

**RESOLUTION 14-20**

**A RESOLUTION APPROVING THE ESTES PARK BOARD OF ADJUSTMENT  
BYLAWS**

**WHEREAS**, the Town is currently in the process of forming and appointing a new Board of Adjustment; and

**WHEREAS**, it is necessary and appropriate for Town of Estes Park Boards and Commissions to have an approved set of bylaws for conduct of business; and

**WHEREAS**, under section 2.1(D) of the Estes Park Development Code, effective April 1, 2020, bylaws for the Board of Adjustment must be approved by the Board of Trustees; and

**WHEREAS**, Town Board approval of a standardized set of bylaws in accordance with Town Governance Policy 102 will meet the goal of an orderly meeting process:

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF ESTES PARK, COLORADO:**

The Estes Park Board of Adjustment Bylaws [adopted Spring 2020] now before the Board are hereby approved.

DATED this 24 day of March, 2020.

TOWN OF ESTES PARK

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney

**ESTES PARK BOARD OF ADJUSTMENT  
BYLAWS  
[Adopted Spring 2020]**

**I. ROLE**

The Estes Park Board of Adjustment ("Board") is established under section 2.1(D) of the Estes Park Development Code. The Board exercises the authority given to it by the Town Board of Trustees as outlined below:

1. Perform all of the duties and responsibilities of a municipal board of adjustment pursuant to Colorado law; and
2. Perform all of the duties and responsibilities of the Board of Adjustment as described in the Estes Park Development Code.

**II. MEETINGS**

A. Regular Meetings. Regular meetings shall be held the first Tuesday of each month, beginning at 9:00 AM. For any given month, if the first Tuesday is a holiday or if the first Tuesday is the day after a Monday holiday, the Board's meeting date for that month will be the following Tuesday one week later. "Holiday" shall mean any of the days so designated in Town of Estes Park Policy 306, section 3(c)(ii). At meetings, the Board shall consider all matters properly brought before the Board as scheduled items. If any change is made to the starting time of a Board meeting, either by the Community Development Director or by the Board at a previous meeting, Board members shall be notified of such change at least five days prior to the meeting.

B. Special Meetings. Special meetings may be held at any time upon call by the Chair, the Board, or the Community Development Director. Notice of at least five (5) calendar days shall be given to each member of the Board. The time, place, and purpose of the special meeting shall be specified in the notice to the Board members. Public notice of the meeting shall be given in accordance with Colorado Revised Statutes Sec. 24-6-402(2)(c).

C. Open Meetings. All meetings are open to the public. Action of the Board shall be in full compliance with Colorado statutes governing open meetings.

**III. MEMBERS AND QUORUM**

A. Membership. The Board consists of three (3) voting members, as provided in the Development Code.

B. Quorum. A quorum for transaction of business shall consist of two (2) members. In a meeting where a quorum is not present, no action shall be taken, and all scheduled matters shall be rescheduled for hearing at the next regularly scheduled Board meeting, or at a special meeting.

C. Action. Action by the Board shall be by majority vote of the members attending any regular or special meeting at which a quorum is present, unless otherwise provided by law or ordinance.

D. Liaison. The Town Board of Trustees may appoint one of its members as a liaison to the Board, who shall receive copies of all notices, documents, and records of proceedings of the Board which any Board member would also receive.

#### IV. OFFICERS

A. Officers. There shall be a Chair and a Vice Chair for the Board. Each shall serve for a one-year term. The Chair and Vice-Chair shall be chosen by majority vote of members of the Board. The Community Development Department Planning Division Administrative Assistant, or his or her designee, shall serve as Recording Secretary.

B. Elections. Officers shall be elected by the members annually, at the first regularly scheduled meeting of each year or as soon thereafter as practicable. Notification of who is elected Chair and Vice Chair will be sent to the Town Clerk.

C. Chairperson responsibilities:

1. Shall preside at all meetings at which (s)he is present;
2. Shall ensure that all meetings are conducted with decorum and efficiency;
3. May call special meetings in accordance with the Bylaws;
4. Shall sign any documents on behalf of the Board;
5. Shall see that decisions of the Board are properly taken;
6. As any other member of the Board, shall vote on matters before the Board, may make or second motions, and may speak for or against proposals.

D. Vice-Chairperson responsibilities:

Preside over meetings and perform the other duties of the Chair in the event the Chair is absent or unable to act.

E. Recording Secretary responsibilities:

1. Attest the signature of the Chair or Vice Chair on the documents of the Board;
2. Prepare and keep the minutes of all meetings of the Board in an appropriate and designated file;
3. Give and serve all notices required by law or these Bylaws;
4. Prepare the agenda in consultation with the Chair for all meetings of the Board;
5. Be custodian of Board records;
6. Inform the Board of correspondence relating to business of the Board and attend to such correspondence.

#### V. MEETING PROCEDURES

A. Parliamentary Procedure. The Chair shall preside in accordance with generally accepted norms for the conduct of parliamentary procedure. The Board may overturn a parliamentary

determination of the Chair by majority vote. Robert's Rules of Order may be considered as a parliamentary guide. The Community Development Director shall serve as a parliamentary procedure resource.

B. Public Invited to be Heard. The Chair may allow personal appearances at the beginning of each regular meeting by any person desiring to speak on a matter not on the agenda. The Board shall not take action on items presented under such personal appearances. Any statement made shall be relevant to land use matters and shall be not more than three minutes per person in duration. The Chair shall request that all persons so appearing identify themselves by name and address.

C. Consent Agenda. Items on the consent agenda may be approved in the aggregate by a single motion. Any Board member may remove any item from the consent agenda. Removed items shall be heard following the disposition of the remaining consent agenda, and shall be discussed and voted on separately.

D. Formal Action. Each formal action required by law or ordinance shall be embodied in a formal motion or resolution.

E. Review Criteria. Those items to be considered which require review pursuant to adopted criteria shall be considered in the context of such criteria. The Board shall state findings based on the criteria when taking action on such an item.

F. Chair Pro Tem. In the event the Chair and the Vice Chair are both absent or unable to act in a regular or special meeting where a quorum has been met, another member of the Board shall be chosen by the Board to perform the responsibilities of the Chair for the meeting.

G. Timely Conclusion of Meetings. Regular meetings shall end no later than 11:30 AM unless the Board approves an extension to the meeting by a two-thirds (2/3) majority vote. Any item on the agenda which cannot be heard and considered by the conclusion of the meeting may, as provided by the Development Code, be continued until and heard at the next regularly scheduled meeting, or a special meeting, and shall have priority over any other matters to be heard and considered.

H. Cancellation of Meetings. Regularly scheduled meetings of the Board may be canceled or rescheduled upon determination by the Chair. In the event no application has been received for hearing by the Board at any regularly scheduled meeting, and in the absence of other pressing business, the Community Development Director may cancel the meeting.

## **VI. ATTENDANCE**

All members shall attend all meetings, including special meetings, of the Board, if possible. In the event any member misses three (3) consecutive regular meetings or a total of four (4) regular meetings in a calendar year, the Board may report such absenteeism to the Town Board of Trustees.

## **VII. COMPLIANCE WITH TOWN POLICIES**

A. Compliance with Town Policies. In addition to these Bylaws, the Board operates under the terms of the Town of Estes Park Governance Policy 102, as amended from time to time. The Policy terms are incorporated into these Bylaws by this reference. A copy of that Policy, along with these Bylaws, shall be provided to each member at the time of their appointment.

B. Volunteer Classification. Participation as a member of the Board is done of one's own free will in the context of volunteerism. Volunteers appointed by the Town Board of Trustees will act in accordance to any adopted Town volunteer manual or policy.

### VIII. CONFLICT OF INTEREST

All members of the Board are subject to the standards of conduct under the State of Colorado Code of Ethics, Sections 24-18-101 et seq., C.R.S., and Article XXIX of the Colorado Constitution (Amendment 41). At the time of introduction of an individual item on the Board agenda in which the member has a conflict of interest, the member shall state that he or she has a conflict of interest and then abstain from participating and voting on the matter. A member having a conflict of interest on any matter shall not attempt to influence other members of the Board at any time with regard to said matter.

Adopted this \_\_\_ day of \_\_\_\_\_, 2020

ESTES PARK BOARD OF TRUSTEES

By:   
Todd Jirsa, Mayor