

Exhibit A
By-Laws
Of
The Delta County Planning Commission
Effective Date: January 1, 2011

Section 1: Introduction

1.1 The name of the Planning Commission shall be the "Delta County Planning Commission" hereinafter referred to as "the Commission".

1.2 The Commission is created for the purposes as stated herein and pursuant to C.R.S. 30-28-103, as amended.

1.3 The provisions of these by-laws shall apply to and govern the Commission.

Section 2: Purpose

2.1 The purpose of the Commission shall be to advise the Board of County Commissioners (" the Board ") in their actions, with regard to the health, safety, convenience, and welfare of the citizens of Delta County, Colorado, and to plan for the future development of the county pursuant to the goals and objectives of the Delta County Master Plan. The Commission shall regularly review and advise the Board of recommended changes and amendments to the County's Master Plan.

Section 3: Meeting Location

3.1 All meetings of the Commission shall be held in the Delta County Courthouse, City of Delta, County of Delta, Colorado unless the Commission designates another specific location within the County for a special meeting or the Board directs the Commission to hold a special meeting at another specified location.

Section 4: Jurisdictional Area

4.1 The jurisdictional area of the Commission shall be limited to the unincorporated areas of Delta County.

Section 5: Membership

5.1 Qualifications

The members of the Commission must:

- 1) Reside in the unincorporated area of Delta County, and

- 2) Own or have a vested interest in an entity which owns real property in the unincorporated area of Delta County

If a member of the Commission was appointed by the Board complying with the above criteria but during the course of serving their term they no longer meet those criteria, they must comply with the following to remain on the Commission for the remainder of their term:

- 1) Reside within Delta County, and
- 2) Obtain approval of the Board to finish their term

5.2 Composition

The Commission shall be composed of not less than five (5) and no more than nine (9) members appointed by the Board. One member shall be from each of the planning areas designated in the County and two (2) members shall be "at large" members. The Board may appoint associate members of the Commission pursuant to Section 30-28-103(3), C.R.S., as amended.

5.3 Terms of Service

Terms of service for each member shall be for three (3) years pursuant to C.R.S. 30-28-103, as amended. The terms of service shall be staggered by making the appointments so that approximately one-third (1/3) of the members terms expire each year.

5.4 Member Duties

Each member shall have the responsibility of attending all regular and special meetings, including work sessions, of the Commission so that the business of the Commission can be conducted in an effective, efficient and responsible manner. Each member may fulfill other duties and responsibilities as assigned by the Chairman of the Commission or by the Board. Each member of the Commission who will not be able to attend a scheduled meeting of the Commission shall notify the Planning Department of such no later than 12:00 noon of the day of the meeting. Planning Staff shall notify the Chairman of the Commission of any absences. The chairman of the commission may authorize excused absences.

5.5 Removal from the Commission

a. Unexcused absences from more than three (3) consecutive regular meetings by a member shall constitute grounds for removal from the Commission by the Board.

b. Any member of the Commission may be removed at any time by action of the Board for non-performance of duty or misconduct.

5.6 Vacancies

Vacancies on the Commission shall be filled by the Board by appointment, with the appointee completing the term of the vacancy.

5.7 Compensation

Members of the Commission shall receive compensation for serving on the Commission as established by the Board.

5.8 Reimbursement

Members shall be reimbursed for travel expenses to attend scheduled meetings at a rate established by the Board. All other expenses incurred while conducting

business of the Commission will require Board approval for reimbursement prior to incurring the expense. Such reimbursements that require prior Board approval include, but are not limited to, conferences and/or meetings in other jurisdictions and travel expenses to such conferences/meetings.

Section 6 Meetings

6.1 Regular Meetings

Regular meetings of the Commission shall be scheduled every month at a time agreed to by the Commission and Planning Staff. The Planning Staff and chairman may cancel a regular meeting for lack of official business for the Commission to review. All meetings of the Commission are open to the general public.

6.2 Special Meetings

Special meetings may be called by the Chairman, three members of the Commission, Planning Staff or the Board. The Planning Staff shall send notice of the meeting to all members at least three (3) days in advance of a special meeting. Notice to the members of a special meeting is not required if the time and place of a special meeting has been established in a regular meeting at which all members are present.

6.3 Annual Meeting

The regular meeting held in February of each year shall be considered the annual meeting and shall provide for the election of officers for the next year and the consideration of any special projects the Commission desires to address for that year.

6.4 Quorum

A majority of the sitting members of the Commission shall constitute a quorum.

6.5 Official Action

No action of the Commission is official unless authorized by a majority of the members of the Commission present at a regular or special meeting. In the event a quorum is not present, all items on the agenda will be tabled until the next regular meeting of the Commission or until a special meeting is called.

6.6 Order of Business

The order of business shall be as follows unless otherwise ordered by the Chairman:

- A. Approval of minutes from the previous meeting.
- B. Official action on applications tabled from the previous meeting.
- C. New applications.
- D. Other Business.
- E. Adjournment.

6.7 Order of Presentation of Agenda Items

After the Chairman has brought the meeting to order, the Chairman shall set the rules of the meeting after consultation with the Planning Staff and subject to the

approval of the Commission. The order of presentation with respect to each application generally will be as follows:

- A. Presentation of the application by Planning Staff.
- B. Questions of the Commission to Staff.
- C. Presentation by the Applicant.
- D. Questions of the Commission to the applicant.
- E. Comments from proponents.
- F. Comments from opponents.
- G. Final comments from the applicant.
- H. Final questions of the Commission to either Staff, applicant, or others present.
- I. Closing of public comments.
- J. Deliberation of the Commission.
- K. Motion and official action by the Commission.

6.8 Informational Hearings

If authorized or requested by the Board, the Commission may call an informational hearing. After the Chairman has brought the meeting to order, the Chairman shall set the rules of the meeting after consultation with the Planning Staff and subject to the approval of the Commission. The order of the hearing shall be:

- a. Summary presentation by Staff.
- b. Questions and/or comments by the Commission.
- c. Public Testimony
 - (I) Proponents
 - (II) Opponents
 - (III) Rebuttal – Proponents
 - (IV) Rebuttal – Opponents
- d. Questions and/or comments by the Commission.
- e. Commission discussion and action as needed.

6.9 Rules of Order

ROBERTS RULES OF ORDER shall govern the Commission in all parliamentary procedures unless otherwise specified in these By-Laws.

Section 7 Voting Privileges

7.1 Voting Right

Each member, including the Chair and Vice-Chair, shall have one (1) vote and shall exercise that voting right at the appropriate time during the proceedings. Proxies will not be allowed.

7.2 Conflict of Interest

- a. Any member of the Commission who has a conflict of interest on any matter that comes before the Commission shall disclose the conflict on the record and then shall voluntarily excuse him/herself, vacate his/her seat, and refrain from discussing or voting on the matter. On any issue in which the Commission has real evidence that any member or members

have a conflict of interest, a majority vote of the other members present may disqualify the member from participation.

- b. A member who has an application before the Commission shall **recuse** his/her position on the Commission and present the application to the Commission and not have any voting rights thereon.
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Section 8 Officers

8.1 Elective Office

The elected officers of the Commission shall be the Chairman and Vice-chairman who shall be elected at the annual meeting.

8.2 Eligibility

Any member of the Commission may hold an elected office.

8.3 Duties of the Chairman

The Chairman shall supervise and manage the Commission and at a minimum shall:

- A. Preside over all meetings of the Commission.
- B. Sign documents of the Commission.
- C. See that all actions of the commission are properly taken.
- D. Advise the Planning office on any matters pertaining to the commission business.
- E. Be the public representative of the Commission.

8.4 Duties of the Vice-Chair

During the absence or disqualification of the Chairman, the Vice-chairman shall exercise and perform the duties and responsibilities of the Chairman.

8.5 Terms of Office

The term of all elected officers shall be for one (1) year effective on the date of the annual meeting. No elected officer shall serve in that position for more than two (2) consecutive years but may be elected to serve again after a one (1) year hiatus.

8.6 Vacancies

The Vice-chairman shall succeed the Chairman if the Chairman vacates his/her office prior to the expiration of the term. The Vice-chairman shall serve as Chairman for the remainder of the unexpired term and the commission shall elect a new Vice-chairman.

8.7 Nominations

At the annual meeting any member of the commission can nominate a member of the commission for the position of any office.

8.8 Elections

If more than one (1) nominee is presented for any office, voting shall be done by secret ballot and a majority of the votes cast shall be necessary for election. If

only one (1) nominee is presented for each office, voting shall be done in a manner specified by the chairman.

Section 9 Committees

9.1 The chairman may appoint members of the commission to various committees as is necessary to conduct commission business.

Section 10 Financial Administration

10.1 Authority to Expend Money

The Commission shall have the authority to expend, under regular County procedures or as provided by law, all funds appropriated to it for purposes and activities authorized by C.R.S. 30-28-104, as amended, and the Delta County Board of County Commissioners.

10.2 Approval of Governing Body

All applications for and the acceptance of any grants shall require the prior approval of the Board of County Commissioners.

Section 11 Amendments

11.1 Amendments to the By-Laws

These by-laws may be amended at any meeting of the Commission by an official action, provided that notice of proposed amendments is given to each member in writing at least two (2) weeks prior to said meeting. Amendment of these By-laws shall require an affirmative majority of the sitting members of the Commission and the approval of the Board of County Commissioners.

Section 12 Planning Staff

12.1 Functions of the Planning Staff

The Planning Staff will carry out the day to day operations of the Planning Department. For the Commission, the Planning Staff shall at a minimum:

- A. Review all financial documents and vouchers for the Commission and its members.
- B. Give, serve, post and advertise all public notices as required by the County's regulations.
- C. Prepare, post and distribute the agenda for meetings of the Commission.
- D. Inform the Commission of any changes to the agenda, absences of any Commission member and any matter related to Planning in which the Commission should be informed.

- E. Prepare Staff reports for all applications in accordance with County regulations for review by the Commission.
- F. A member of the Planning Staff or if necessary, another employee of Delta County shall record the minutes of all meetings of the Commission.
- G. Keep the minutes of all meetings in an appropriate manner.
- H. Arrange and coordinate all field tours and travel for the Commission.