

PLANNING COMMISSION

BYLAWS

August 3, 2020

**CITY OF ARVADA
PLANNING COMMISSION
BYLAWS**

1. MEETINGS

A. REGULAR PLANNING COMMISSION (“COMMISSION”) MEETINGS

The Commission shall meet in regular session on the 1st and 3rd Tuesday of each month provided, however, that if the first of the month falls on a Tuesday, the Commission shall meet on the second and fourth Tuesdays in that month. Meetings shall commence at 6:15 P.M. unless called earlier if requested by the Chair. The Commission may by motion dispense with any regular meeting. The place of meeting shall be the Council Chambers in the Municipal Building unless otherwise designated and properly noticed.

B. SPECIAL MEETINGS

Special meetings shall be called by the Recording Secretary on the written request of the Chair or any two (2) members of the Commission on at least twenty-four (24) hours written notice to each member of the Commission, the City Manager and the Manager of City Planning and Development (“Planning Manager”); but a special meeting may be held on shorter notice and without advance notice to the City Manager if all members of the Commission and the Planning Manager or the Manager’s representative are present or have waived notice thereof in writing.

C. CONTINUED MEETINGS

Any meeting of the Commission may be continued for more than one day, but no continuance shall be for a period longer than sixty (60) days.

D. EXECUTIVE SESSION

The Commission may meet in executive session under the following rules of procedure:

1. An executive session may be convened on a vote by two-thirds of a quorum present at either a regular or special meeting;
2. Attendance at the executive session shall be limited to the members of the Commission and staff members required for advice and information;
3. No formal action shall be taken on any matter under discussion; and
4. The only items which may be discussed are those dealing with: (a) conferences with the Commission's attorney for the purpose of receiving legal advice on specific legal issues; (b) matters required to be kept confidential by federal or state law; (c) consideration of documents protected by the Open Records Act; (d) details of security arrangements or investigations; or (e) personnel matters.

E. QUORUM

A majority of the members of the 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 continue any meeting to a later time or date; and, in the absence of all members, the Recording Secretary may continue any meeting for not longer than two (2) weeks.

F. CANCELING MEETINGS

At a regularly scheduled meeting, the Commission may vote to cancel a future meeting when it has been determined that no business items are scheduled.

In the event a determination has been made by staff that there are no items to be scheduled on the Commission agenda, the Chair may cancel the meeting or any portion of the meeting at his or her discretion. The Recording Secretary shall notify all Commission members of the cancellation.

2. COMMISSION OFFICERS

A. CHAIR

The Chair shall call the meeting to order at the hour appointed for the Commission meeting, and conduct the meeting to its conclusion.

During the absence or disability of the Chair (or when there is a vacancy in the office of Chair), the Vice-Chair shall perform the Chair's duties.

During the absence or disability of the Chair and Vice-Chair (or when there is a vacancy in both offices), the Secretary shall perform the Chair's duties.

If none of the officers are present, then the members present shall select a person among the present Commission members to fulfill the duties of the Chair for the meeting.

B. VICE-CHAIR

The Vice-Chair shall serve as Chair under the conditions described above in paragraph 2A.

C. SECRETARY

The Secretary shall serve notice of the meeting and sign the minutes. Additionally, the Secretary shall serve as Chair under the conditions described above in paragraph 2A.

The Secretary shall also approve the minutes of all meetings, and attest to the signature of the Chair on all documents, where necessary. In the absence of the Secretary, the Vice-Chair or Recording Secretary may sign any documents required to be signed by the Secretary. Commission officers shall perform such other duties as may be required or assigned by the State Statutes, the City Charter, City Ordinances, or these Bylaws.

D. ELECTION OF OFFICERS

The Chair, Vice-Chair and Secretary of the Commission shall be elected for a period of two (2) years. Elections shall occur at the first regular meeting in June of each election year, or at the next regular meeting following the permanent vacation of any officer's seat on the Commission. Such vacancy shall be the first order of business at that meeting and the Planning Manager shall preside until the election of the Chair. Any member may nominate any member (including themselves) to fill the vacant position, 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 in the following order: Chair, Vice-Chair, and Secretary. 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 at the next regularly scheduled meeting.

E. TEMPORARY PRESIDING OFFICER

In the case of the absence of the Chair, Vice-Chair, and Secretary, the Recording Secretary shall call the 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 Chair, Vice-Chair, or Secretary appears.

3. OTHER CITY PERSONNEL

A. OTHER EMPLOYEES IN ATTENDANCE

Other officers and employees of the City attending any session of the Commission shall be under the control and direction of the Chair during such session.

B. RECORDING SECRETARY

A City employee appointed by the Planning Manager shall serve as Recording Secretary of the Commission and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ordered by the Chair, Commission, City Manager, or Planning Manager. The Recording Secretary will prepare summary minutes of each meeting, but the official minutes shall be the recorded transcript of the meeting. The Chair shall sign the summary minutes after approval and correction, and the Secretary shall attest to the Chair's signature. The Recording Secretary shall provide a copy of the summary minutes of all Commission meetings to each member of the Commission, and the City Council.

C. CITY CLERK

Publication of all official notices for the Commission shall be the responsibility of the City Clerk or other City employee appointed to do so by the City Manager.

D. CITY MANAGER

The City Manager or an appointed representative from his or her office may attend all meetings of the Commission. He or she may make recommendations

to the Commission and may take part in discussions on all matters concerning the welfare of the City but shall have no vote in the meetings of the Commission.

E. MANAGER OF CITY PLANNING AND DEVELOPMENT

The Planning Manager or an appointed senior staff member, and designated Planning Staff members shall attend all meetings of the Commission unless excused by the Commission or the City Manager. The Planning Manager shall keep the Commission fully advised as to all matters related to the planning and zoning conditions and needs of the City. The Planning Manager may make recommendations to the Commission and may take part in discussions on all matters coming before the Commission but shall have no vote in the meetings of the Commission.

F. CITY ATTORNEY

The City Attorney shall, either in person or by deputy or assistant, attend all meetings of the Commission. Any member of the Commission may at any time call upon the City Attorney for an oral or written opinion to decide any question of law but not to decide upon any rule of procedure.

G. OTHER CITY PERSONNEL

When the Commission needs to confer with the head of any department or any officer or employee of the City on any matter relating to zoning or planning, the Planning Manager shall be asked to request that such officer or employee attend any regular or special meeting.

4. COMMISSION MEMBERS - DUTIES AND PRIVILEGES

A. OATH

Each newly-appointed Commission member shall take the oath of office at the first regular or special meeting of the Commission after the appointment of such Commission member.

B. SEATING ARRANGEMENT

Members shall occupy the respective seats in the Council Chamber assigned to them by the Chair, but any two (2) or more members may exchange seats by joint written notice to the Chair.

C. DECORUM AND ORDER

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Commission. If a member transgresses the rules of the Commission, the Chair shall call the member to order, in which case they shall relinquish the floor unless permitted to explain. Signs or placards are prohibited in the audience area of the chambers.

D. RIGHT OF APPEAL

Any member may appeal to the Commission, a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal, and the Chair may briefly explain the reason for the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; if not, it is overruled.

E. LIMITATION OF DEBATE

No member shall be allowed to speak more than once on any subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any subject, nor for a longer time than ten (10) minutes, without leave of the Commission.

F. MAKING MOTIONS

No motion presented by any member will require a second except a motion (i) appealing the decision of the chair, or (ii) for the previous question. The Chair will have the same rights and privileges of making motions as any other member.

G. DISQUALIFICATION OF MEMBER

1. No member of the Commission may participate in the debate or vote upon any question in which that member has a direct financial interest, other than the common public interest, or on any question concerning that member's own conduct. Request to be excused from participation in or voting upon a question for any other reason must be made before the vote is taken and shall require the consent of the majority of the Commission present. The requesting member shall state the reason for the request, and the Commission shall thereupon vote on the request without further debate. Any member refusing to vote, except when required to abstain by this paragraph shall be guilty of misconduct in office.
2. All members of the Commission serve at the pleasure of the City Council and may be removed at any time after a vote by the City Council pursuant to Arvada City Code Section 2-78.

H. VOTING; PASSAGE AND FAILURE OF MOTIONS

The vote by "Yes" and "No" shall be taken upon all motions and entered upon the minutes of the Commission proceedings. Any member may explain his or her vote after the motion is made or after the vote is taken. Such explanation shall be recorded in the minutes. A motion shall pass if it receives the affirmative votes of a majority of Commission members present and voting, except that any recommendation for an amendment to the Zoning Ordinance, including any rezoning, shall require the affirmative vote of the majority of all members of the Commission for passage. 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.

I. RECONSIDERATION OF VOTE

Any member on the prevailing side of a vote on a question may move for reconsideration of the question. Such motion for reconsideration will be in order only at the same meeting at which the original vote was taken or the next regular meeting thereafter, provided that the City Council has not yet acted on the Commission's original action. If the motion for reconsideration passes, the Commission will then proceed to reconsider. If the action to be reconsidered is a public hearing, then the matter shall be heard in accordance with notice and public hearing requirements. The Chair may permit additional presentation prior to a vote on the issue at the discretion of the Chair or at the request of a majority of the members of the Commission. If the Commission reconsiders an issue, it may do so by voting on the original motion or by voting on a new motion made in the course of reconsideration. The reconsidered decision shall replace the initial decision as the decision of the Commission. After a motion for reconsideration has once been acted on, no additional motion for reconsideration thereof shall be made without unanimous consent of the Commission.

J. PERSONAL PRIVILEGE

The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned, or impugned.

K. DISSENTS AND PROTESTS

Any member shall have the right to express dissent from or protest against any action of the Commission and have the reason therefor entered upon the minutes of the Commission proceedings. Such dissent or protest must be filed in writing or made orally on the record, couched in respectful language and presented to the Commission not later than the next regular meeting following the date of the action protested; provided, however, that written dissents or protests not received prior to the deadline for inclusion in the materials forwarded to City Council shall not become part of the Commission record. Dissents or protests related to quasi-judicial matters heard by the Commission shall not include references to information or evidence which was not made part of the record presented to the Commission during the public hearing.

L. ATTENDANCE REQUIRED

A written report signed by the Chair and Secretary shall be sent to the City Council concerning any member of the Commission who has three unexcused absences from Commission meetings, for Council determination as to whether this should be cause for removal of that member from the Commission. Such report shall be sent to the Council within three (3) days following such member's third unexcused absence.

M. EXCUSED FROM ATTENDANCE

No member shall be excused from attendance at a Commission meeting except upon roll call and then only by a vote of the majority of the members present. If the majority of members present do not vote to excuse the member from attendance, it shall be considered an unexcused absence.

1. Members shall notify the Chair or City staff at least 48 hours before a meeting for an absence to be considered as an excused absence.
2. In the event of an emergency, members shall notify the Chair or City staff as soon as possible; absences due to an emergency will be considered for excusal without the 48 hour notice requirement. If the emergency prevented the member from contacting anyone prior to the meeting, the Commission may revisit an unexcused absence and vote to determine if the absence should have been excused at the next scheduled business meeting.

N. EXCUSED DURING MEETING

No member may leave the Council Chamber while in regular session without permission from the Chair.

5. COMMISSION PROCEDURE

A. DELIVERY OF AGENDAS, STAFF REPORT AND RELATED MATERIALS

On the Thursday preceding any regular Commission meeting, the agenda showing the order of business, copies of communications, staff reports with supporting documents, and other items relating to the business to be conducted at the meeting will be posted on the City's website, and packets will be available for pickup by the Commission. If the Planning Manager finds that the materials will not be available by the Thursday preceding the meeting, the Recording Secretary shall notify the Commission members that distribution of materials will be late.

B. ORDER OF BUSINESS

The business of all regular meetings of the Commission shall be transacted in the following order unless the Commission, by a vote of at least two-thirds of the members present, shall suspend the rules and change the order. Within each numerical heading, the Commission's agenda shall be arranged by the Planning staff in such manner of which the staff determines to be most appropriate for the agenda items to be heard. The items will be numbered consecutively with the exception that related items will have the same numerical designation but different alphabetic designation.

1. Call to order
2. Pledge of allegiance
3. Roll call of members
4. Approval of summary of minutes of preceding meeting(s)
5. General business
6. Reports
7. Petitions and communications
8. Workshops
9. Public hearings
10. Other items
11. Adjournment

C. CALL TO ORDER

The Chair shall take the chair at the hour appointed for the Commission to meet and shall immediately call the members to order.

D. REGULAR MEETINGS

The Commission may consider agenda items numbered 1-6 at any regular meetings. No public hearing shall be set or heard at any time prior to 6:15 P.M., with the exception of public hearings opened and continued from a previous meeting, and the Commission shall not proceed to consideration of any public hearing prior to the time actually set for such public hearing.

E. CONDUCT OF PUBLIC HEARING

1. Oath. All those desiring to be heard on a particular issue at a regular public hearing before the Commission shall, when called upon by the Chair, attest by sworn oath that all evidence they present will be the truth.
2. Presentation of Evidence. All evidence received by the Commission shall be contained within the confines of the public hearing. The Chair shall declare the public hearing opened and shall receive testimonial and demonstrative evidence into the record.
 - a. Presentation of the Applicant's Case. The applicant and anyone related to the project shall be allowed a maximum of 30 minutes in total to present their case.
 - b. Members of the Public. The Chair may limit the time any individual may speak if necessary to give all persons who have requested to speak an equal opportunity to do so. No person may speak more than once except with the permission of the Chair, and in no event until all persons requesting an opportunity to speak have done so. Members of the public may choose to submit written comments in lieu of speaking at the hearing as long as the comments are received by the cutoff posted by city staff prior to the meeting.
 - c. Following the presentation and public comment, the applicant will be given an opportunity for a ten minute rebuttal.
 - d. After all of the evidence has been taken, the Chair will declare the public comment portion closed, and the question remanded to the Commission for consideration.
 - e. The Chair shall have the authority to make minor modifications to the set time limits when deemed necessary.
3. Commission Consideration. During consideration by the Commission, any Commission member may address questions to any individual. The question must directly relate to evidence presented during the public hearing, and the response will be limited to an answer to the question as stated.
4. Reopening of a Public Hearing. If a public hearing has been opened and continued to another date, or has been closed and the Commission wishes to take additional evidence prior to a vote or a reconsideration of a vote, the Chair may reopen the public hearing for purposes of taking such

additional evidence. The Chair may limit the scope of such evidence to be taken. If a public hearing is reopened and additional evidence is taken, all such additional evidence shall be incorporated into the original public hearing record.

5. Verbatim Transcripts. A motion to instruct staff to prepare a verbatim transcript of all comments and debate by the Chair and Commission members regarding any motion may be made by the Chair or any member of the Commission. A motion for a verbatim transcript is not debatable. The motion shall pass if a majority of the members of the Commission present and voting vote in favor of the motion. A motion for a verbatim transcript may only be made during the regular or special meeting of the Commission. A unilateral decision by the Chair to request a verbatim transcript may be appealed pursuant to Bylaw 4.D. Verbatim transcripts may be requested at any time by the Planning Manager or the City Attorney if necessary to perform their respective duties.

F. MEETINGS EXTENDING PAST 11:00 P.M.

At 11:00 P.M., if the regular meeting of the Commission has not previously been adjourned, all public hearings not previously considered shall be opened and continued to another date. Further proceedings shall not extend beyond thirty (30) minutes after 11:00 P.M. and shall be limited to the business then under consideration and no other. All other matters remaining on the agenda shall be continued to another date.

G. COMMUNICATIONS

Unsigned communications shall not be introduced before the Commission; electronic signature shall be acceptable for purposes of this Section. All correspondence presented to the Commission must include the author's name and address in order to be considered by the Commission. Any correspondence relating to a scheduled agenda item must be received by the Recording Secretary no later than 5:00 P.M. one (1) day prior to the day of the scheduled meeting.

H. PRECEDENCE OF MOTIONS

When a question is before the Commission, no motion shall be entertained except: (a) to fix the hour of adjournment, (b) to adjourn, (c) to lay on the table, (d) for the previous question, (e) to postpone to a certain day, (f) to refer, (g) to amend, and (h) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend or a motion to postpone indefinitely, shall be put to vote without debate.

I. MOTIONS TO BE STATED BY CHAIR

When a motion is made, it shall be stated by the Chair before debate. A motion may be withdrawn by the movant without the approval of the Commission at any time prior to a call for a vote on the motion.

J. MOTION TO ADJOURN; WHEN NOT IN ORDER; NOT DEBATABLE

A motion to adjourn shall be in order at any time except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time at which the meeting is adjourned.

K. MOTION TO LAY ON TABLE

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member and with the consent of a majority.

L. THE PREVIOUS QUESTION

The previous question is the motion used to bring the Commission to an immediate vote on the issue at hand. When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main questions be now put?" There shall then be no further amendment or debate, but pending amendments shall be put in their order before the main questions. If the question "Shall the main question be now put?" is decided in the negative, the main question remains before the Commission, and debate shall continue.

M. DIVISION OF QUESTION

If the question contains two or more divisible propositions, the Chair may, and upon request from a member shall, divide the same.

N. AMEND - TO STRIKE OUT, ETC.

On an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

O. AMENDMENT OF AN AMENDMENT

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

P. MOTION TO POSTPONE OR CONTINUE

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost. All motions to continue shall be to a date certain.

Q. PROCEDURE IN ABSENCE OF RULE

In the absence of a rule to govern a point of procedure, reference shall be made to Robert's Rules of Order Revised.

R. RECESS

A recess may be called at any time either by the Chair 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.

6. **MISCELLANEOUS**

A. PRIVILEGES OF FLOOR

No persons except members of the Commission, City officials named in these Bylaws, or persons invited by the Chair of the Commission or by vote of the Commission shall be admitted within the bar of the Council Chamber, and the City Manager may direct the Chief of Police to cause this rule to be rigidly enforced.

B. PERMISSION REQUIRED TO ADDRESS COMMISSION

Except during a public hearing, persons other than members of the Commission and City officials shall not be permitted to address the Commission except upon recognition by the Chair. Any Commission member may request the Chair to recognize any person other than a City official. If permission is not granted, the decision of the Chair may be appealed in the manner prescribed in Bylaw 4.D.

C. SUSPENSION OF BYLAWS

Any provision of these Bylaws not governed by the Charter, Code, State Statute, Zoning Ordinance, or Subdivision Regulations may be temporarily suspended at any meeting of the Commission by a majority vote of all members of the Commission.

D. AMENDMENT OF BYLAWS

These Bylaws may be amended or new Bylaws adopted by a vote of at least five (5) members of the Commission. Any such alterations or amendments shall be submitted in writing at the regular meeting preceding their adoption, and they shall be placed on the agenda under the order of General Business. This requirement shall be waived only by unanimous consent with a recorded vote of all members.

Approved this 10th day of August, 2020

T.O. Owens

T.O. Owens, Chair

ATTEST:

Patricia Connell

Patricia Connell, Secretary