

**CITY OF COMMERCE CITY  
PLANNING COMMISSION  
BY-LAWS AND RULES OF PROCEDURE**

A. Applicability of Rules:

In addition to the Charter and Ordinances of the City of Commerce City and applicable state statutes, these rules shall govern all proceedings before the Commission of the City of Commerce City. If there is any conflict between these rules and the above-cited laws, the laws shall prevail. These rules replace and supersede any previously adopted bylaws or rules of procedure.

B. Officers:

1. Officers of the Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary. At its first regular meeting of an odd-numbered calendar year, the Commission shall elect one of its members to be Chairperson and one of its members to be Vice-Chairperson, for a two-year term. In the event that either position becomes vacant before the end of the term, the Commission shall elect a regular member to serve as Chairperson or Vice-Chairperson until the end of the term. If the position of Chairperson becomes vacant before the end of the term, the Vice-Chairperson shall become Chairperson until the end of the term, and the Commission shall elect a member to become Vice-Chairperson until the end of the term. No member shall be eligible for election as Chairperson or Vice-Chairperson unless that member has previously served at least one year as a member of the Commission; provided, however, that if no member is so eligible, the Commission shall elect the member it deems best qualified. Elections shall be by secret ballot, conducted by the Secretary. The City Manager shall designate a member of City Staff to serve as Secretary. The Secretary shall not have a vote in the proceedings of the Commission.
2. Temporary Chairperson. In the case of the absence of the Chairperson and the Vice-Chairperson, the Secretary shall call the Commission to order and call the roll of members. If a quorum is found to be present, the Commission shall choose, by a majority vote of those present, a Chairperson of the meeting to act until the Chairperson or Vice-Chairperson appears.
3. The Chairperson shall preside at all meetings, shall rule on all points of order or procedure and on the admissibility of evidence, unless, on motion duly made, the Chairperson is overruled by a majority vote of the members present. The Chairperson shall sign required documents for proceedings of the Commission over which the Chairperson presided.
4. The Vice-Chairperson shall assume the duties of the Chairperson in the Chairperson's absence.
5. The Secretary shall record the minutes of the meetings. The Secretary, or other Staff of the City Planning Division as directed by the City Manager, shall receive and process all applications, petitions, and other business of the Commission's records, and assure that Commission members receive meeting agendas.

C. Alternate Member:

The alternate member of the Commission shall attend the meetings of the Commission and shall have all of the rights and powers of the regular member, except that the alternate member shall not vote or otherwise participate in a matter before the Commission unless fewer than all regular members are in attendance at the meeting. THE MOST SENIOR ALTERNATE MEMBER PRESENT SHALL PARTICIPATE IN THE MEETING. If the alternate member attends a meeting in a voting capacity, and the public hearing on a matter is continued, the alternate member shall vote on the matter unless the regular member whose place was taken by the alternate listens to the tape of the prior public hearing, reviews the exhibits, and becomes familiar with the matter before the Commission. If a different regular member is absent at the meeting to which the public hearing has been continued, the alternate may vote on the matter in the absent member's place. A member, regular or alternate, may not vote on a matter for which the public hearing has been continued in the member's absence unless the member has listened to the tape of the prior public hearing, reviewed the exhibits, and become familiar with the matter before the Commission.

D. Attendance Requirements:

Whenever a member is absent from two (2) consecutive regular meetings or any three (3) regular meetings in a six-month period, the member shall receive notification from the Chairperson. If a member is absent from four (4) consecutive regular meetings or twenty-five percent (25%) of the regular meetings in a fiscal year, unless excused by the Commission, the matter shall be referred to City Council.

E. Meetings:

1. Regular Meetings:

Regular meetings shall be on the second (2nd) and fourth (4th) Tuesdays of each month if there are matters pending.

2. Special Meetings:

Special meetings may be called by the Chairperson, by a majority of the members at a regular meeting, or by a poll of all members, with the majority assenting. All members shall be notified of the special meeting at least twenty-four (24) hours prior to the session.

3. Meetings shall begin at 6 p.m.

4. Roberts Rules of Order shall be used as a guide at all meetings.

5. The Commission shall not take any official action, except at a regular or special meeting.

F. Quorum:

A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all Commission meetings. All motions, decisions, and other actions of the Commission shall be by majority vote of those present. If the vote is a tie, the action is defeated.

G. Motions and Voting:

1. All motions presented by members require a second. The Chairperson shall have the same rights and privileges of making motions and voting as any other member. A motion shall be made prior to discussion by the Commission.
2. A roll call vote may be taken on any question at the discretion of the Chairperson or upon demand of any member. The vote shall be entered upon the minutes of the Commission proceedings. It shall not be in order for members to explain their votes during the roll call, but members may do so after the roll is complete.
3. No member of the Commission shall vote OR PARTICIPATE AND SHALL TAKE A SEAT IN THE AUDIENCE on any question in which the member has a financial interest other than the common public interest, or on any question concerning the member's own conduct, but on all other questions, each member who is present shall vote unless excused by the unanimous consent of the remaining members present.

H. Rules of Evidence:

Formal rules of evidence need not be followed, but the evidence should be of such nature that it would be commonly accepted by reasonable and prudent persons in the conduct of their affairs.

I. Public Hearings:

1. The Chairperson shall announce the application or other matter to be considered, and briefly explain the procedure to be followed.
2. The hearing shall be conducted in such manner to provide a reasonable opportunity for all interested parties to speak. The Chairperson may limit testimony, which tends to be repetitive, cumulative, speculative, or irrelevant.
3. The order for the hearing shall be as follows:
  - a. The Chair will open the hearing.
  - b. City Staff will present the application or other matter, and appropriate documents will be entered in the record.
  - c. A presentation will be made by the applicant or a representative of the applicant.
  - d. Additional comments will be made by the Staff.
  - e. Testimony will be heard from proponents of the application or petition.
  - f. Testimony will be heard from opponents of the application or petition.
  - g. The applicant will be given the opportunity for rebuttal if there is testimony in opposition.
  - h. The Staff will make final comments and give the Staff recommendation.
  - i. Members of the Commission may ask questions.

- j. The Chairman will close the hearing, and a motion regarding the matter will be requested.
- k. The motion will be discussed by the members.
- l. The motion shall be voted upon.

J. Continuances:

The Commission may continue any matter to a later date upon motion of any member and majority vote thereon.

K. Attendance by City Staff:

When the Commission needs to confer with a member of City Staff on any matter relating to zoning or planning, the City Manager shall be asked to request that such Staff member attend any regular or special meeting of the Commission.