. A majority vote of the voting members is required for approval or denial of a given issue.
- n. Should less than a majority of the Commission vote on any application, it shall be the ruling of the Chair/Vice-chair that the necessary quorum for consideration of the application was not present and consideration of the application shall be tabled to the next regularly scheduled meeting of the Commission.
- o. In the event of a tie vote, the motion shall be deemed to have failed.
- p. A Commission member shall refrain from voting on any matter when he/she has not been present to hear and observe all evidence presented and accepted into the record.
- q. It shall be improper for any Commission member to state the vote or sentiments of any absent Commission member.

ARTICLE XII. SEVERABILITY

Section 1. If any section, subsection, sentence, clause, or phrase of these Bylaws is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these Bylaws.

ARTICLE XIII. AMENDMENTS

Section 1. These Bylaws may be amended by majority vote of the Commission, subject to review and approval by the Board.

These Bylaws: approved by the Planning Commission, ratified by the Board, may be amended from time to time and ratified by the Board.

APPROVED, ADOPTED, AND RATIFIED DURING A DULY AND REGULARLY CALLED, NOTICED, CONVENED MEETING AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this ____ day of _____ 2020.

The Board of County Commissioners
Archuleta County, Colorado

ATTEST:

Kristy Archuleta
Archuleta County Clerk and Recorder

Chairman Ronnie Maez

Return Copy to Planning Department