

RESOLUTION NO. 01 - 26

A RESOLUTION ADOPTING THE RULES AND PROCEDURES OF THE PLANNING COMMISSION OF THE CITY OF COLORADO SPRINGS, EFFECTIVE JANUARY 13, 2026

WHEREAS, City Code Section 1.2.903 states, "Council-appointed boards or commissions may promulgate rules of procedure for the conduct of their business and meetings which must be consistent with the City of Colorado Springs rules and procedures of Council and shall be approved by City Council;" and

WHEREAS, the City Planning Commission is established pursuant to City Charter and City Code Section 7.5.202 to conduct land use hearings and make recommendations to City Council; and

WHEREAS, City Council finds it necessary and appropriate to adopt the Rules and Procedures of the Planning Commission to promote clarity, consistency, and the efficient conduct of Planning Commission business.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

Section 1. The City Council of Colorado Springs hereby adopts the revised Rules and Procedures of the Planning Commission of the City of Colorado Springs, attached hereto and incorporated herein as Exhibit A, which shall take effect on January 13, 2026.

Dated at Colorado Springs, Colorado this 13<sup>th</sup> day of January 2026.

ATTEST:

  
Sarah B. Johnson, City Clerk



  
Lynette Crow-Iverson, Council President

**CITY OF COLORADO SPRINGS**

**RULES AND PROCEDURES OF THE PLANNING COMMISSION**

Adopted by City Council Resolution No. \_\_-25, effective \_\_\_\_\_, 2025

Adopted by Planning Commission Motion on \_\_\_\_\_, 2025

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## **PURPOSE OF THE PLANNING COMMISSION**

The Planning Commission (the "Commission") for the City of Colorado Springs (the "City") is composed of nine (9) volunteers appointed by City Council with expertise in a variety of areas,<sup>1</sup> and its function is to encourage, coordinate, and unify planning of the urban metropolitan area centering on the City.<sup>2</sup> The Commission holds hearings to provide recommendations to City Council on ordinances and legislative items and to make final decisions on most quasi-judicial items before it. No Commissioner may speak on behalf of the Commission without unanimous consent of the rest of the Commission.

These Rules and Procedures are promulgated pursuant to City Charter § 9-10 and City Code § 1.2.903, as amended, and incorporate Part 5 of the Rules and Procedures of City Council, as may be amended, ("Part 5") attached hereto as Appendix A.

## **SECTION 1 - ORGANIZATION**

### **1-1. ELECTION OF OFFICERS.**

- A. Annual Meeting. The annual meeting of the Commission will generally be in June of each year but may be otherwise scheduled by the Chair. Officers are elected in accord with Rule 5-7 of Part 5 at the annual meeting.
- B. Removal. The Chair or Vice Chair may be removed for good cause from the office of Chair or Vice Chair, as applicable, by a vote of at least five (5) Commissioners.
- C. Vacancies. Upon a vacancy in the office of the Chair due to death, resignation, removal from office, forfeiture of office, or other reason, the Vice Chair shall automatically become the Chair. Upon a vacancy of the Vice Chair, the Commission shall elect a Vice Chair at its next Regular or Special Meeting. When a vacancy on the Commission occurs, a new Commissioner will be selected per City Charter § 9-10(a) and Rule 5-5 of Part 5. Notwithstanding Rule 5-1 of Part 5, no more than two (2) of the nine (9) Commissioners may reside out of but within three (3) miles of the corporate limits of the City.

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<sup>1</sup> Colo. Springs, Colo., Code § 7.5.202(A)(1), "Planning Commission" (2024)

<sup>2</sup> Colo. Springs, Colo., Code § 7.5.202(C)(1), "Planning Commission" (2024)

## **1-2. POWERS AND DUTIES OF THE CHAIR, VICE CHAIR, AND SECRETARY.**

The powers and duties of the Chair, Vice Chair, and Secretary are set forth in Rule 5-8 of Part 5.

## **SECTION 2 – MEETINGS**

### **2-1. REGULAR COMMISSION MEETINGS.**

- A. Time and Place. All Regular Meetings of the Commission shall be held on a monthly basis at a date and time set by the Chair and the Director. In general, Regular Meetings will be held in the Regional Building Department Chambers at 2880 International Circle, Colorado Springs, Colorado, on the second Wednesday of each month, commencing promptly at 9:00 a.m., or at other times and places as determined by the Chair and Director. Regular Meetings shall be open to the public, except Executive Sessions.
- B. Order of Business. The order of business at Commission meetings shall be:
  - 1) Call to Order.
  - 2) Approval of Minutes.
  - 3) Communications.
  - 4) Changes to Agenda/Postponements.
  - 5) Consent Calendar – within this section are included all items of a routine or noncontroversial nature, including quasi-judicial items without opposition that are not removed from the Consent Calendar. The record for all items on the Consent Calendar shall include all items distributed to the Commission for the meeting, as well as the file maintained by the Planning Director. The Planning Director, any Commissioner, or any member of the public wishing to address the Commission on any item on the Consent Calendar may do so, and the item will be removed from the Consent Calendar and set aside for action following the vote on the Consent Calendar. If more than one item is removed from the Consent Calendar, those items shall be considered in the order taken from the Consent Calendar. The Consent Calendar, after removal of any controversial items, shall then be adopted by unanimous vote. Each item on the Consent

Calendar approved by unanimous vote shall be deemed to have received the unanimous vote of all Commissioners present, and the minutes shall so reflect.

- 6) Items Called Off Consent Calendar – items removed from the Consent Calendar shall be discussed and voted upon individually.
  - 7) Unfinished Business.
  - 8) New Business.
  - 9) Presentations/Updates (non-voting items).
  - 10) Adjourn.
- C. The Chair has the discretion to call items on the Agenda out of order to manage the meeting, subject to appeal and vote by the other Commissioners.

## **2-2. WORK SESSION MEETINGS.**

- A. Time and Place. All Work Sessions of the Commission shall be held on a monthly basis at a date and time set by the Chair and the Director prior to the Regular Meeting. In general, the Commission will meet on the first Thursday of the month in the week prior to the Regular Meeting at 9:00 a.m. in Room 102 of the City Administrative Building, 30 S. Nevada Avenue, Colorado Springs, Colorado, or at other times and places upon call of the Chair or at the request of three (3) Commissioners to discuss matters pending or proposed.
- B. No Official Action. Work Session meetings of the Commission are open to the public, however no public comment is permitted regarding any item brought before the Commission during a Work Session. No official action shall be taken and no quorum shall be necessary at a Work Session. As used herein, official action shall mean a vote regarding a legislative item or quasi-judicial action. The Commission is permitted to take efforts to arrive at a consensus position to research or study a matter, to discuss administrative matters, or to be briefed by Staff regarding items to be heard at an upcoming Regular or Special Meeting.
- C. Presentations. Staff may make informational presentations at Work Sessions regarding any matters that are expected to come before the Commission on a legislative or quasi-judicial basis. Informational presentations may include, among other matters, briefings on the results of past actions, comprehensive planning matters, or current events. Certain experts or individuals may also be invited to present to the Commission at a Work Session, except that such presentations shall be purely informational and not relate to a pending matter before the Commission.

Non-staff must wait to present on pending matters at the applicable Regular Meeting.

D. Order of Business. The order of business at Work Session meetings shall be:

- 1) Call to Order.
- 2) Changes to Agenda.
- 3) Communications/Updates.
- 4) Review of Formal Agenda, including the Consent Calendar.
- 5) Informational Presentations/Administrative Matters.
- 6) Commissioner Reports and Open Discussion.
- 7) Adjourn.

The Chair has the discretion to call items on the Agenda out of order to manage the meeting.

### **2-3. SPECIAL MEETINGS.**

- A. Special Meetings. The Commission may meet at such other times as it may be called together by the Chair or in the absence of the Chair by the Vice Chair, provided that the subject matter of the meeting be provided to each Commissioner at least twenty-four (24) hours in advance. The notice shall state the time, place, and purpose for which the meeting is called. Notice shall be sent to the Commissioners, City Council President, Mayor, City Clerk, and the City Attorney. The notice shall be served through electronic mail at the address provided by each Commissioner for communications. Notice may be supplemented through any other form of communication reasonably calculated to provide actual notice to the Commissioners. The Staff Liaison shall record and keep minutes of Special Meetings, which shall be public record.
- B. Voting. The Commission may take official action at Special Meetings if properly noticed.

### **2-4. AGENDA.**

- A. General.
- 1) The agenda for each Regular Meeting, Work Session, or Special Meeting must be posted in accord with Open Meetings Laws, as adopted by the City,

with a minimum of twenty-four (24) hours' notice. The City Clerk must maintain a record of such posting in a form approved by the City Attorney.

- 2) All matters to appear on the Regular Meeting Agenda shall be filed with the Planning Director prior to the meeting.
  - 3) All matters to appear on the Work Session Agenda shall be filed with the Planning Director prior to the meeting.
  - 4) The Commission may not take action on any matter not properly noticed for the Agenda, unless an exception stated in the Open Meetings Law, as adopted, is applicable.
- B. Agenda Preparation. The Planning Director, with the consent of the Chair and the assistance of the Staff Liaison and the City Attorney, shall prepare the agenda for all Commission meetings, except as noted for Executive Sessions.
- C. Agenda Materials
- 1) General. Every item brought before the Commission shall be accompanied by a memorandum from the Staff Liaison, appropriate department head, or the City Attorney clearly explaining the purpose, analysis of the item (or of the criteria for quasi-judicial actions), staff comment on applicable criteria, and alternative actions available to the Commission.
  - 2) Deadlines. Materials should be filed at least ten (10) days prior to the meeting at which the item will be heard. Agenda items with materials not filed by the established filing deadline shall be held over to the next Commission meeting, unless directed otherwise by the Chair or the Planning Director.
  - 3) Confidential Materials. Confidential materials for Executive Sessions are not included with the published agenda but are submitted to the Commission in hard copy at least twenty-four (24) hours in advance, or at a later time determined by the City Attorney.
- D. Except as otherwise provided herein, the Commission shall follow the Rules and Procedures of City Council, as amended, when conducting an Executive Session.

### **SECTION 3 - COMMISSION PROCEDURE**

### **3-1. QUORUM.**

The Chair, or in the Chair's absence, the Vice Chair, shall take the chair at the hour appointed for the Commission to meet, and shall immediately call the Commission to order. The Staff Liaison shall enter into the minutes of the meeting the names of the Commissioners present, including any alternate Commissioners seated. A majority of the Commission shall constitute a quorum for the transaction of business. In the absence of a quorum at the time appointed for a meeting, where sufficient alternate Commissioners are not available, the Commissioners present shall adjourn the meeting to another designated time.

### **3-2. ATTENDANCE.**

Attendance of Commissioners shall be required as set forth in Rule 5-3 of Part 5.

### **3-3. CONDUCT OF MEETINGS.**

- A. Addressing the Chair. Commissioners who wish to speak, ask a question, or make a motion shall address the Chair, and the Chair shall thereupon pronounce the name of the Commissioner entitled to the floor. Commissioners shall confine themselves to the matter under debate.
- B. Preservation of Order. The Chair shall preserve decorum. If a Commissioner violates these Rules and Procedures, the Chair shall call such Commissioner to order, in which case the Commissioner shall be silent, unless permitted to explain.
- C. Appeals from the Decision of the Chair. The Chair shall preside at all meetings, preserve decorum, and decide all questions of order, subject to appeal to the Commission. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of the Commission?" If a majority of the Commissioners vote that the decision is to stand, the matter is concluded and the decision stands for the Commission. If a majority votes that the decision will not stand, the Chair may change its decision or entertain alternative options.
- D. Dissents and Protests. Any Commissioner shall have the right to respectfully express dissent from or protest against any action of the Commission and to have the reason therefore entered into the minutes.
- E. Unanimous Consent. These rules are designed for the protection of the minority, they need not be strictly enforced by the Chair except as to voting on motions. When there appears to be no opposition to a matter, except with regards to quasi-

judicial or legislative matters, the formality of voting can be avoided by a Commissioner requesting unanimous consent to a proposal or by the Chair asking if there is any objection to a proposal, and if there is none, announcing the result as “unanimous consent” to the matter.

- F. In the absence of a rule to govern a point of procedure, the Commission shall look to the City Council Rules and Procedures. In the absence of a rule in the City Council Rules and Procedures, the City Attorney shall advise.

### **3-4. VOTING.**

Voting by Commissioners shall be in accord with Rule 5-9 of Part 5.

### **3-5. SPECIAL MOTIONS AND ACTIONS.**

These actions must be disposed of immediately:

- A. Motion Objecting to Consideration. This motion must be made immediately after an item is called to the attention of the Commission by the Staff Liaison. This motion enables the Commission to avoid a main motion that would be undesirable to consider at the time. It does not require a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.
- B. Withdrawal of Motion. A mover of any motion may withdraw the motion as a matter of right so long as the consent of the second is first obtained.
- C. Motion to Suspend Rules. The purpose of this rule is to enable the Commission to set aside one or more of its procedural rules that would otherwise prevent consideration of a certain action. A motion to suspend the rules suspends only those rules which specifically interfere with the consideration of the particular action involved. The rules are suspended only temporarily and are automatically reactivated after the proposed action has been considered. No rules or law set forth in the City Charter, City Code, or state or federal law may be altered by suspending the rules. A motion to suspend rules is not a debatable motion and may not be amended. This motion requires a majority vote of the Commission present.
- D. Division of the Question. On request of any Commissioner, a question under consideration covering two (2) or more points shall be divided where the question allows such division.

### **3-6. PARLIAMENTARY PROCEDURE FOR MOTIONS.**

When an item is before the Commission, no motion shall be entertained except as according to priority as listed (highest to lowest). In making any motions, the motion maker may not interrupt another speaker.

- A. Motion to Adjourn - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.
- B. To Postpone Temporarily - Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.
- C. To Close Debate - Requires a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.
- D. To Limit or Extend Debate - Requires a second, is debatable as to type and time of limitations, is amendable as to time and type of limitations, and requires a two-thirds (2/3) vote of those present.
- E. A Motion to Postpone to a Definite Date - Requires a second, is debatable as to reasons for postponement and date of reconsideration, is amendable as to date of reconsideration, and requires a majority vote of those present.
- F. Motion to Amend - Requires a second, is debatable unless applied to an undebatable motion, is amendable, and requires a majority vote of those present.
- G. Motion to Postpone Indefinitely - Requires a second, is debatable, is not amendable, and requires a majority vote of those present. (This motion is not applicable to quasi-judicial items.)
- H. Motion to Reconsider – Actions by the Commission are not subject to reconsideration and may not be reopened once decided.
- I. Main Motions - Requires a second, is debatable, is amendable, and requires a majority vote of those present.

## **SECTION 4 - PUBLIC HEARINGS**

### **4-1. GENERAL PROCEDURES FOR ALL PUBLIC HEARINGS.**

- A. Purpose. Public hearings are conducted to provide a reasonable opportunity for all interested parties to express themselves, if the testimony or evidence being given

is related to the purpose of the public hearing.<sup>3</sup> The Chair will be responsible for and have the power to establish the order of, and length of time allocated for, any presentations to be made at the meeting. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions, subject to a determination otherwise by action of the entire Commission on motion.

- B. Public's Right to Address the Commission. Where hearing procedures call for comment by parties supporting or opposing an item, members of the public shall be permitted to address the Commission on the topic being considered. The Chair may request representatives of each side to speak for an entire group or portions of the group, but shall not require such representation against the wishes of the group involved. Whenever necessary, the Chair shall direct that remarks be relevant to the item.
- 1) A member of the public desiring to address the Commission shall sign up to speak, including his or her name, address, group affiliation (if any), and the agenda topic on which he or she desires to speak. The Chair may group related comments. When called upon by the Chair, the person shall step to the lectern, state his or her name and group affiliation (if any), and speak clearly into the microphone, unless authorized otherwise by the Chair. The public may only approach the dais with permission of the Chair.
  - 2) Unless otherwise directed by the Chair, members of the public shall limit testimony to three (3) minutes per person. The Chair may modify the time limits listed. The Chair may limit comments on any matter to a fixed time, subject to a determination otherwise by an appropriate motion by the Commission.
  - 3) Unless otherwise directed by the Chair, members of the public may not cede time to another member of the public. Where allowed by the Chair, members of the public may cede time to another member of the public by stating their name and intention to cede time on the record, provided that no individual may speak for more than fifteen (15) minutes, and all members of the public who cede time to another must be present for the duration of the speaker's time.
  - 4) Public comments must be directed to the subject under consideration. The Chair shall rule on the germaneness of public comments. Abusive, personal, impertinent, irrelevant, slanderous, or profane remarks, or loud, threatening, personal, or abusive language shall not be allowed.

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<sup>3</sup> Colo. Springs, Colo., Rules & Procedures of City Council, Rule [6-1], "Public Hearings" (2022).

- 5) A Commissioner, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations, or recommendations from any City Staff or any person speaking.
  - 6) Any person who makes threatening, abusive, personal, impertinent, irrelevant, slanderous, or profane remarks which disrupt, disturb, or otherwise impede the orderly conduct of the Commission meeting, or who otherwise engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting, shall upon the direction of the Chair be barred from further attendance at that meeting. In said event, it would be the duty of a peace officer, upon the request of the Chair, to issue such commands and take such actions as may be necessary to eliminate the disruptive conduct and restore peace and order to the proceedings.
- C. Questions. Any person speaking may be questioned by any Commissioner. The Chair may establish a reasonable time limit for each speaker.
- D. Points of Order. The Chair shall rule upon all disputed matters of procedure.
- E. Evidence. The Colorado Rules of Evidence shall not apply, and the Commission may receive petitions, exhibits, and other relevant documents without formal identification or introduction.
- F. Exhibits to the Commission. All parties who desire to submit exhibits to the Commission for the purposes of inclusion in the record shall submit the original exhibit and twelve (12) copies to the Staff Liaison, who shall distribute them to the Commission. One (1) copy of each exhibit that may be displayed, so that all of the Commissioners can simultaneously observe it, shall be given to the Staff Liaison. If exhibits are electronic, an electronic copy must be given to the Staff Liaison in a format proscribed by the Planning Director.
- G. Applicant's or Appellant's Presence. When a public hearing is opened and the applicant or appellant, or his or her representative, is not present, the Commission shall follow one of the alternatives listed below:
- 1) Consider the item; or
  - 2) Withdraw the item; or
  - 3) Postpone the item until the end of the agenda, where the applicant or appellant shall be required to show cause for the missed attendance. The item shall not be considered on its merits at the show cause hearing. If the applicant or appellant is not present at the hearing, the hearing may be set over to the next regular monthly meeting of the Commission or dismissed

for lack of attendance. If an item is dismissed for lack of attendance, an applicant may refile its application in its discretion, and an appellant may refile for a public hearing within three (3) days of the dismissal.

#### **4-2. PROCEDURES FOR LEGISLATIVE MATTERS.**

- A. Hearings. A legislative public hearing shall be conducted to consider legislative matters and to provide advice to the City Council as required by City Code or requested by the City Council President or the Planning Director.
- B. Order of Legislative Items. Each legislative item shall be presented in the following order:
  - 1) City Staff will present the item.
  - 2) Supporters of the request will be heard.
  - 3) Opponents of the item will be heard.
  - 4) City Staff may present additional information to address the comments of supporters and opponents. Members of the public may address the Commission upon recognition by the Chair. The decision of the Chair may be appealed by another Commissioner.
  - 5) The Commission will discuss the item and render its decision.

#### **4-3. PROCEDURES FOR QUASI-JUDICIAL MATTERS.**

- A. Ex Parte Contacts/Fair Hearings. The Commissioners shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Commission, except at the work session and at the public hearing.
  - 1) As a Commissioner, it is often impossible to avoid such contacts and exposure to information. Therefore, if any Commissioner is exposed to information about a pending matter outside of the public hearing through contacts with members of the public, the applicant, or through site visits, the Commissioner shall disclose all such information or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened. If a Commissioner receives written individual information on quasi-judicial actions, a copy shall be made for the rest of the Commission. Site visits are allowed, but communications with applicants or appellants

regarding the site must be limited, and all visits and related conversations must be disclosed.

- 2) Matters are pending when an application has been filed or a matter is being referred to the Commission. Information and evidence gained by Commissioners via their attendance at noticed public hearings before public boards and commissions are not subject to this rule.
- B. Limits on Appeal. In appeals from decisions of the Planning Director, the Commission reserves the right to limit the hearing to matters raised on appeal.
- C. Order for Quasi-Judicial Items. The order of the hearing for quasi-judicial items shall be as follows:
- 1) City Staff shall have available a copy of any required public notice as published in the newspaper, a copy of any required affidavit of posting of public notice, all application documents for the proposed project, and other materials as appropriate. City Staff shall give an overview of the project and summarize the Planning Director's action for the record.
  - 2) The applicant shall present evidence in support of the project.
  - 3) Any others in support of the applicant shall present their evidence.
  - 4) Opponents of the item may be heard.
  - 5) Cross examination of a person presenting evidence by proponents or opponents may be allowed at the discretion of the Chair.
  - 6) Additional comments by City Staff may be allowed for clarification or in response to new evidence.
  - 7) The applicant may rebut but not introduce new evidence.
  - 8) Questions from the Commission may be directed at any time to the applicant, Staff, or public to clarify evidence presented in the hearing.
  - 9) When the Commission has no additional questions, the Chair shall close the hearing, and the Commission shall act on the item.
  - 10) No proponent or opponent of an item shall be permitted to speak more than once, with the exception of the rebuttal allowed to the applicant and with the exception that anyone may speak in response to questions from the Commission. Responses to questions from the Commission shall be limited to the answer to the question as stated.

- 11) The Staff Liaison shall hold all exhibits until the later of (i) ten (10) working days after the time for appeal has expired, (ii) forty (40) days following a final decision on appeal of the City Council, or (iii) until any applicable legal hold has expired for litigation related to the quasi-judicial matter. The person submitting the exhibit may pick up the exhibit following the expiration of any holding period. If the exhibit is not picked up, the Staff Liaison may dispose of the exhibit.
- D. Order for Appealed Items. The order of the hearing for items appealed from decisions of the Planning Director, or from other boards, commissions, or officers whose decisions are appealable to the Commission, shall be as follows:
- 1) City Staff shall have available a copy of any required public notice as published in the newspaper, a copy of any required affidavit of posting of public notice, all application documents for the proposed project, and other materials as appropriate. City Staff shall give an overview of the project and summarize the Planning Director's action for the record.
  - 2) The appellant, whether the applicant or another party, shall describe the nature of the appeal and present evidence. If there are multiple appellants, they shall present in the order their appeals were filed.
  - 3) If the appellant is another party, the applicant shall present evidence in support of the project.
  - 4) Any others in support of the appeal shall present their evidence.
  - 5) Any others in opposition to the appeal shall present their evidence.
  - 6) A short rebuttal by the appellant, limited to issues raised in preceding testimony or argument. No new evidence shall be presented during rebuttal.
  - 7) A short rebuttal by the applicant, limited to issues raised in preceding testimony or argument. No new evidence shall be presented during rebuttal.
  - 8) Final comments from the applicant or other parties are only allowed with permission of the Chair. The decision of the Chair may be appealed by another Commissioner.
  - 9) Final comments from City Staff shall conclude the public hearing.
  - 10) All questions will be directed through the Chair, who will then direct the appropriate person to respond.
  - 11) The Commission may then make its decision on the matter or delay its decision. If final action is not taken at the public hearing, the Chair will advise

the audience when the matter will be considered. Commissioners who are not present for the entire public hearing will be allowed to vote on the matter only if they carefully<sup>4</sup> review all applicable minutes and other documentation prior to voting.

- 12) No proponent or opponent of an item shall be permitted to speak more than once, with the exception of the rebuttal allowed and with the exception that anyone may speak in response to the questions from the Commission. Responses to questions from the Commission shall be limited to the answer to the question as stated.
  - 13) The Staff Liaison shall hold all exhibits until the later of (i) ten (10) working days after the time for appeal has expired, (ii) forty (40) days following a final decision on appeal of the City Council, or (iii) until any applicable legal hold has expired for litigation related to the quasi-judicial matter. The person submitting the exhibit may pick up the exhibit following the expiration of any holding period. If the exhibit is not picked up, the Staff Liaison may dispose of the exhibit.
- E. Limits on Discussion. Commissioners should refrain from discussing quasi-judicial actions with any person for ten (10) days after the date of the quasi-judicial decision, and if appealed, until forty (40) days after the date of a quasi-judicial decision by City Council, and further during the pendency of any litigation.

## **SECTION 5 – DEFINITIONS**

### **5-1. DEFINITIONS.**

- A. STAFF LIAISON – The individual designated by the Planning Director, with the consent of the Chair, to fulfill the duties of the staff liaison.
- B. CITY COUNCIL – Refers to the City Council for the City of Colorado Springs.
- C. CITY STAFF – Any employee of the City appearing before the Commission in that person’s official capacity.
- D. LEGISLATIVE ACTION – A legislative action generally involves the exercise of City Council’s authority to make laws for the good of the public. The Commission usually makes advisory decisions on legislative items for the consideration of City Council. The existence of a statute or ordinance is not determinative since the law

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<sup>4</sup> Colo. Springs, Colo., Rules & Procedures of City Council, Rule 6-2(E)(1-10), “Public Hearings” (2025).

considers the nature of the decision and the process by which the decision was reached. Legislative action is usually reflective of some public policy relating to matters of a permanent or general character, is not normally restricted to identifiable persons or groups, and is usually prospective in nature. Further, legislative action requires balancing questions of judgment and discretion, is of general application, and concerns an area usually governed by legislation. See, *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).

- E. PLANNING DIRECTOR – The person appointed by and reporting directly to the Mayor, charged with the responsibility for planning, land use and development, and related activities, or the Planning Director’s designee.
- F. QUASI-JUDICIAL ACTION – A quasi-judicial action generally involves a determination of the rights, duties, or obligations of specific individuals based on the application of presently existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving the interests in question. The existence of a statute or ordinance mandating notice and a hearing is generally evidence of a quasi-judicial decision. Another factor indicating the judicial nature of a municipal action is whether the matter is of a type ordinarily heard by a court. If the issue is essentially political, the action cannot be deemed to be quasi-judicial. McQuillin Mun Corp § 49.77. It is the nature of a decision rendered by the governmental body and the process by which that decision is reached that determines whether the governmental body has exercised a quasi-judicial function in rendering its decision. See, *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).

Appendix A

Part 5 of the Rules and Procedures of City Council