



**TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM**

To: Mayor Woodcock and Town of Board of Trustees		Meeting Date:	
From: Martha Perkins, Community Development Director		Wednesday, June 29, 2016	
Via: Kent Brown, Town Administrator			
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Approval of Ordinance No. 731 Amending Chapter 2 of the Town of Milliken Municipal Code Section 2-7-20 and Section 2-70-30 Concerning Membership and Terms of Appointment for the Planning Commission			
Attachments: Ordinance 731			

PURPOSE

Approval to amend Chapter 2 of the Town of Milliken Municipal Code Section 2-7-20 and Section 2-70-30 Concerning Membership and Terms of Appointment for the Planning Commission to allow for one additional alternate member appointed by the Board of Trustees to participate in the Commission meetings and vote in the absence of a regular Commission member.

BACKGROUND

The addition of alternate member enables a better chance of obtaining a quorum of the Commission, so land development applications can be processed in a timely manner. If a regular Commission member resigns, is removed, or is not re-appointed by the Board of Trustees, the alternate member shall be immediately considered to fill the vacancy. The additional alternate member allows continuity on the Commission, which is invaluable given the learning curve associated with serving on this volunteer board.

RECOMMENDATION

Staff recommends that the Town Board adopt Ordinance 731 to allow for an alternate member appointed by the Board of Trustees to participate in the Commission meetings and vote in the absence of a regular Commission member.

SUGGESTED MOTION

“I move to adopt Ordinance No. 731 Amending Chapter 2 of the Town of Milliken Municipal Code Section 2-7-20 and Section 2-70-30 Concerning Membership and Terms of Appointment for the Planning Commission.”

ORDINANCE NO. 731

AN ORDINANCE OF THE TOWN OF MILLIKEN AMENDING SECTION 2-7-20 AND SECTION 2-7-30 OF CHAPTER 2 OF THE MILLIKEN MUNICIPAL CODE CONCERNING PLANNING COMMISSION MEMBERSHIP AND TERMS OF APPOINTMENT

WHEREAS, the Town of Milliken is a municipal corporation organized under Part 3, Article 4 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town Board of Trustees is authorized under Article 23, Title 31 of the Colorado Revised Statutes to establish a planning commission; and

WHEREAS, in accordance with state law, the Board of Trustees has established a planning commission as set forth in Article XII of Chapter 2 of the Milliken Municipal Code; and

WHEREAS, the Board of Trustees desires to allow for the appointment of an alternate member of Planning Commission and to specify the terms of appointment.

Section 1: Section 2-7-20, *Purpose*, of Chapter 2 of the Milliken Municipal Code is hereby amended to remove the reference to Chapter 17 in subsection (2) to read in full as follows:

Sec. 2-7-20. - Purpose.

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapter 16 of this Code, and to perform all functions and powers referred to in said chapter where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

Section 2: Section 2-7-30, *Membership*, of Chapter 2 of the Milliken Municipal Code is hereby amended to allow for an alternate member to be appointed to the planning commission and to specify terms of appointment, to read in full as follows:

Sec. 2-7-30. - Membership.

- (a) The Planning Commission shall consist of seven (7) regular members and one alternate member appointed by the Board of Trustees. Six (6) regular members and one alternate member of the Planning Commission shall be bona fide residents of the Town for the entire tenure of their membership on the Planning Commission and may not be also serving on the Board of Trustees. One (1) member shall be a voting member who resides in Weld County and also within the boundaries of the Town's comprehensive planning area.
- (b) The respective terms of the regular and alternate members appointed pursuant to this Article shall be for four (4) year terms subject to reappointment by the Board of Trustees.
- (c) The alternate member of the Planning Commission may attend all meetings of the Planning Commission and shall have the right to participate in all meetings to the same extent of regular members, except that the alternate member shall not be entitled to vote on matters except as provided herein. In the absence of a regular member during all or any portion of a Planning Commission meeting, the alternate member shall assume all rights, duties and obligations of the regular member during the period of absence, and may vote on any matters pending before the Commission. If a regular member resigns, is removed, or is not re-appointed by the Board of Trustees, the alternate member shall be immediately considered to fill the vacancy of such regular member.

Section 3: Codification.

The Town Clerk is hereby directed to work with the Town's Municipal Code codifier to ensure that the provisions of this Ordinance are included in the next codification of the Milliken Municipal Code.

Section 4: Severability.

If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 5: Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 6: Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____