

# ESTES PARK BOARD OF ADJUSTMENT BYLAWS [ADOPTED 01/2022]

## I. ROLE

The Estes Park Board of Adjustment (EPBOA) is established under section 2.1(D) of the Estes Park Development Code. The EPBOA exercises the authority given to it by the Town Board 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 EPBOA as described in the Estes Park Development Code.

“Chair” in the remainder of this document will refer to the Chair of EPBOA.

## II. MEETINGS

- A. *Regular Meetings.* Shall be held the first Tuesday of each month, with additional meetings scheduled as needed. Regular meetings shall occur at 9:00 a.m. Any item on the agenda which cannot be heard and considered by the conclusion of the meeting may be continued until and heard at the next regularly scheduled meeting or a specially scheduled meeting and shall have priority over any other matters to be heard and considered.
- B. *Special Meetings.* May be held at any time upon call by the Chair or the Community Development Director. Notice of at least three (3) calendar days shall be given to each member of the EPBOA. The time, place, and purpose of the special meeting shall be specified in the notice to the EPBOA members. Should a special meeting be scheduled, notification must be provided to the EPBOA Secretary in an effort to adequately notify the public in accordance with the State of Colorado Open Meetings Law Section 24-6-402(2)(c) C.R.S.
- C. *Cancellation of Meetings.* Regularly scheduled meetings of the EPBOA may be cancelled or rescheduled upon determination by the Chair. Any cancelled meeting requires notification to the Community Development Director in an effort to adequately notify the public.
- D. *Meeting Procedures.* Chair shall preside in accordance with generally accepted norms for the conduct of parliamentary procedure. The EPBOA may overturn a parliamentary determination of the Chair by majority vote. Robert’s Rules of Order may be considered as a parliamentary guide.

- E. *Open Meetings.* All meetings and action of the EPBOA shall be in full compliance with state statutes governing open meetings, as amended and incorporated herein by reference. It is the responsibility of the assigned staff member of Community Development to be familiar with these statutes and regulations.
- F. *Attendance by Non-members.* Meetings may be attended by persons who are not members of the EPBOA. At the discretion of the Chair, non-members may be allowed to speak at meetings. However, in no event shall non-members be allowed to vote on matters for which a vote is required.

### **III. MEMBERS AND QUORUM**

- A. *Membership.* The Board consists of three (3) voting members, as provided in the Estes Park Development Code. Appointments of members shall be made by the Town Board in accordance with Policy 102.
- B. *Terms.* Members shall be appointed to a three (3) year term. The terms of the members shall be staggered so that the terms of an equal number of the members, or as equal a number as possible, expire on the last day of March each year. There are no term limitations, and members may be reappointed by the Town Board in accordance with Policy 102.
- C. *Vacancies.* Vacant positions shall be filled by appointment by the Town Board for the unexpired portion of the term of the position to be filled.
- D. *Quorum.* A quorum for transaction of business of the EPBOA shall consist of two (2) members of the EPBOA. This is the minimum number of members required to be present to open a meeting and conduct business.
- E. *Action.* Any action by the EPBOA 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. A tie vote shall constitute failure of the motion on the floor.
- F. *Town Board Liaison.* The Town Board may appoint one of its members as a liaison to the EPBOA, who shall receive copies of all notices, documents, and records of proceedings of the EPBOA which any member would also receive.

### **IV. OFFICERS**

- A. *Officers.* There shall be a Chair and a Vice Chair as selected by the EPBOA.
- B. *Elections.* Officers shall be elected by the members annually, at the first regularly scheduled meeting in April of each year. Officers shall be members of

the EPBOA. Notification of who is elected Chair and Vice Chair will be sent to the Town Clerk.

**C. *Chair Responsibilities:***

1. Preside at all meetings
2. Ensure that all meetings are conducted with decorum and efficiency
3. Call special meetings in accordance with the bylaws
4. Authority to cancel a meeting
5. Sign any documents prepared by the EPBOA for submission to the Town Board or Town departments
6. Represent the EPBOA in dealings with the Town Board or other organizations
7. The Chair has the same right as any other member of the Board to vote on matters before the EPBOA, to move or second a motion, and to speak for or against proposals.

**D. *Vice-Chair Responsibilities:***

1. Assist the Chair as requested
2. Accept and undertake duties delegated by the Chair
3. Preside over meetings or perform other duties of the Chair in the event the Chair is absent or unable to act.

**E. *Chair Pro Tem.*** In the absence of the Chair and Vice-Chair at a given meeting, the EPBOA may elect a voting member to serve as Chair for the duration of that meeting.

## **V. STAFF ROLE**

An assigned staff member of the Community Development Department is responsible for proper notification of meeting, preparation and distribution of agenda, assembly of packet and minute taking for all meetings.

## **VI. ATTENDANCE**

Regular attendance by the members of the EPBOA is expected. In the event any member misses three (3) consecutive regular meetings or a total of four (4) regular meetings in a calendar year, the Town Board may remove its appointed member for neglect of duty and designate a new member to fill the vacancy.

## **VII. GENERAL PROVISIONS**

Recommendations for amendments to these bylaws may be adopted at any regular or special meeting of the EPBOA by a majority of the membership of the EPBOA provided that notice of such possible amendments is given to all members at least five (5) days prior to the meeting at which action is to be taken. Any amendments shall be subject to approval by the Town Board.

## VIII. COMPLIANCE WITH TOWN POLICIES

- A. In addition to these bylaws, the EPBOA shall operate in compliance with the adopted Town Board policy on Town Committees, Policy 102, as amended. The terms of this policy are incorporated into these bylaws by this reference. A copy of the policy, along with these bylaws, shall be provided to each member at the time of their appointment.
- B. Failure to comply with applicable Town policies may be grounds for an official reprimand or censure by the EPBOA and/or a recommendation to the Town Board for removal.

## IX. CONFLICT OF INTEREST

All members of the EPBOA 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 EPBOA agenda in which the member has a conflict of interest, the member shall state that a conflict of interest exists 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 EPBOA at any time with regard to said matter.

Adopted this 25<sup>th</sup> day of January, 2022.  
ESTES PARK BOARD OF TRUSTEES

By: \_\_\_\_\_  
Mayor

