

MEMMO

To: City Council

From: Planning Commission

Subject: Comprehensive Plan - Unanimous Request for Creation of a Subcommittee for Retention of a Consultant and Associated Appropriation of Funds

Date: November 20, 2023

The Planning Commission was most recently called upon on October 3, 2023, to provide a recommendation to the City Council on the adoption of a Comprehensive Plan.

Request of City Council

In order to fulfill our duties and obligations as set forth in the City Charter, the Commerce City Revised Municipal Code, and the Land Development Code, the Planning Commission collectively and unanimously ask the City Council to:

1. Create a subcommittee, reportable to the Planning Commission, comprised of two members of the Planning Commission as delegated by the Planning Commission, and one member of City Council, as delegated by City Council, with the purpose of reviewing and making a recommendation to the Planning Commission as to the retention of an external consultant (or other appropriate entity); and
2. Authorize the procurement of an external consultant (or other appropriate entity) to provide guidance and training pertaining to the Planning Commission's duties and responsibilities, including but not limited to review and recommendations to the City Council on the master plan, i.e. Comprehensive Plan, to be supported by an appropriation of funds for budget year 2024.

Basis of Request

The Planning Commission submits the following as the basis for this request.



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The Planning Commission is charged with particular and specific powers, duties and functions. Charter at sec. 103. These include:

- a. To make, amend, and add to the master plan for the physical development of the city as defined in section 10.7. Charter at sec. 10.3(a)(1).
- b. To make and adopt plans for the replanning, improvement, and redevelopment of areas in the city. *Id.* at sec. 10.3(a)(7).
- c. To exercise such powers, duties and functions not otherwise required by this Charter or by ordinance, as are set forth in the general law of Colorado for the planning commission. *Id.* at sec. 10.3(a)(9).

The expertise and experience of the individual commissioners standing alone is insufficient to adequately and professionally accomplish those duties with which we are charged. In fact, those individual experiences are not intended to be solely relied upon. We desire to provide the City Council with well-informed and defensible recommendations on all matters coming before this body and upon which the City Council relies. This requires further training and external consultation. Nevertheless, our authority to directly seek assistance is limited by that authority which is specifically granted to us as well as those limitations otherwise set forth in the Charter, Commerce City Revised Municipal Code (CCRMC), the Land Development Code (LDC) and City Council Policies. We recognize our reliance and collaboration upon the City Council in our efforts to seek outside assistance.

The planning commission is organized and constituted as provided by Charter. It shall have all the powers, duties, and functions that are ascribed to it by Charter, ordinance or other action of the city council. CCRMC Sec. 2-3001(a). “Organization and powers.” (emphasis added)



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The planning commission is organized and constituted as set forth in chapter X of the charter. It shall have those powers, duties, and functions that have been ascribed to it in the charter as well as those delegated to it by ordinance of the city council. LDC Sec. 21-2110. – Planning Commission.

The Planning Commission further recognizes and respects the role of the City Manager with regard to the Planning Commission.

The city manager or his authorized representative shall serve in an advisory capacity to the planning commission. Charter at sec. 10.1(f)

To request the city manager to contract with city planners and other consultants for services as it may require within its budget appropriations. Charter at sec. 10.3(a)(6).

At the same time, we are obligated to perform our duties and meet our obligations to the City Council independently as we are not a part of any city department. “The planning commission shall be responsible solely to the council and shall not be considered a part of any city department.” Charter at 10.3(e).

Finally, the Planning Commission recognizes the limits placed on it, the City Council and City Staff with regard to the Planning Commissions resources to accomplish its mandated purposes. These limitations include, inter alia, the manner in which the Planning Commission deals with persons under the City Manager’s supervision (see Charter sec. 7.6) and as well as the limitations on contracting (*See* CCRMC 2-4201), and procurement (*See* Procurement Manual (3/30/15) and Procurement Policy (12/10/2020)).

Together, these legal parameters dictate that we adhere to a collaborative process with City Council and the City Manager while respecting the Code and City Policy to accomplish our mandated responsibilities. As such, we are seeking the creation of a committee that is inclusive



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of a City Council representative, the procurement of an external consultant, and a future appropriation of funds to accomplish the aforementioned purposes, all while committing to work collaboratively with the City Manager to expeditiously provide educated and meaningful recommendations to the City Council with regard to the development of the City and the Comprehensive Plan for the future.

Respectfully submitted,



Andrew Amador, Chairperson

By and on behalf of the Planning Commission, individually and as a body:

Dennis Cammack

Garret Biltoft

Angela Vandijk

Roger Japp