

CITY OF WESTMINSTER PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE

- A. Applicability. In addition to the Charter and Ordinances of the City of Westminster and applicable state statutes, these Bylaws and Rules of Procedure (the “Rules”) shall govern all proceedings before the City of Westminster Planning Commission (the “Commission”). In the event of a conflict between these Rules and any of the above-cited laws, such laws shall prevail. These Rules replace and supersede any previously adopted bylaws or rules of procedure.
- B. Officers – Election and Duties.
1. Officers. The officers of the Commission shall consist of a Chair and a Vice-Chair.
 2. Secretary. The City Manager shall designate a member of City staff to serve as Secretary and perform the duties assigned thereto as set forth herein. The Secretary shall not have a vote in the proceedings of the Commission.
 3. Officer Elections. At its first regular meeting of each odd-numbered calendar year, the Commission shall elect one of its members as Chair and one of its members as Vice-Chair, each for a two-year term. In the event either position becomes vacant before the end of the two-year term, the Commission shall, at its first regular or special meeting after such vacancy occurs, elect a regular member to serve as Acting Chair or Acting Vice-Chair, as applicable, until the end of the term. No member shall be eligible for election as Chair or Vice-Chair 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.
 4. Absence of Chair, Vice-Chair. The Vice-Chair shall assume the duties of the Chair in the Chair’s absence. In the case of the absence of both the Chair and the Vice-Chair, 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 chair of the meeting to act until the Chair or Vice-Chair appears.
 5. Duties of the Chair. The Chair 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 Chair is overruled by a majority vote of the members present. The Chair shall sign required documents for proceedings of the Commission over which the Chair presided.
 6. Duties of the Secretary. In addition to any other duties set forth in these Rules, the Secretary shall record the minutes of the meetings; receive and process all applications, petitions, and other business of the Commission; store the Commission’s records; and ensure Commission members receive meeting agenda materials.

C. Alternate Members.

1. Alternate members of the Commission shall attend Commission meetings and shall have all of the rights and powers of regular members, except that alternate members shall not vote or otherwise participate in a matter before the Commission unless fewer than all regular members are in attendance at the meeting.
2. If an alternate member attends a meeting in a voting capacity, and a 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 recording 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.
3. If voting, alternate members shall cast votes according to their rank: if one vote is needed, the first alternate shall cast a vote; if the first alternate is not in attendance, the second alternate will cast a vote; if more than one vote by an alternate is needed, both first and second alternates will cast a vote.

D. Member Attendance. 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 thereof from the Chair. 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. The Commission shall not take any official action, except at a regular or special meeting.

1. Regular Meetings. Regular meetings shall be held 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 Chair with one other member, 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. Meeting Location and Time. Meetings shall be held at the Westminster City Hall and begin at 7:00 P.M., unless proper notice otherwise is provided to the Commission and the public.
4. Rules of Procedure. ROBERTS RULES OF ORDER shall be used as a guide at all meetings.

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 Chair shall have the same rights and privileges of making motions and voting as any other member. Whenever possible, a motion shall be made prior to discussion by the Commission. All motions, decisions, and other actions of the Commission shall be by majority vote of those present. If the result of the vote is a tie, the action is defeated.
 2. A roll call vote may be taken on any question at the discretion of the Chair 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. A member, whether 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 recording of the prior public hearing, reviewed the exhibits, and become familiar with the matter before the Commission.
 4. No member of the Commission shall vote 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 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 Chair 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. Public testimony shall be limited to five (5) minutes per person on a given agenda item except when modified by a majority vote. The Chair 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, give their recommendation, and enter appropriate documents into the record.
 - c. The applicant or representative thereof will make a presentation.
 - d. City staff may make additional comments.
 - e. The Chair will open public testimony.
 - (i) Public testimony will be heard from proponents of the application or petition.
 - (ii) Public testimony will be heard from opponents of the application or petition.

- f. The Chair will close public testimony.
- g. The applicant will be given an opportunity for rebuttal.
- h. City staff will make final comments.
- i. Members of the Commission may ask questions of any party.
- j. The Chair will close the hearing and request a motion on the matter.
- k. The members may discuss the motion.
- l. The Chair will ask the Secretary to conduct a rollcall vote on the motion.

J. Continuances. The Commission may continue any public hearing to a date certain 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 areas within the Commission's authority, the Chair shall make such request through the City staff liaison.

Passed and adopted by the City of Westminster Planning Commission this 14 day of November, 2022.


Chair

Attest:



Secretary

Approved by the Westminster City Council this ___ day of _____, 202__.

Mayor

Attest:

City Clerk