

SUPPLEMENTAL RULES OF PROCEDURE FOR THE ESTES VALLEY BOARD OF ADJUSTMENT

The Estes Valley Board of Adjustment ("Board") shall refer to the adopted Estes Valley Development Code in making decisions.

I. Meetings

- A. Regular meetings shall be held on the 1st Tuesday of each month at 8:00 a.m., unless the preceding Monday is a holiday, in which case the meeting shall be the 2nd Tuesday. Meetings shall be held in the Board Room of the Municipal Building, Estes Park, Colorado, or other designated time and place. All meetings and actions shall be in compliance with C.R.S. 24-6-402 regarding open meetings and any subsequent amendments to said statute.
 - 1. If it is determined sufficiently in advance of any meeting that a quorum will not be present, the chair shall reschedule the meeting by phone call or by written notice to each member confirming the date change. The staff shall notify affected petitioners of the rescheduling by telephone or by postcard and notice of the time and place of the rescheduled meeting shall be published in a newspaper of general circulation in the usual manner.
 - 2. If there is insufficient time prior to a meeting to notify members and petitioners by telephone or written notice that a quorum cannot be obtained, the chair shall announce at the meeting that the meeting is being rescheduled to another date and time certain. The staff shall notify affected petitioners of the rescheduling by telephone or by postcard and notice of the time and place of the rescheduled meeting shall be published in a newspaper of general circulation in the usual manner.
- B. Work session -when deemed necessary by Board majority, chair or staff, a Board work session may be called.
 - 1. No formal action with regard to any petition shall be taken by the Board during a work session.
 - 2. Any work session discussion concerning a pending petition shall be repeated in substance at the regular meeting on the petition if any person so requests.
- C. Field trips - Board members should visit each site before each regular meeting.
 - 1. Field trips are optional but encouraged.
 - 2. Areas visited shall be determined by practicality of time and distance, and by special concerns of members.
 - 3. Personal communication with petitioners shall be discouraged. If and when personal communication has taken place it shall be declared at the public hearing.
- D. Joint meetings between the County Commissioners, Town Board, and the Board of Adjustment shall be held as needed to communicate mutual concerns.

II. Agenda

- A. Agenda preparation -an agenda, with the previous month's minutes if possible, shall be prepared by the staff for distribution to each member the week prior to each regular meeting. The agenda shall include staff comments.

III. Members; quorum; terms

- A. The Board shall consist of five (5) members; three (3) appointed by the Town of Estes Park, two (2) appointed by Larimer County.
- B. A quorum shall consist of three (3) members.
- C. Any vote shall be conducted after a motion has been made and seconded and Board discussion is concluded.
- D. The Town and County shall jointly agree on and appoint one alternate member for the EVBOA. The alternate member shall serve when any member is not able to attend a meeting of the EVBOA. The alternate member may be a resident of either the Town or the County and may serve in place of either a Town appointed or County appointed regular member of the EVBOA.
- E. Regular terms shall be for three years
 - 1. Terms for Larimer County appointments will begin July 1 and end June 30 of the third year.
 - 2. Terms for Estes Park appointments will begin January 1 and end December 31 of the third year.
 - 3. Terms for the Joint alternate appointment will begin July 1 and end June 30 of the third year.
 - 4. Term limits will be in accordance with the appointing entity's policy

IV. Officers and Elections

- A. The chair shall preside at all meetings and work sessions.
- B. The chair shall determine whether there is a quorum and, if so, shall call the meeting of the Board to order.
- C. There shall be a Chair and a Vice-Chair for the Board. Each shall serve for a one (1) year term, beginning with the first meeting in January of each year.

V. Duties and Privileges of Members

- A. Attendance is expected by the members. Attendance records shall be subject to review by the Board of County Commissioners and Town of Estes Park Town Board and poor attendance shall be among the grounds for dismissal from the Board.

- B. If a Board member is unable to attend a meeting, the member shall notify the staff of such fact as soon as possible.
- C. If a conflict of interest exists, a member shall abstain from discussion and voting,
- D. Only non-abstaining members may participate in the questioning of petitioners and of members of the public and in discussion. Only those voting members may make or second motions.

VI. General

- A. All votes shall be recorded and the decision shall be confirmed by the chair or the staff.
- B. A vote of approval shall require a simple majority of voting members. Tie votes shall constitute a failure of a motion. Failure of a motion to deny shall not be construed to be an approval.
- C. Minutes of each meeting shall be prepared by the recording secretary. Copies of the minutes shall be made available, when possible, to the Board for review prior to the next meeting. The signature of the chair (or the most senior regular member present if the chair is absent) on the minutes of a meeting shall constitute final decision on all resolutions of approval or denial of petitions contained therein.
- D. Board discussion, if any, may be continued before or after a motion has received a second.
 - 1. The motion may be re-stated for clarity by the chair or Community Development Director.
 - 2. Discussion may be closed to the audience in the discretion of the chair.
 - 3. Any member of the Board, at any time during meetings, may call upon the Community Development Director or the Board's legal counsel to render an oral opinion.
- E. The chair may restrict, or disallow, public comment on matters involving merely questions of law (e.g., interpretation of the Estes Valley Development Code regarding whether a specific use is permitted in a particular zoning district).

VII. Parliamentary Authority and Amendment to Rules

- A. Matters not covered by these rules may be governed by "Roberts Rules of Order, newly revised, 1970," wherever applicable and not in conflict with state or local law.
- B. Any proposed amendments to these rules and any new rules shall be presented to the Board of County Commissioners and to the Town Board for approval prior to presentation to the Board of Adjustment for adoption.
- C. Chair Pro-tem -in the absence of the chair, the vice-chair shall preside at the meeting and exercise all the duties of the chair. In the absence of both the chair and vice-chair, the most senior regular member present shall preside at the meeting and exercise all the duties of the chair.

1. The seniority list shall be available in the Community Development Department and shall be updated as needed.
- D. Decorum -the Chair shall preserve decorum at all times during meetings.
1. Board members shall be under the direction of the chair and shall obey the rules of the Board.
 2. Board members shall accord courtesy to each other, staff and public.
 3. Members of the public shall be under the control of the chair, observing the same rules of order.
 4. Members of the public who wish to appear before the Board shall raise their hands and, upon being recognized by the chair, shall come to the microphone and state their name and address for the record. The chair may establish reasonable time limits for members of the public to speak.
- E. The chair shall carry out policy decisions of the Board, and shall sign pertinent documents as required.
- F. The Chair shall adjourn the meeting after determining there is no further business to be conducted at the meeting.

Approved by the Board of County Commissioners this _____ day of _____, 2004.

Larimer County Board of Commissioners

By: _____
Kathay Rennels, Chair

Approve by the Town Board this _____ day of _____, 2004.

Town of Estes Park

By: _____
John Baudek, Mayor

Adopted this _____ day of _____, 2004.

The Estes Valley Board of Adjustment

By: _____
Chair