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RESOLUTION NO. 22-285

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO APPROVE AND ADOPT AMENDMENTS TO
THE EL PASO COUNTY PLANNING COMMISSION BYLAWS**

WHEREAS, pursuant to C.R.S § 30-28-103, the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board" or "County"), has the authority to appoint citizens to serve as members on an advisory Board known as the El Paso County Planning Commission (hereinafter "Planning Commission"); and

WHEREAS, pursuant to C.R.S § 30-28-104, the Planning Commission has the authority to adopt such rules and regulations governing its procedure as it may consider necessary or advisable, which rules and regulations in the form of Bylaws must be approved and adopted by the Board; and

WHEREAS, the El Paso County Planning and Community Development Department requested amendments to the El Paso County Planning Commission Bylaws, Revised May 17, 2022; and

WHEREAS, the Planning Commission Bylaws were last updated in May 2022, and upon the recommendation of County staff and the Executive Director of the Planning and Community Development Department, amendments to the Bylaws are deemed necessary; and

WHEREAS, Article XVIII, Amendments, of the Bylaws states: "These Bylaws may be amended by majority vote of the Commission, subject to review and approval by the Board"; and

WHEREAS, a Public Hearing was held by the Planning Commission on July 21, 2022, to consider the requested Amendments to the Bylaws, which are attached hereto at Exhibit A and incorporated herein by this reference, and the Planning Commission adopted said Amendments and directed the Planning and Community Development Department to forward said Amendments to the Board of County Commissioners with its recommendation that the Board approve said Amendments.

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NOW, THEREFORE, BE IT RESOLVED that the Board accepts the recommendation of the Planning Commission and hereby approves and adopts the 2022 Amendments to the El Paso County Planning Commission Bylaws, Revised August 23, 2022, as set forth in Exhibit A attached hereto.

BE IT FURTHER RESOLVED, that Stan VanderWerf, duly elected, qualified member and Chair of the Board of County Commissioners, or Cami Bremer, duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 23rd day of August, at Colorado Springs, Colorado.

ATTEST:

By:

Chuck Bremerian
Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:

Stan VanderWerf, Chair

A handwritten signature in black ink, appearing to read 'Stan VanderWerf', is written over a horizontal line. The signature is fluid and cursive.

**EL PASO COUNTY
PLANNING COMMISSION
BYLAWS**

These Bylaws of the El Paso County Planning Commission are adopted by the Board of County Commissioners of El Paso County pursuant to the provisions of Article 28, Title 30, C.R.S. effective August 16, 2022. All previous versions of these Bylaws are hereby repealed.

ARTICLE I. PURPOSE AND AUTHORITY

The El Paso County Planning Commission (hereinafter "Commission") is advisory to the Board of County Commissioners on land use requests with the exception of County Master Plan issues and Location Approvals, which decisions of the Commission are final. In addition, the Commission is authorized to adopt rules and regulations governing its procedures as contained in the Appendix of these bylaws pursuant to §30-28-104(1), C.R.S., Roberts' Rules of Order, and such additional authority and powers as are lawfully conferred upon it by the El Paso County Board of County Commissioners (hereinafter "Board" or "Board of County Commissioners").

ARTICLE II. COMMISSION MEMBERS

Section 1. The Board of County Commissioners shall appoint Citizens to be Commission members at or before the annual organizational meeting of the Commission, which is held the third Thursday in the month of May of the calendar year, or at such other times as necessary and appropriate to fill vacancies caused by resignation, removal, death or incapacity. §30-28-103(1), C.R.S.

Section 2. Each member of the Commission shall be a resident of El Paso County and at least eighteen (18) years of age. §30-28-103(2), C.R.S.

Section 3. The Board of County Commissioners may also appoint members, to be known as Associate members, which members shall meet the requirements of Section 2 herein. In the event a Commission member is unable to attend a meeting or is unable to act for any reason due to absence, illness, interest in any matter before the Commission, or any other cause, the Commission Chairperson ("Chair") may designate an Associate member to serve in the role of a Commission member. §30-28-103(3), C.R.S.

Section 4. Pursuant to §30-28-103(1) C.R.S., the Board has determined that there will be nine (9) Planning Commission members and up to five (5) Associate members.

ARTICLE III. DUTIES

The Commission shall perform the following duties, including, but not limited to:

Section 1. Elect a Chair in accordance with §30-28-104(1), C.R.S. and a Vice-Chair.

Section 2. Adopt rules and regulations governing its procedure as it may consider necessary or advisable as contained in the Appendix of these bylaws. §30-28-104(1), C.R.S.

Section 3. Make and adopt a Master Plan in part or in its entirety, and amend or augment the Master Plan as it may consider necessary or advisable. §30-28-106, C.R.S.

Section 4. Recommend approval or disapproval of, or make recommendations on, rezoning, petitions a/k/a applications. §30-28-112, C.R.S. For purpose of these Bylaws, use of terms “petition” and “application” and “petitioner” and “applicant” is interchangeable.

Section 5. Develop, propose and recommend subdivision regulations. §30-28-133, C.R.S.

Section 6. Review and recommend to the Board for its consideration all plats of Subdivisions. §30-28-133(3)(c), C.R.S.

Section 7. Certify copy of the plans for zoning to the Board. §30-28-112, C.R.S.

Section 8. Approve the proposed location and extent of roads, parks, or other public ways, and public utilities, whether publicly or privately owned. §30-28-110(l)(a), C.R.S.

Section 9. Utilize expert advice and information from all appropriate and authorized officials, departments, and agencies having information, maps, and data pertinent to county planning or zoning. §30-28-104(1)(2), C.R.S.

Section 10. 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 pursuant to §30-28-104(2), C.R.S.

ARTICLE IV. TERMS

Section 1. Not less than three (3) nor more than nine (9) Commission members shall serve a term of three (3) years. Terms of office shall be staggered resulting in approximately one-third (1/3) of the members’ terms expiring each year. Upon expiration of his or her term, a member may apply for reappointment in accordance with Board of County Commissioners rules and procedures. A Commission member who is appointed by the Board of County Commissioners and has not previously served as a Commission member or Associate member must attend three (3) meetings and complete Orientation prior to participating in the voting process. The only exception to this rule is that a new Commission member may participate in the voting process if needed to meet a quorum.

Section 2. Associate members shall serve a term of one (1) year. An Associate member must attend three (3) meetings and complete Orientation before participating as a Commission member during a Planning Commission meeting. In order for a quorum to be met, an Associate member may be appointed to fill in for a Commission member as needed. Associate members may apply for reappointment when their term expires in accordance with Board of County Commissioners rules and procedures.

ARTICLE V. COMPENSATION

Members of the Commission, including Associate members, shall receive such compensation as may be fixed by the Board of County Commissioners. The Board shall reimburse Commission members and Associate members for actual expenses incurred in the performance of their duties. §30-28-103(3), C.R.S.

ARTICLE VI. VACANCIES

Section 1. When vacancies occur in the Commission, the Board of County Commissioners shall fill the vacancies through appointments. The Board will generally announce vacancies on its website, by notifying the local media, by advertising in a newspaper of general circulation in the County, or by such means they deem appropriate. Interested citizens must submit a written application to the Board to fill this vacancy. The Board decides when to re-advertise and/or re-interview for an appointment.

Section 2. All Commission members and Associate members shall serve full terms as defined in Article IV.

ARTICLE VII. REMOVAL

The Board shall have the 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. §30-28-103(3), C.R.S.

ARTICLE VIII. OFFICERS

Section 1. At the annual organizational meeting the Commission members shall elect new officers, unless the Commission votes to delay the election. The following officers shall be elected from Commission members only:

Chair
Vice-Chair

Each Officer shall hold office for a term of one (1) year or until their successor is duly elected or until their death, incapacity, resignation or removal. Officers may be elected to successive terms.

Section 2. A majority of affirmative votes is required to elect each officer.

Section 3. Any vacancy in any office may be filled by the Commission pursuant to Section 2.

ARTICLE IX. POWERS AND DUTIES - OFFICERS

Chair

The Chair's role is to see that all meetings and debates are conducted in a smooth, orderly, and expeditious manner. The duties of the Chair include but are not limited to the following:

Section 1. Preside at all meetings of the Commission and conduct meetings in accordance with these Bylaws and its Appendix, and in conformity with State laws, Roberts Rules of Order and any other rules adopted by the Board of County Commissioners.

Section 2. Call special meetings of the Commission, as needed, in accordance with these Bylaws and in conformity with State laws, Roberts Rules of Order and any other rules adopted by the Board of County Commissioners.

Section 3. Ensure that a record of the proceedings of all meetings is made and kept by the Clerk, which shall be open to the public for inspection at all times. §30-28-104(1), C.R.S. The "Official" record is the digital recording.

Section 4. The Chair may place reasonable time limitations on debate to preclude or limit public testimony including discussion by Commission members.

Section 5. Sign the documents of the Commission.

Section 6. See that all actions of the Commission are properly taken.

Section 7. Cancel regular meetings/hearings for cause: including but not limited to, absence of quorum, absence of an agenda, meeting/hearing date falls on a holiday, meeting location building closure, or hazardous weather conditions.

Section 8. After conducting a Commission meeting, ensure certified copies of the plans for zoning are submitted to the Board for its consideration.

Vice-Chair

Section 9. The Vice-Chair shall assume the duties of the Chair in their absence.

Clerk

Section 10. The Commission shall have a Clerk to the Commission who shall be appointed by the Planning and Community Development (PCD) Director or the Director's designee to be present at all meetings of the Commission. The duties of the Clerk are to:

- a. Keep the records and minutes of the Commission public meetings.
- b. Prepare Resolutions of the Commission meetings.
- c. Prepare, record, certify and distribute the Commission public meetings agenda, copies of the minutes of the previous meetings, and copies of the Board meetings which relate to items previously heard by the Commission.
- d. Act as Custodian of Records for the Commission.
- e. Sign and certify documents.
- f. Assist the Commission as may otherwise be properly required by the PCD Director.

ARTICLE X. QUORUM

Section 1. A quorum for the transaction of business at any regular or special meeting of the Commission shall be five (5) Commission members, although the objective is to have nine (9) voting members on each issue. Eligible Associate members may be designated to serve as Commission members when necessary to obtain a quorum or to bring the number of voting members to nine (9).

Section 2. In the absence of a quorum, the Chair, Vice-Chair or presiding member shall terminate any scheduled meeting.

Section 3. For a meeting that has not been convened due to a lack of a quorum, the Chair, Vice-Chair, or presiding member shall instruct the Planning and Community Development Staff to reschedule the meeting to the next regularly scheduled meeting of the Commission or unless otherwise continued to a date and time certain or to an event specific.

Section 4. A public notice of such continuance and rescheduling shall be posted on the bulletin board of Centennial Hall, 200 South Cascade Avenue, Suite 100, Colorado Springs, Colorado or other place designated by the Commission.

Section 5. Republication of hearing notices shall not be required if the meeting is continued for lack of quorum or other inability to hold meetings including, but not limited to, building closures.

Section 6. Commission members and Associate members may attend Commission meetings virtually and have their attendance counted toward quorum provided that such members can properly view exhibits and presentations, hear speakers, and be heard.

ARTICLE XI. CONFLICT OF INTEREST

Section 1. Commission members and Associate members have an obligation to carry out their duties for the benefit of the people of El Paso County and accordingly should promote public confidence by avoiding 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, but not limited to:

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

Section 2. If a Commission member or an 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 leave the hearing room until the matter has concluded.
- c. Not discuss the matter privately with other members voting on the matter or otherwise attempt to influence the outcome of the vote.

- d. Commission members and the Associate members should not obtain employment within six months of government service which would allow them to take direct advantage over others based on their direct involvement or decision-making powers as a Commission member in a given matter.
- e. Commission and Associate members should avoid discussing a quasi-judicial matter with anyone other than PCD staff or the County Attorney's Office prior to the meeting at which such matter will be heard. If a Commission or Associate member receives any written or email communication regarding a pending quasi-judicial matter, they shall forward such communication to the Clerk for distribution to all other Commission and Associate members. No Commission 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 meeting. If they are unable to do so, they must recuse themselves from the meeting at which the quasi-judicial matter is presented.

ARTICLE XII. VOTE

Section 1. The following governs the standards/procedures when voting:

- a. Each Commission member is entitled to one (1) vote.
- b. All voting shall be by voice vote or roll call. Votes in favor shall be "aye" and votes in opposition shall be "no".
- c. No abstentions are allowed with the exception of a conflict (see Article XI, Section 2(b)).
- d. Voting shall be required to transact business.
- e. A majority vote of the voting members is required for approval or denial of a given issue.
- f. In the event of a tie vote, the motion being voted on shall be deemed to have failed.
- g. A Commission member shall refrain from voting on any matter when they have not been present to hear and observe all evidence presented and accepted into the record.
- h. It shall be improper for any Commission member to state the vote or sentiments of any absent Commission member.
- i. Follow Roberts Rules of Order procedures - see Appendix.

ARTICLE XIII. MEETINGS

Section 1. Annual Meeting.

The annual meeting shall be held the third Thursday in May each year. Election of Officers shall take place at this meeting.

Section 2. Regular Meetings.

- a. Commission meetings are held on the first and third Thursday of each month, as needed, at 9:00 AM at the Pikes Peak Regional Building Center, 2880 International Circle Colorado Springs, Colorado, or other such location specified by the Commission.
- b. In the event a regularly scheduled meeting date shall fall on a holiday recognized by the County, the meeting shall be held on the following Thursday of the month, (example: meeting 3rd Thursday falls on Holiday, meeting will be held on 4th Thursday).
- c. In the event a regularly scheduled meeting is canceled for cause (see Article IX, Section 7), all items on the agenda shall be deemed continued to the next meeting date without the need for further action. In the event the Chair reschedules the meeting to a different date or location as they deem appropriate, all legal notice requirements shall be met.
- d. If all agenda items cannot be disposed of on the day set, the Commission may adjourn a regular meeting without further notice and agenda items not heard will be continued to the next regularly scheduled meeting. Further advertisement and publication is not required.

Section 3. Special Meetings.

- a. Special meetings may be called by the Chair with concurrence of a majority of the Commission.
- b. Special meetings may be held at a time other than the regularly scheduled meeting agreed upon by a majority of the Commissioners.
- c. Study 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.
- d. Notice of special meetings shall be made public at least one (1) week in advance and shall include the date, time and place of the meeting and the subject matter to be considered.

Section 4. Executive Sessions.

- a. The Commission shall hold any executive session prior to adjournment of an official meeting. The custodian for executive session records is the County Attorney. Without prior public notice, the Chair may call for a vote of the Commission to recess into executive session at any time during a regularly scheduled meeting as circumstances arise. The Chair may schedule and announce a time for the Board to reconvene.
- b. Prior to convening in executive session, the County Attorney or Chair shall announce the topics to be discussed, including the specific statutory citations, and identify the particular matter to be discussed in as much detail as

possible without compromising the purpose for which the executive session is authorized.

- c. No formal or final action may be taken in executive session. If formal action is required, the matter shall be either immediately voted upon in open session or ratified at a subsequent properly noticed public meeting. The discussion on the record at the open meeting must indicate what policy considerations and motivations led to the final decision.
- d. Holding an executive session requires a 2/3 affirmative vote. If a motion to enter executive session fails, the request may be withdrawn or the issue may be discussed during the open meeting.

Section 5. Recesses and Adjournments

- a. The Chair may recess a meeting rather than adjourn to enable the Commission to convene another meeting to consider other matters or to convene in executive session.
- b. The Chair may call a recess of the Commission at any time and may announce an approximate time for the Commission to reconvene.

Section 6. Acting Chair

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.

Section 7. Virtual/Electronic Meetings

Any Commission meeting may be held virtually or electronically by order of the Chair in accordance with the following:

- a. All legal notice requirements shall be met and the public notified of the virtual or electronic nature of the meeting.
- b. The agenda shall identify the virtual or electronic platform and provide instructions for the public to listen and participate.

ARTICLE XIV. CONTINUANCE OF AGENDA ITEM

Section 1. An Applicant or their representative may request to continue an agenda item until a definite date or until the occurrence of a certain event and a motion to continue the item shall be made by the Commission. Once continued, the agenda item shall be heard by the Commission on the definite date or upon occurrence of that certain event. If an agenda item is continued until occurrence of an event, it will be scheduled for the next regularly scheduled Commission meeting after written notification is received by the Planning and Community Development Department of such occurrence.

Section 2. If the Commission is unable to make a decision regarding an agenda item due to a lack of information such as specific evidence, studies, documentation, or other additional

information, the Commission may move to continue the action, specifically stating the reasons for the continuance. The agenda item will be continued until the next regularly scheduled meeting or to a definite date without further notice to affected parties or posting of the property.

Section 3. If the Applicant or their representative is not present for an agenda item, the Commission may either continue the matter to the end of the meeting, continue the matter to a date certain, or deny the application. The Commission may act on Consent Agenda items without the Applicant or a representative being present.

Section 4. No agenda item shall be continued by the Planning Commission in excess of one hundred eighty (180) days unless the Planning Commission grants an extension. Any agenda item continued in excess of one hundred eighty (180) days without an extension shall be considered withdrawn.

Section 5. The Planning Commission shall not continue an agenda item more than two (2) times. Following the second continuance, the Commission must take an action to approve or deny.

ARTICLE XV. POSTINGS

Section 1. Pursuant to C.R.S. §24-6-401, *et seq.* (Open Meetings Law), the Commission shall designate by resolution the posting locations of public meetings requiring public notice and the official custodian of the minutes of the public meetings at the first regular meeting of each calendar year.

Section 2. Unless otherwise designated, the posting location of the Commission's public meetings requiring prior public notice shall be the designated bulletin board located at Centennial Hall, 200 South Cascade Avenue, Suite 100, Colorado Springs, Colorado..

Section 3. Notice of the date and place of the meeting of all applicable petitions shall be posted in a conspicuous place on the property site in accordance with the El Paso County Land Development Code.

Section 4. Documents requiring posting in compliance with the Open Meetings Law will be forwarded by the Clerk to County Administration for posting.

ARTICLE XVI. SEVERABILITY

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 XVII. CONDUCT OF BUSINESS

In order to ensure that the public meetings and debate run in a smooth, orderly, and expeditious manner, the Commission is to employ Robert's Rules of Order while conducting its meetings. See Appendix for further detail.

ARTICLE XVIII. AMENDMENTS

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

APPENDIX

A. ORDER OF BUSINESS

1. The Chair shall call the meeting to order.
2. The Chair introduces Commission members and appoints voting members.
3. The Chair calls for Reports.
4. The Chair calls for Public Comment on Items Not Listed on the Agenda
5. Consent Agenda
6. Regular Agenda (At the discretion of the Chair, in the absence of public testimony or to address specific issues, regular agenda items may be presented in an abbreviated manner.)

B. HEARING RULES

1. The Chair shall call for or read the Agenda Item into the record. (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).
2. The Chair may allow citizen comment on any matter not scheduled on the agenda, which comments shall be limited to five (5) minutes per speaker. The Commission may not take immediate action on citizen comments that are not properly scheduled before the Commission.
3. The Chair may request Commission members and/or speakers to confine comments to the issues under consideration, offer only factual information, and refrain from offering repetitive and cumulative evidence.
4. To avoid over-crowding of the meeting room and violation of the fire code provisions, the Chair or other assigned representative shall direct large crowds or gatherings as necessary. Groups of citizens may be asked to select a spokesperson to be admitted to speak on their behalf in the main hearing room with the remaining members to be seated in an adjacent room with live audio broadcasting of the hearing. Live audio capability and additional seating may not be available at other locations.
5. To maintain decorum and a businesslike atmosphere, the Chair shall establish the types of language and comments considered acceptable. Generally, clapping, shouting 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 to 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 by Security Staff.
6. The Chair shall decide all questions of order, subject to appeal to 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.

C. INSTRUCTIONS TO SPEAKERS

1. The Chair shall request presentations from Staff and Applicants. Applicants shall sign in and verbally state their name and their interest in the matter.
2. Upon completion of the presentations by Staff and Applicants, the Chair shall call for public comment by those desiring to speak to the Commission, in the following order:

First

Those persons providing testimony or evidence in support of the request. All individuals who wish to address the Commission must first sign their name on the attendance sheet, which is placed next to the podium, and state their name, place of residence, and who they are representing in the matter. Persons participating virtually or electronically shall provide this information to the Clerk.

Second

Those persons providing testimony or evidence in opposition to the request. All individuals who wish to address the Commission must first sign their name on the attendance sheet, which is placed next to the podium, and state their name, place of residence, and who they are representing in the matter. Persons participating virtually or electronically shall provide this information to the Clerk.

3. All speakers shall address all comments to the Commission and avoid addressing comments or questions to the Applicant or Staff. The Commission may address or ask questions of each speaker during and upon completion of their presentation. Persons in the audience shall not address any speaker at the podium or the Commission.
4. The Applicant may provide rebuttal. If comments are allowed after the rebuttal, then a final rebuttal by the Applicant shall be allowed.
5. . The Chair shall instruct speakers to avoid undue repetition of issues.
6. . The Chair may impose time limits for presentation and testimony.

D. CLOSING THE HEARING. COMMISSION DECISIONS

1. Upon closure of the public testimony, the Chair shall declare the hearing 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.
2. A question under consideration which covers two or more points shall be divided into separate questions (if possible) upon demand of any Commission Member.
3. Where associated requests are presented simultaneously (i.e., a rezone and plat), each request must be acted upon by the Commission individually.
4. 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 Commission members.

5. Discussion then ensues. The only debate permitted is on the Original Motion. Any Commission member, staff, applicant, or member of the public may receive clarification of a motion. 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.

6. Amendments to the Original Motion. While the Original motion is on the floor, a member may move to amend it. A Motion to Amend requires a second. The motion is read as it would be amended and debate centers on the amendment only. A vote for approval or denial is taken on the amendment. If the amendment fails, then the original motion is once again read and debate continues on the original motion. If the amendment succeeds, then the original motion as amended is read and debate continues on the amended motion. A final vote is then taken on the motion in its final form. 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.

7. 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.

8. 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.

9. 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 actions and need not be a part of the motion.

E. VOTING

Once discussion and debate has concluded, the Chair shall call for a vote:

1. The Chair shall take the vote by roll call. Votes in favor shall be "aye" and votes in opposition shall be "no".
2. The Chair shall always vote last.
3. The Chair shall state the result of the vote.
4. The Chair will allow Commission members to explain their votes, if they so desire.
5. If a Motion to Approve fails by a majority vote, the application is deemed denied. If a Motion to Approve fails by a tie vote, a NO RECOMMENDATION result shall be forwarded to the Board.

6. If a Motion to Deny fails by a majority vote, a Motion to Approve must pass to pick up conditions and notations. If a Motion to Deny fails by a tie vote, a NO RECOMMENDATION result shall be forwarded to the Board.

7. On matters for which the Planning Commission is the final decision-maker, such as master plan approvals and amendments and approvals of location, a tie vote shall result in denial of the application.

F. RECOMMENDATIONS OR ACTIONS BY THE COMMISSION

1. The Commission shall take one of the following actions with respect to agenda items requiring a vote:

- a. Approval of the proposal without conditions.
- b. Conditional Approval of the proposal indicating recommended conditions and notations.
- c. Denial of the proposal, stating the reasons for denial.
- d. No Recommendation (in the event of a tie vote).
- e. Continuance of the request pursuant to Article XIV of these Bylaws.

G. CONSENT AGENDA ITEMS

- 1. The Chair announces that certain applications may be considered as Consent Items.
- 2. The Chair requests comments from the audience. If there are significant concerns with the agenda item being considered, it may be removed from the Consent Agenda and heard as a Regular Agenda item. A Commission member may request that an agenda item be removed from the Consent Agenda and heard as a Regular Agenda item.
- 3. The minutes shall be scheduled on the Consent Agenda for the Commission's consideration and approval. If a Commission member requests the minutes to be set aside for amendment, the Clerk shall review the record of the proceedings and consult the County Attorney as necessary, and the Commission shall either approve the minutes as amended or schedule any amended minutes on a future Consent Agenda.
- 4. If there are no concerns, the Chair will call for a Motion to approve or accept Consent Agenda items.
- 5. The Commission may take action on Consent Agenda items without the Applicant being present.

H. AGENDA MATERIALS AND EXHIBITS

- 1. A copy of all exhibits, including but not limited to charts, maps, pictures, letters, and any other demonstrative evidence, presented during the hearing shall be automatically incorporated as part of the record unless specific objections are raised at the hearing.

2. All documents referenced or tendered at the hearing shall be automatically admitted and accepted as exhibits unless specific objections are raised or Commission direction is given at the hearing.

3. The Clerk shall mark and retain all exhibits. Persons requesting to have such exhibits released may do so after a period of 30 days from the meeting, unless required for subsequent public hearing.