

**ADAMS COUNTY OPEN SPACE ADVISORY BOARD
BY-LAWS**

ARTICLE I - NAME

The name of this organization shall be the Adams County Open Space Advisory Board (“Board”).

ARTICLE II - PURPOSE

The mission of the Adams County Open Space Program is to preserve open space, to promote responsible growth, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams, and to create, improve and maintain parks and recreational facilities.

Therefore, the purpose of the Board shall be:

- A. To advise and make recommendations to the Board of County Commissioners regarding the disbursement of “Open Space Sales Tax” revenue for the acquisition, maintenance or preservation of open space; and
- B. To implement the provisions as detailed in Resolution 99-1 as adopted and approved by the Board of County Commissioners.

ARTICLE III - MEMBERS

- A. The Board shall consist of seven members appointed by the Board of County Commissioners. Four (4) of these members shall be residents of unincorporated Adams County and three (3) shall be residents of cities or towns located in Adams County.
- B. The jurisdictions represented on the Board shall rotate in the following systematic order: Brighton, Thornton, Westminster, Bennett, Northglenn, Federal Heights, Aurora, Arvada, Commerce City.
- C. Members shall serve four-year terms of office, except the initial term of two (2) members from the unincorporated area of Adams County and two (2) members from cities and towns shall be six (6) years.
- D. Members may be re-appointed to successive terms.
- E. Members shall serve at the pleasure of the Board of County Commissioners.

- F. If a member of the Board resigns or is removed from service on the Board for any reason, a successor will be appointed by the Board of County Commissioners to fill the term.
- G. Board members who have three (3) unexcused absences from regular meetings within any twelve-month period may be removed from office by the Board of County Commissioners. This does not include special meetings or field trips.

ARTICLE IV - ELECTION OF OFFICERS

- A. The regular members of the Board shall annually elect from their membership a Chairman and Vice-Chairman. Officers shall assume office immediately upon election and serve for a one (1) year term.
- B. The annual election shall occur during the first public meeting following the annual reorganization of the Board. A non-Board member shall convene and conduct this election until all officers are elected, at which time the newly-elected Chairman shall conduct any further business to come before the Board.
- C. Upon proper nomination and a second by Board members, a nominee for Chairman shall be considered. A majority vote of members present shall be required to elect a Chairman.
- D. In the election of Officers, each Board member shall be entitled to only one (1) vote. There shall be no proxy voting.
- E. In the event that the duly-elected Chairman becomes unable to complete the term of office, the Vice-Chairman shall automatically assume the position of Chairman until the completion of the term, and a new Vice-Chairman shall be elected at the next regular meeting in accordance with the provisions of these By-laws. In the event that the Vice-Chairman is unable to complete the term, an election shall be held at the next regular meeting to fill the vacancy. Said election shall be in accordance with the provision of these By-laws.
- F. If neither the Chairman nor the Vice-Chairman is present, any member in attendance shall call the meeting to order, and the Board shall immediately elect by majority vote a Chairman Pro Tem to preside at that meeting. Such office shall be terminated by the entrance of the Chairman or Vice-Chairman.

ARTICLE V - DUTIES OF OFFICERS

- A. Chairman: The Chairman shall preside over all meetings of the Board and decide procedural issues in accordance with accepted principles of decorum and Robert's Rules of Order Newly Revised. The Chairman shall be a voting member of the Board and is accorded the same rights and privileges accorded other members of the Board.
- B. Vice-Chairman: The Vice-Chairman shall preside in the absence of, or at the request of, the Chairman. In this instance, the Vice-Chairman shall be accorded the same privileges and responsibilities as the Chairman.
- C. Secretary: Parks Department staff shall serve as Secretary, but shall not sit as an Officer of the Board and shall not have voting privileges. In addition to other assigned duties, the Secretary shall prepare the minutes for public meetings.

ARTICLE VI - MEETINGS

- A. The Board shall meet quarterly, or as necessary to review proposed projects, beginning in the first quarter of 2000. All meetings shall be held in accordance with the Open Meetings Law, C.R.S. Section 24-6-402.
- B. Executive Sessions may be called by a two-thirds (2/3) vote of the quorum present for the purpose of discussing privileged information as defined by C.R.S. Section 24-6-402(4).
- C. Field trips and work sessions may be called with proper notice by the Chairman.
- D. Full and timely notice of a meeting shall be posted in accordance with Adams County policy, but no less than twenty-four (24) hours prior to the holding of the meeting.

ARTICLE VII - VOTING

- A. A simple majority of the current membership of the Board will constitute a quorum. No official business can be conducted without a quorum present.
- B. In the event of a tie vote, the motion being voted on shall be deemed to have failed.
- C. Conflict of Interest:
Members have the right and the obligation to vote on all questions before them and to participate in the business of the Board, except when a conflict of interest exists.

Each member is responsible for determining when a conflict of interest exists, and is bound by the rules of conduct for local government officials as set forth in C.R.S. Section 24-18-109.

If any member has a conflict of interest with any particular item, the member shall notify the Board and the public in attendance of the conflict of interest. The member shall not participate in either the Board's discussion or voting on the item.

Ex parte contacts are contacts between individuals seeking to influence a decision and members of the Board outside the meeting forum. Members shall attempt to avoid ex parte communications. Should ex parte contacts occur where relevant information is obtained and considered by a member, then such information shall be disclosed prior to or at the time of the public meeting so that interested parties may have an opportunity to respond.

ARTICLE VIII - AUTHORIZED PROJECTS AND USE OF FUNDS

In making recommendations to the Board of County Commissioners, the Board shall abide by Section 8. C. of Resolution 99-1, which provides for both active and passive uses.

- A. Active open space land may include land for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition, maintenance, and improvement of park and recreational facilities for the use and benefit of the public.
- B. Passive open space land may be acquired and maintained and may include:
 - (1) Land with significant natural resource, scenic and wildlife habitat values;
 - (2) Land that is a buffer maintaining community identity;
 - (3) Land that is to be used for trails and/or wildlife migration routes;
 - (4) Land that will be preserved for agricultural or ranch purposes;
 - (5) Land for outdoor recreation purposes limited to passive recreational use, including but not limited to hiking, hunting, fishing, photography, nature studies, and if specifically designated, bicycling or horseback riding; and,

- (6) Land with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage.

C. Revenues collected from the Open Space Tax may be used in the following manner:

- (1) To acquire fee title interest in real property for open space, natural areas, wildlife habitat, agricultural and ranch land, historical amenities, parks, and trails;
- (2) To acquire less than fee interest in real property such as easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis for open space, natural areas, wildlife habitat, agricultural and ranch land, historical amenities, parks, and trails;
- (3) To acquire water rights and water storage rights for use in connection with the aforementioned purposes;
- (4) To acquire rights-of-way and easements for trails and access to public land, and to build and improve such trails and access ways;
- (5) To allow expenditure of funds for joint projects between counties and municipalities, recreation districts, or other governmental entities in the County;
- (6) To improve and protect open space, natural areas, wildlife habitats, agricultural and ranch land, historical amenities, parks, and trails;
- (7) To manage, patrol and maintain open space, natural areas, wildlife habitats, agricultural and ranch land, historical amenities, parks, and trails;
- (8) To pay for related acquisition, construction equipment, operation and maintenance costs; and,
- (9) To implement and effectuate the purposes of the Open Space Program.

- D. No land or interests acquired with the revenue of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given without the approval of such action by the Board. (In the event that the Board no longer exists, this responsibility, in addition to dispersal of the Open Space Sales Tax funds, shall fall upon the Board of County Commissioners.)

ARTICLE IX - PARLIAMENTARY AUTHORITY

The rules contained in Roberts Rules of Order Newly Revised shall govern the Board in all matters to which they are applicable.

ARTICLE X - AMENDMENTS

These By-laws may be amended at a regularly scheduled meeting by a two-thirds (2/3) vote of the appointed Board members, and after approval of the Board of County Commissioners.

ARTICLE XI - SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these By-laws is, for any reason, held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these By-laws.