



# **DOUGLAS COUNTY PLANNING COMMISSION**

## **POLICIES AND PROCEDURES**

Adopted - February 22, 1993  
Amended - May 8, 2006  
Repealed and Re-adopted - September 26, 2011

Amended – January 25, 2021



## **DOUGLAS COUNTY PLANNING COMMISSION POLICIES AND PROCEDURES**

The Douglas County Planning Commission formally adopted these Policies and Procedures at a regularly scheduled public meeting on January 25th, 2021, and any prior Policies and Procedures (fka, Rules and Regulations) are amended.

Douglas County Planning Commission  
County of Douglas  
State of Colorado

A handwritten signature in blue ink, appearing to read "Clarence Hughes", is written over a horizontal line.

Clarence Hughes, Chair

RESOLUTION NO. PC-21- 01

THE PLANNING COMMISSION OF THE  
COUNTY OF DOUGLAS, STATE OF COLORADO

A RESOLUTION ADOPTING THE POLICIES AND PROCEDURES FOR THE  
DOUGLAS COUNTY PLANNING COMMISSION

WHEREAS, pursuant to § 30-28-104(1), C.R.S., the planning commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable; and

WHEREAS, the Douglas County Planning Commission ("Planning Commission") has previously adopted "Rules and Regulations" for the Planning Commission; and

WHEREAS, staff for the Department of Community Development has prepared the Policies and Procedures, as set forth in **Exhibit A**, attached hereto and incorporated herein, for consideration by the Planning Commission; and

WHEREAS, upon adoption of the Policies and Procedures by the Planning Commission, the previously adopted "Rules and Regulations" will be amended; and

WHEREAS, the Planning Commission has reviewed the Policies and Procedures and desires to reflect its approval of said Policies and Procedures by the adoption of this Resolution; now, therefore,

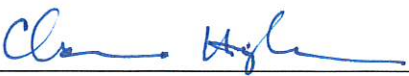
**BE IT RESOLVED**, by the Douglas County Planning Commission that the Policies and Procedures as amended, which are attached hereto as **Exhibit A**, are hereby approved; and

**FURTHER RESOLVED**, that the amended Policies and Procedures for the Douglas County Planning Commission shall be effective as of the date of this Resolution.

**PASSED AND ADOPTED** this 25th day of January 2021, in Castle Rock, Douglas County, Colorado.

PLANNING COMMISSION OF THE  
COUNTY OF DOUGLAS,  
STATE OF COLORADO

ATTEST:

By:   
Clarence Hughes, Chair

By:   
John Griffith, Secretary

## TABLE OF CONTENTS

PART I	AUTHORITY .....	1
PART II	MEMBERSHIP .....	1
	Section 1 Total Membership.....	1
	Section 2 Absence of Quorum .....	1
	Section 3 Eligibility .....	1
	Section 4 Appointment .....	2
	Section 5 Term .....	2
	Section 6 Removal .....	2
	Section 7 Compensation .....	2
	Section 8 Election of Officers .....	2
PART III	POWERS, DUTIES, AND RESPONSIBILITIES .....	3
	Section 1 Planning Commission.....	3
	Section 2 Chair .....	3
	Section 3 Vice-Chair .....	3
	Section 4 Secretary .....	3
	Section 5 Designated Recording Secretary .....	3
PART IV	HEARINGS and MEETINGS .....	4
	Section 1 Meeting with the Board.....	4
	Section 2 Public Hearings/Meetings.....	4
	Section 3 Work Sessions .....	4
PART V	GENERAL RULES AND PROVISIONS .....	4
	Section 1 Voting.....	4
	Section 2 Ethics .....	5
	Section 3 Procedure for Making a Motion .....	6
	Section 4 Continuance of Agenda Item.....	6
	Section 5 Amendment to these Rules and Regulations.....	7
	Section 6 Severability .....	7
	Section 7 Rules of Procedure.....	7
	Section 8 Definitions .....	7
APPENDIX A	STATUTORY REQUIREMENTS .....	A-1
APPENDIX B	CONDUCT OF PUBLIC HEARINGS AND MEETINGS .....	B-1
APPENDIX C	ARTICLE XXIX OF THE COLORADO CONSTITUTION .....	C-1



## **PART I      AUTHORITY**

The Douglas County Planning Commission is authorized to adopt rules and regulations governing its procedure pursuant to § 30-28-104 (1), C.R.S., as amended. These Policies and Procedures shall constitute compliance with this provision.

## **PART II      MEMBERSHIP**

### **Section 1      Total Membership**

- A. Unless otherwise authorized by the Board of County Commissioners (hereinafter referred to as "Board"), the Douglas County Planning Commission (hereinafter referred to as "Commission") shall consist of nine members, with three residing in each of the three Board districts. No district shall have more than three members represented at a hearing.
- B. The Commission shall also consist of three associate members, with one appointed from each of the three Board districts. Associate members are intended to serve in the capacity of Commission members in the instance of an absence of a regular member at a public meeting, hearing, or work session of the Commission. The associate member may only serve to replace a regular absent member from his or her same Board district at any hearing. Associate members are expected to keep themselves apprised of all Planning Commission matters and agenda items and generally be available to serve on an as-needed basis. Associate members are encouraged to attend pre-meetings, work sessions, and other activities where no votes or formal action will be taken.

### **Section 2      Absence of Quorum**

A quorum of the Commission shall be a minimum of five members. No public hearing or meeting shall be held unless a quorum is present. In the absence of a quorum, the presiding members shall terminate any scheduled public hearing or meeting within a reasonable time after gathering. If a public hearing or meeting has not been convened due to lack of a quorum, the Chair or Vice-Chair shall instruct the Planning Division staff to reschedule the public hearing or meeting to the earliest possible time. Staff will then post a notice of such continuance and rescheduling in the official public posting place. Applications that require public notice will not be required to republish.

### **Section 3      Eligibility**

To be eligible for a position with the Commission, appointees must be residents of Douglas County.

**Section 4 Appointment**

- A. Time of Appointment:  
Commission members should be appointed by the Board at or before the annual or organizational public hearing or meeting of the Commission, which is the second public hearing or meeting of the calendar year, or at such other times as are necessary to complete terms and to fill vacancies. The terms of office shall be staggered by making the appointments so that approximately one-third expire each year.
- B. Reappointments:  
Commission members may be reappointed at the discretion of the Board.

**Section 5 Term**

The term of a Commission member shall be three years per § 30-28-103, *et seq.*, C.R.S., as amended, or until a respective successor has been appointed. In case of a vacancy, an appointment shall be for the purpose of completing the term of the vacating Commission member.

**Section 6 Removal**

- A. General:  
A Commission member may be removed by the Board for nonperformance of duty or misconduct.
- B. Excessive Absence:  
Six unexcused absences from public hearings or meetings in any year or three successive unexcused absences may constitute grounds for removal. The Planning Services Director may report the fact of such absences, along with any known mitigating factors, to the Board which will make the determination regarding a Commission member's removal.

**Section 7 Compensation**

A Commission member shall receive such compensation as may be fixed by the Board, and the Board shall provide for reimbursement of the members of the Commission for actual expenses incurred.

**Section 8 Election of Officers**

- A. General:  
At the second regular public hearing or meeting of the new calendar year, the Commission members shall conduct an election of officers, unless the Commission members vote to delay the election. Commission officers shall include a Chair, a Vice-Chair, and a Secretary. Other positions may be created by the Commission members as needed.



- B. Voting:  
A majority vote is required to elect each officer.
- C. Term of Office:  
An officer's term shall be for one year and may be extended for another term through reelection.

### **PART III POWERS, DUTIES, AND RESPONSIBILITIES**

#### **Section 1 Planning Commission**

The Commission members shall carry out such powers, duties, and responsibilities according to § 30-28-103, *et seq.*, C.R.S., as amended. (See Appendix A)

#### **Section 2 Chair**

The duties of the Chair shall be as follows:

- A. Preside at all public hearings or meetings of the Commission. (See Appendix B for additional instructions on conducting public hearings or meetings.)
- B. Call special public hearings or meetings of the Commission, as needed, in accordance with these Policies and Procedures.
- C. Sign all necessary documents of the Commission.
- D. Adhere to these Policies and Procedures.
- E. Serve as the point of contact for staff regarding agenda decisions, including both content and schedule.
- F. When a public hearing or meeting has been convened, the Chair shall have the authority to continue or cancel such hearing or meeting for cause, including, but not limited to, absence of quorum and absence of an agenda.

#### **Section 3 Vice-Chair**

In the case of absence or disability of the Chair, the Vice-Chair shall perform the functions of the office of the Chair.

#### **Section 4 Secretary**

The Secretary shall sign the minutes of the Commission public hearings or meetings. The Chair or Vice-Chair may sign the minutes when the Secretary is unavailable. In the case of absence or disability of the Chair and the Vice-Chair, the Secretary shall perform the functions of the office of the Chair.

#### **Section 5 Designated Recording Secretary**

A recording secretary to the Commission shall be appointed by the Planning Services Director to be present at all public hearings or meetings of the Commission. The duties of the recording secretary shall be as follows:

- A. Keep the minutes of all Commission public hearings or meetings and

- provide draft written meeting minutes for the Commission's consideration.
- B. Prepare resolutions, correspondence, and other official documents of the Commission.
- C. Prepare and distribute the Commission's public meeting and hearing agendas, including all accompanying staff reports and other relevant materials.
- D. Prepare and distribute background materials, correspondence, and other relevant information as requested by the Commission, including copies of or links to Board hearing or meeting minutes for applications previously heard by the Commission.
- E. Track anticipated member attendance in order to determine if hearing or meeting cancellation will be required and follow-up with necessary communications to the affected applicant(s).
- F. Contact the Chair for his or her consent to cancel a regular Commission hearing or meeting where there are no planned agenda items.
- G. Post the appropriate notices due to the cancellation of a noticed public hearing due to a lack of a quorum.

## **PART IV HEARINGS AND MEETINGS**

### **Section 1 Meetings with the Board**

The Commission members may meet with the Board annually to discuss related problems, concerns, and issues, or as often as agreed upon by the Board.

### **Section 2 Public Hearings or Meetings**

Public hearings or meetings of the Commission are generally held twice per month. Additional meetings may be called as necessary. Meetings are to be held in person but may be held virtually when approved by the Commission and the Designated Recording Secretary.

### **Section 3 Work Sessions**

Study sessions or work sessions can be called at any time. Twenty-four hour notice must be provided in the official public posting place. No formal action or decisions can be made at any gathering other than a public hearing or meeting.

## **PART V GENERAL RULES AND PROVISIONS**

### **Section 1 Voting**

- A. Total Number of Votes:  
At any public hearing or meeting, each Commission member shall have one vote.



- B. Majority Rules:  
A majority vote of the voting Commission members present is required for recommendation or determination.
- C. Abstention:  
No abstentions will be allowed, except as provided herein:
  - Conflict of interest.
  - Absence at a hearing or meeting for which minutes are voted on.
  - Absence at a hearing or meeting and the Commission Member did not read minutes or listen to audio.
- D. Tie Vote:  
In the event of a tie vote, the motion being voted on shall be deemed to have failed, and the request shall be forwarded to the Board with no recommendation.

## **Section 2 Ethics**

- A. Conflict of Interest: Holding a position that represents the public interest is a public trust. In order to actively promote public confidence, a Commission member must be aware of a possible conflict of interest arising in the course of duty.
  - 1. A conflict of interest is described as a situation where the person:
    - Has a financial interest in the matter;
    - Will be directly affected by the decision in the matter;
    - Believes (s)he has a conflict of interest as defined by an applicable law; or
    - Will gain an advantage to relations, groups, or associations to whom affiliated.
  - 2. A Commission member experiencing a conflict of interest should:
    - Declare that interest publicly;
    - Abstain from voting on the matter;
    - Withdraw from participation in any deliberations on the matter;
    - Step down from the dais and leave the hearing room from which the deliberations are to occur for the duration of the conflict, and;
    - Refrain from discussing the matter privately with other Commission members voting on it.
- B. Gifts: A Commission member shall not accept any compensation, gift, or service which would violate the provisions of Article XXIX of

the Colorado Constitution, as amended, attached hereto as Appendix C.

- C. Ex Parte Communications: A Commission member shall not engage in an ex parte communication regarding an application that will be heard by the Commission in a quasi-judicial proceeding. Ex parte communications are acceptable when the Commission is acting in a legislative capacity.
1. Generally, an ex parte communication is a communication between a Commission member and an applicant or a member of the public that takes place outside a noticed public hearing or meeting on an application that will be heard by the Commission.
  2. A Commission member who engages in an ex parte communication shall disclose it to the Commission and consider abstaining from voting if it creates an appearance of impropriety, creates a conflict of interest, or otherwise affects due process in the decision making proceedings.

**Section 3 Procedure for Making a Motion**

See Appendix B. When there is a question regarding procedure, Roberts Rules of Order shall be used as a guideline.

**Section 4 Continuance of Agenda Item**

- A. Whenever the Commission decides to continue a request before it, it may do so by motion without further notice to affected parties or posting of the property. The matter postponed shall be scheduled to the nearest possible time providing a date and time certain. If the applicant or representative is not present, the Commission must continue the request either to the end of the public hearing or meeting or to a date certain (as above). If the applicant fails to attend the public hearing or meeting, the Commission may table the item, which would require re-notification in accordance with the applicable process.
- B. When a public hearing or meeting item is held and then continued over one or more Commission agendas, it shall be the responsibility of the absent regular or associate member to listen to all audio files of the missed hearings or meetings prior to participating in the continued hearing or meeting.
- C. In accordance with Board policy, in the course of holding and conducting a public hearing where a quorum of the Commission cannot be secured, the hearing and agenda items will be continued as outlined below:
- When a quorum of the Commission is not available for a previously advertised public hearing, all items on the agenda



for that particular date and time will be automatically continued to the next regularly scheduled public hearing of the Commission.

- The recording secretary, immediately upon becoming aware of continuance of the public hearing, shall cause notice to be posted on the front door of the Philip S. Miller Building located at 100 Third Street, Castle Rock, CO 80104.

**Section 5 Amendments to these Policies and Procedures**

These Policies and Procedures may be amended by a majority vote of the Commission at a public hearing or meeting when a twenty-four-hour notice has been provided in the official public posting place.

**Section 6 Severability**

If any section, subsection, sentence, clause, or phrase of these Policies and Procedures 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 Rules and Regulations.

**Section 7 Rules of Procedure**

In the operation of public hearings or meetings, the Commission members are generally to use Robert's Rules of Order. As the Commission acts mostly in a quasi-judicial capacity, strict adherence to such rules is not mandated. However, it is the intent of these Policies and Procedures that Robert's Rules of Order offer the best procedures and guidelines for the conduct of such proceedings.

**Section 8 Definitions**

Applicant	That person or firm who proposed action to be taken by the Douglas County Planning Commission.
Board	The Douglas County Board of County Commissioners.
Commission	Douglas County Planning Commission.
Commission Member	A person appointed by the Board to serve at all public hearings or meetings of the Commission.
Commission Member, Associate	A person appointed by the Board to serve as an alternate Commission member at public hearings or meetings in instances of periodic absence of a regular member.
Consent Agenda Item	A request scheduled before the Commission members, determined by staff to have no outstanding issues or concerns, and requiring no formal presentation by staff or the applicant prior to action.



Continuance	An action taken by the Commission members which postpones the public hearing or meeting on the request until a date and time certain.
County	Douglas County.
Majority	One more than half the voting Commission members present if a quorum has been met.
Minority Report	A statement by the minority voter(s) of the Commission providing reasons to support dissenting vote(s), and made part of the public record.
Motion	A statement by a Commission member of proposed action to be taken by the Commission members.
Official Public Public Posting Place	The place for posting of public notices designated by the Board pursuant to § 24-6-402 (2) (c), C.R.S.
Public Hearing Item	A request that requires public notice in accordance with the applicable laws, regulations, and processes.
Public Hearing	A public hearing or meeting that may include both public hearing items and/or public meeting items.
Public Meeting Item or Meeting	A request that does not require additional mailed or published public notice as required by applicable laws, regulations, and processes.
Public Testimony	That portion of a Commission public hearing or meeting during which public input is accepted.
Quorum	A quorum shall consist of a minimum of five Commission members.
Resolution	A formal written statement which includes findings of fact to support the decision or recommendation.
Staff	Employees of Douglas County.
Table	To postpone consideration indefinitely. Requires re-notification in accordance with the applicable process.

## **APPENDIX A**

### **COLORADO REVISED STATUTE REQUIREMENTS**

#### **Planning Commission Responsibilities:**

- Elect a Chair (§ 30-28-104).
- Adopt rules and regulations (§ 30-28-104).
- Adopt master plan or amendments by resolution (§ 30-28-106).
- Make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction (§ 30-28-107).
- Certify a copy of its master plan or any amendment to the Board (§ 30-28-109).
- May or upon order by the Board shall make a zoning plan (§ 30-28-111).
- Certify the copy of the plans for zoning to the Board (§ 30-28-112).
- Approve, disapprove, or make suggestions on rezoning (§ 30-28-112, § 30-28-116).
- Develop, propose, and recommend subdivision regulations (§ 30-28-133).

## **APPENDIX B**

### **CONDUCT OF PUBLIC HEARINGS AND MEETINGS**

#### **A. Roll Call**

The Chair calls the public hearing or meeting to order and a roll call of Commission members present at the public hearing or meeting is conducted. At this time, it will be announced whether or not there is a quorum present to conduct the public hearing or meeting.

#### **B. Jurisdiction**

The County Attorney's staff will verify that the Planning Commission has jurisdiction to hear the items on the agenda.

#### **C. Conduct of Consent Agenda**

Consent agenda shall be conducted as follows:

1. The Chair states that the request may be considered as consent agenda.
2. The Chair requests comments from the audience. If there are concerns with any request, it will be heard as a regularly scheduled item.
3. If there are no concerns with remaining items, the Chair will call for a motion to accept them as consent agenda items. If the motion is approved for the requests to be heard as consent agenda items, another motion is necessary to approve the consent agenda.
4. Public hearing items may not be considered on the consent agenda.

#### **D. Conduct of Business**

1. The Chair shall conduct the business as presented on the agenda unless a specific adjustment is made at the beginning of the public hearing or meeting.
2. The Chair has the discretion to limit the time allotted for input from the staff, the applicant, and the public in a manner that is fairly applied.

#### **E. Presentation Procedure**

1. The Chair will call the first agenda item.
2. Staff Presentation
  - a. Staff name.
  - b. Project name and number.
  - c. Description of request.
  - d. Staff analysis and assessment, including specific approval criteria and any proposed conditions.
  - e. Answer questions from the Commission members.



### 3. Applicant Presentation

The applicant shall, when called to the podium by the Chair:

- a. State and spell name.
- b. Indicate who (s)he represents (if applicant's representative).
- c. Provide residence or business address, as applicable.
- d. Provide a brief presentation of the request.
- e. Provide a summary of neighborhood outreach efforts.
- f. Indicate how referral agency comments were addressed and how the request meets the applicable approval criteria.
- g. Answer questions from the Commission members.

### 4. Public Comment

Those persons requesting to speak on the item before the Commission members shall line up to speak. The Chair shall provide the following instructions to the potential speakers in the audience:

- a. Speakers should first state and spell name, state place of residence, and indicate if (s)he is representing an organization in the comments presented.
- b. Speakers should address all questions and concerns to Commission members. Dialogue between the applicant and those members of the public addressing the Commission members is not permitted.
- c. Speakers should avoid undue repetition of issues.
- d. Speakers generally have three minutes for an individual and six minutes for an HOA or referral agency.
- e. Speakers may be asked to present a formal letter indicating that (s)he has been authorized to speak on behalf of the HOA, referral agency, or other public entity.
- f. Speakers submitting documents shall give them to the appropriate staff person and the documents shall be numbered and entered into the public record by the recording secretary.
- g. When a final opportunity has been provided for any members of the public present at the hearing or meeting to speak, the Chair shall close public testimony.
- h. No other public testimony will be taken, unless public testimony is reopened by majority vote of Commission members. As part of its motion to reopen public testimony, the Commission may ask that comments be directed to a specific issue or point of clarification.

### 5. Final Comment

- a. The Chair may ask the staff to address specific questions or concerns raised during public testimony.

- b. The Chair may ask that the applicant address specific questions or concerns raised during public testimony. Following a question and answer period, the Chair shall ask the applicant if (s)he wishes to provide any final comments. Such comments will be subject to reasonable time limitations set forth by the Chair.

#### 6. Planning Commission Discussion and Findings

- a. The Chair shall open up discussion among the Commission members. Following open discussion, the Chair shall ask the Commission members to provide final comments on the request.
- b. Each individual Commission member may indicate the basis for his or her upcoming vote on the request, providing specific findings on whether the request does or does not comply with the applicable approval criteria.
- c. If the Commission member intends to vote to deny the request, the member shall cite the specific approval criteria that has(ve) not been met.
- d. Once final Commission comments have been made, the Chair shall ask the Commission members to offer a motion on the request.

#### 7. Motion Procedure

##### a. Main Motion

The statement of a motion must be uninterrupted even if another Commission member intends to amend the motion. The main motion requires a second.

- 1. Prior to discussion on the motion, the recording secretary shall read the motion back so that the exact wording of the motion is clear to the Commission members.
- 2. Discussion then takes place. The only debate permitted is on the main motion.

##### b. Amendments to the Main Motion

- 1. Formal Amendment – A formal means of amending the main motion requires a secondary motion. While the main 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. The motion is once again read and debate continues on the main motion.
- 2. Friendly Amendment – A friendly amendment can be offered to the Commission member who made the main motion. This is a suggested change, which if accepted, does not require a second or a formal vote. If a friendly amendment is

offered and accepted, the recording secretary again reads the main motion as changed. (The Commission member who made the original motion may choose not to accept the friendly amendment).

#### 8. Recommendations or Actions

The Commission shall make one of the following recommendations or actions. Prior to a call for the vote, the applicant shall be given an opportunity to comment on any new proposed conditions that are developed during the meeting or hearing, or proposals to continue or table the application.

- a. Approval of the request without conditions.
- b. Conditional Approval of the request indicating recommended conditions (aka, Approval with Conditions).
- c. Denial of the request indicating the reasons for denial.
- d. Continuance of the request to a date and time certain.
- e. Tabling of the request for an undetermined period of time.
- f. No Recommendation – tie vote.

#### 9. Voting

- a. After all discussion on the motion has taken place, the Chair shall conduct a vote. All votes shall be called. The Chair shall always vote last.
- b. Commission findings of fact may be included with all unanimous votes. In the event of a dissenting vote(s), a minority report may be given by those so voting. Otherwise, individual members shall ensure that they have stated their personal findings prior to casting a vote to deny a request.
- c. All votes shall be recorded in the minutes of the public hearing or meeting.



## **APPENDIX C**

### **COLORADO CONSTITUTION ARTICLE XXIX**

#### **Colo. Const. Art. XXIX, Section 1 (2010)**

##### **Section 1. Purposes and findings**

(1) The people of the state of Colorado hereby find and declare that:

(a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;

(b) They shall carry out their duties for the benefit of the people of the state;

(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;

(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and

(e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

(2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

#### **Colo. Const. Art. XXIX, Section 2 (2010)**

##### **Section 2. Definitions**

As used in this article, unless the context otherwise requires:

(1) "Government employee" means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.

(2) "Local government" means county or municipality.

(3) "Local government official" means an elected or appointed official of a local government but does not include an employee of a local government.

(4) "Person" means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

(5) "Professional lobbyist" means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(6) "Public officer" means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

### **Colo. Const. Art. XXIX, Section 3 (2010)**

#### **Section 3. Gift ban**

(1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

(2) No public officer, member of the general assembly, local government official, or government employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$ 50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.

(3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

(a) A campaign contribution as defined by law;

(b) An unsolicited item of trivial value less than fifty dollars (\$ 50), such as a pen, calendar, plant, book, note pad or other similar item;

(c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;



(d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;

(f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;

(g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.

(h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

(4) Notwithstanding any provisions of this section to the contrary, and excepting campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.

(5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.

(6) The fifty-dollar (\$ 50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.



General notes will be added to the plan set once we have more information on the antennas. The notes will specify the size, placement, and color to characterize stealth approval.