

April 25, 2021

Please find below my most recent thoughts on Section 12 of the bylaws and access to Legal opinion and council for the Planning Commissioners

Section 12

I believe it is important for the Planning Commission to speak with one voice to the greatest extent possible. Naturally over the years there have been numerous votes that did not result in a unanimous recommendation. The role of the Commission in my opinion is to weigh the information, testimony given and facts as each Commissioner understands them to be and cast their vote yes or no on a particular motion. Once a vote and recommendation is made that recommendation should be what is sent to the Board of Commissioners. I feel a minority report does not serve the purpose of the Planning Commission's duty to make a recommendation. It is true that some recommendations will be split however I feel that as a Commissioner we have a duty to accept the recommendation of the majority as it relates to our role as a commissioner in the process. Inviting a minority report opens the door to potential discord and conflict and basically allows for the dissenting party to undermine the process altogether.

I also do not believe that this precludes a Planning Commissioner from attending a Board of commissioner meeting to make public comment on a matter in which they do not agree with the Planning Commission's recommendation, however it should not, in my opinion, attack the process or try to explain what other fellow members were thinking or their motives for the recommendation. In all cases it should be plainly stated that these are their personal thoughts and that it does not represent the majority of the Planning Commission. The public comments must be true and not be conjecture as to what brought about the recommendation by the majority.

I also feel that Staff has a responsibility to represent the Planning Commission's recommendation in a way that explains the position of the Planning Commissioners in some detail to relay the reasoning for the recommendation as presented to the Board of Commissioners. It seems to me to be a conflict when staff has their own agenda for a recommendation which is different than the Planning Commission and may explain in detail their recommendation and do not take the same care and time to fully explain the Planning Commission's recommendation. I have added language below to encourage or require staff's representation of the Planning Commission's recommendation to be thorough and detailed.

Communication with the Board of County Commissioners

The Planning Commission's principal purpose is to provide recommendations to the Board of County Commissioners on matters referred to the Commission for action.

The planning and Development Services Director, or his/her designee, shall report the majority-voted recommendations of the Planning Commission to the Board of County Commissioners. **In this role the designee shall represent the position of the Planning Commission in a neutral manner and to the best of their understanding present the findings of fact to the Board of Commissioners detailing why the recommendation has been made.** A Planning Commission member may volunteer to represent the Commission in front of the Board of County Commissioners regarding a particular matter for clarification of the Commission's deliberations: however, the Commission member must first inform the Commission

Chair as to his/her intention to be a commission representative, and the reason they wish to fulfill that role. The Commission Chair or vote of the Planning Commission must approve such representation.

Because of what I stated above I do not feel any single PC member's comments should be labeled as a minority report. It should be treated and represented as a public comment which carries the same weight as any other public comment. If we do change the bylaws to allow a minority report, I feel that this should only be considered when there is a split vote such as a 5 to 4 vote. (I do believe we don't need nor should we add a minority report section to our by laws due to my feelings that the recommendation is what it is and the process leads to the recommendation which is what I feel should what is sent to the Board of Commissioners) If the door is opened to minority reports you could have a five to four recommendation and four different minority reports to go with it. The Board of Commissioners watch and have full access to all information that is presented to the Planning Commission and do and can take the deliberation process and comments into account when they make their recommendation.

Comments on legal representation and legal advice,

In some cases, a Planning Commissioner may have a simple question that will allow the member to direct a question to staff and get legal advice or explanation which will allow the process to be directed through a staff member however there may be times that the question or conditions may warrant a conversation with legal that does not include a go between from staff.

I feel that the Planning Commission members need to have open and clear access to the legal team which the County provides for the Planning Commission. The members should have an attorney that they have direct access to in order to request legal advice and interpretation on a matter. Once this process has occurred the member may request that the information be shared or perhaps depending on the topic the matter can be considered settled by the member upon hearing the legal status or opinion of the legal adviser.

In all events when there are legal opinions requested by the commissioners the actual language used in any explanation by the adviser should be sent to the Planning Commissioners verbatim so that there is nothing lost in translation from the adviser to the planning commission as a whole.

Thank you for your time

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