

STAFF REPORT

To: Town of Alta Town Council

From: Polly McLean, Cameron Platt

Date: December 9, 2022

Re: Planning Commission Appointment Amendments and Proposed Appointments

Overview

This staff report is a revision of the same topic dated December 6, 2023, based on staff discussions with the Mayor. The main issue is the expiration of Planning Commission terms on January 1st.

The Town of Alta (“Town”) code regulating the appointment of Planning Commission members at the expiration of the members’ term was ambiguous and internally conflicted with other code language. The ambiguity created unresolved questions about a member’s term if they weren’t re-appointed or if a person wasn’t appointed to replace them. Currently, the terms of three Planning Commission members will expire on January 1, 2023.

In addition, Sections 11 & 12 contradict each other on when a vote of the Planning Commission passes.

Amendments

The amendments proposed by staff will clarify that the Mayor, with advice and consent of the Council, shall appoint a person to replace a Planning Commission member after the expiration of their term, or may re-appoint the incumbent for another term.

In addition, staff recommends language to allow the Mayor to correct the term of Planning Commission members’ terms to up to five years to ensure a staggered expiration of terms, and changes the date for when Planning Commission Terms expire to September 1st of each year.

Redline

10-4-2: CREATED; MEMBERSHIP; APPOINTMENT:

- A. Specified: There is hereby created a planning commission, to consist of five (5) members. Members shall be appointed by the mayor, with the ~~advice of the planning commission and the~~ advice and consent of the town council. Alternate members may also be appointed, which the mayor may appoint with the advice and consent of the town council.

The mayor shall, with the advice and consent of the town council, appoint a new planning commission member, or reappoint an incumbent Member, to fill a position on the planning commission that has expired. The Mayor shall appoint a new Planning Commission member, with the advice and consent of the town council, to fill vacancies that might arise and such appointments shall be to the end of the vacating member’s term.

- B. Community Representation: To the extent possible, appointments to the planning commission shall be made on a basis which represents the interests of residents of the town, and, in the event that they are available, should include at least one member

representing the business community, one member representing the environmental community, one member representing the architecture/building community, one member representing the planning community, and one member who is an at large representative.

10-4-3: TERMS, ELIGIBILITY OF MEMBERS:

Terms: Members of the planning commission shall serve terms of five (5) years. There is no limitation on the length of time a member may to serve if they are reappointed. Terms shall be staggered with one seat expiring each year and shall expire on September 1 of the respective year. Members shall continue to serve until their successors are appointed.

In the event that the expiration of planning commissioners' terms are not staggered, the mayor may appoint members for a term shorter than five (5) years to ensure the staggered expiration of terms.

~~Members of the planning commission shall serve terms of five (5) years, and may serve consecutive terms until, at the end of a five (5) year term, the mayor appoints a successor planning commission member to that position. Members shall continue to serve until their successors are appointed. If the mayor does not reappoint a new planning commission member at the end of a planning commission member's five (5) year term, that planning commission member shall continue to serve, unless such planning commission member elects to step down. The mayor shall appoint a new planning commission member to fill vacancies that might arise and such appointments shall serve until the end of the vacating member's term. Terms shall be staggered and expire on January 1 of the respective year.~~

10-4-11: VOTING:

Actions of the planning commission pass by a vote in the affirmative of three (3) members.

10-4-12: DECISIONS:

All decisions and all findings for the decision of the planning commission ~~shall be final upon a vote by a majority of the planning commission members present at the meeting, and all findings for the decision~~ shall be included and incorporated in the minutes.

Clean

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Appointment of Planning Commission Members

If the proposed amendments are made, the Mayor will propose the appointment of the Planning Commission members to expired terms after September 1, 2023, to the Town Council meeting. These appointments will ensure that all five Planning Commission members' terms will have staggered expirations. Future appointments will just need to be for a 5 year term.

Conclusion

The Town staff recommend that the Council adopt the draft ordinance as proposed, but will readily assist the Council to prepare alternate amendments if the Council chooses.