

RESOLUTION NO. 4-11

A RESOLUTION OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO CONCERNING THE MEMBERSHIP, ORGANIZATION, TERMS OF OFFICE, FUNCTIONS, AND DUTIES OF THE PARKS AND OPEN SPACE ADVISORY COMMITTEE, THE PLANNING COMMISSION, THE TREE ADVISORY COMMITTEE, HISTORIC PRESERVATION ADVISORY COMMITTEE, THE TRANSPORTATION ADVISORY COMMITTEE AND THE UTILITY ADVISORY COMMITTEE.

WHEREAS, the Board of Trustees has recently conducted work sessions regarding the composition of the Town's advisory Board's and Commissions; and

WHEREAS, each of the current advisory Boards and Commissions affected by this Resolution has been consulted by staff and/or members of the Board of Trustees; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO THAT:

Section 1: Policy of the Town of Berthoud regarding volunteer committees is as follows:

Section 2: ORGANIZATION, MEMBERSHIP AND ROLE

A. Creation, Membership, Terms.

- (1) There shall be a Parks and Open Space Advisory Committee, Planning Commission, Tree Advisory Committee, Historic Preservation Advisory Committee, Transportation Advisory Committee and Utility Advisory Committee formed under the authority of the Town of Berthoud Board of Trustees.
- (2) All members of a Commission or Committee shall serve without pay.
- (3) Membership of the Parks and Open Space Advisory Committee, Tree Advisory Committee, Historic Preservation Advisory Committee, Transportation Advisory Committee and Utility Advisory Committee shall consist of seven (7) members. At least four (4) members shall be residents of the Town and up to three (3) members may be from the rural, unincorporated areas in the greater Berthoud area within the Berthoud Fire District boundaries, or a person with substantial ties to the Berthoud community, as long as a majority of Town resident representation is maintained on the Committee. Substantial ties shall be defined to include without limitation, ownership of real property, employment, or conduct of a business or profession within the corporate limits of the Town. If any Town resident appointed as a member ceases to reside in the Town, his or her membership may revert to an open rural representative/substantial ties position at the discretion of the Board (Board action) for the duration of that term, or if the rural representative/substantial ties positions are filled, that members appointment shall immediately terminate. All members, both Town

resident members and rural/substantial ties members, may vote on matters before the Advisory Committees listed in this #3.

- (4) Unless otherwise approved by the Board, terms for all Commission or Committee members will be for three (3) years and any member may serve only two (2) consecutive terms on any Commission or Committee in any capacity. After a one (1) year absence a person may begin another term or terms on the Commission or Committee that they had previously served on. If appointed to fill an unexpired term, that interim appointment shall not count towards the two (2) consecutive terms available to that member. In the absence of enough applications to fill vacancies on a Commission or Committee, the Board can make an exception and extend a term beyond the limitation identified above.
- (5) All terms on a Commission or Committee shall begin on September 1 and end on August 31 of the respective members' appointment.
- (6) Except as noted below, no person may be a member of more than two Committees at any one time. Any person may be a member of the Planning Commission and one (1) other Committee at any one time.
- (7) Each Commission or Committee shall submit an Annual Report of the previous year's accomplishments of that Commission or Committee by February 1 of the following year. Such annual report is to include a section on the proposed work program of the Commission or Committee for the current year.
- (8) Except as noted below, the role of each Commission or Committee is to review material presented to it by staff of the Town of Berthoud and provide recommendations on that material to staff. Staff will then provide that recommendation to the Planning Commission and/or Town Board as appropriate. At times, the staff recommendation may differ from the recommendations of the Commission or Committee.
- (9) No members of any Commission or Committee shall contact or attempt to negotiate on behalf of the Town with any outside agencies or individuals regarding any matter before the Town or that Commission or Committee without the expressed written consent of the Town Administrator.
- (10) Members of any Commission or Committee shall refrain from participating in any decision in which they have a "substantial interest." This includes non-financial conflicts, such as close proximity to an area under consideration (three hundred feet), close friendship with one of the parties to a decision, or any other situation which would lead to a clear "appearance of impropriety."
- (11) Members of any Commission or Committee shall refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter - or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in #9 above. Such an official or employee should join the public if the recusal occurs at a public meeting, or leave the room if it is not a public meeting.

(12) New Commission or Committee members shall meet with the respective staff liaisons to review rules, regulations, role and bylaws prior to serving on the Commission or Committee. When possible, exit interviews should be conducted with departing Commission or Committee members to determine areas in which the Town can be more helpful to that Commission or Committee. The Town shall strive to provide funding for appropriate in-service training for Commission or Committee members.

Section 3: PROCEDURES

A. Meetings, Appointments, Voting.

- (1) Commissions or Committees shall establish a regular schedule of meeting date(s) each month as need dictates. In the absence of any business items for a Commission or Committee a meeting may be cancelled with proper notice.
- (2) All members of any Commission or Committee are expected to attend and be prepared for meetings. Members absent from 4 meetings in any calendar year, or 4 consecutive meetings, are considered to have resigned from that Commission or Committee. Members who are considered to have resigned as stated above may petition the Board for reinstatement to that Commission or Committee by showing legitimate cause for those absences.
- (3) Except as noted below, any Commission or Committee without a regular meeting in any six (6) month period may be disbanded by the Board of Trustees following a staff recommendation to the Board of Trustees.
- (4) All Commission or Committee meetings, except as properly noticed by the Town Clerk, will be held at the Town of Berthoud Town Hall.
- (5) All Commission or Committee agendas will be developed by staff liaisons and provided to the Town Clerk before 11:00 a.m. on the Monday of the week prior to the meeting.
- (6) Every attempt will be made by Staff to provide notice of the cancellation of any regular Commission or Committee meeting on the Friday of the week prior to that Commission or Committee meeting.
- (7) The Planning Commission and all Committees shall keep minutes and records of resolutions, transactions, findings, and determinations, which records shall be public records.
- (8) Except as noted below, the Mayor shall appoint one (1) member from the Board of Trustees as a non-voting liaison member to each Commission or Committee. The Board liaison member's term shall be two (2) years with eligibility for subsequent two-year terms for so long as he or she remains a member of the Board of Trustees. Board liaisons are expected to miss no more than three (3) regular meetings of the respective Commission or Committee.

- (9) Members of any Commission or Committee may be removed from office upon written notice by the Board of Trustees for inefficiency, neglect of duty, malfeasance or for any relocation that results in non-compliance with eligibility provisions.
- (10) The Board of Trustees shall make such appointments as necessary to fill the unexpired terms of vacancies that may occur on any Commission or Committee with the exception of any vacancy left by the non-voting Board liaison member, which shall be filled by appointment by the Mayor.
- (11) Each Commission or Committee shall, on an annual basis at the first regular meeting of each calendar year, elect from within their members officers including a Chair, Vice Chair and Secretary. Term of each position is one (1) year or until the end of that member's term, whichever is less. Officer vacancies shall be filled at the next regular meeting of the Commission or Committee by election of the members. Officers elected to fill vacancies shall serve until the next regular election of officers. Officer descriptions and duties include:
 - (a) Chair who shall preside at all regular and special meetings of the Commission or Committee and shall decide all points of procedure.
 - (b) Vice chair who shall assume the duties and responsibilities of the chair in the chair's absence.
 - (c) Secretary who shall keep, or cause to be kept, all records including meeting minutes, of the Commission or Committee and shall transmit all appropriate records to the Town Clerk to become part of the official Town Record.
- (12) A quorum of the full membership is necessary to open any meeting and conduct the business of any Commission or Committee. An affirmative vote of a majority of the voting members present shall be necessary for passage of any recommendation or action item.

Section 4: SPECIFIC PROVISIONS

A. Parks and Open Space Advisory Committee

- (1) The Parks and Open Space Advisory Committee shall advise and provide recommendations to staff of the Parks and Recreation Department on such matters as areas that should be preserved as open space, the establishment of bikeways and trail systems, identifying new areas for parks, annual budgets, completion or updating of parks master plans, the maintenance and upgrading of the existing parks and reviewing development proposals with regard to parks and open space issues.

B. Planning Commission

- (1) Pursuant to Title 31, Article 23, Part 2, the Planning Commission for the Town of Berthoud is hereby re-established and reconfirmed as required by §31-23-202.

(2) The Planning Commission is created for the following purposes:

- (a) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by §31-23-206, C.R.S.
- (b) To implement the provisions of the Development Code and Zoning and Subdivision Ordinances of the Town and to perform all functions referred to in said ordinances where appropriate reference to the Planning Commission is made.
- (c) To study and recommend to the Board of Trustees amendments to the Zoning Maps of the Town.
- (d) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (e) To exchange information with other governmental agencies charged with planning and zoning responsibilities.
- (f) To annually update the "three mile area" plan as required by §31-12-105 C.R.S.
- (g) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments, additions or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

(3) The Planning Commission shall consist of seven (7) members who are residents of the Town plus one rural representative as a non-voting member. If any Town resident appointed as a member ceases to reside in the Town, his or her membership may revert to an open rural representative position at the discretion of the Town Board (Board action) for the duration of that term, or if the rural representative position is filled, that member's appointment shall immediately terminate.

C. Tree Advisory Committee

- (1) The Tree Advisory Committee shall make recommendations to staff of the Town of Berthoud concerning policies, rules, regulations and specifications concerning tree augmentation, the trimming, spraying, removal, planting, purchase, disposition, pruning, preservation and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk or other public place in the Town or upon privately owned property in the Town.
- (2) The Tree Advisory Committee shall work with staff of the Town to:
 - (a) Coordinate volunteer activities related to its tasks listed above
 - (b) Manage and maintain Berthoud's Tree City USA standing
 - (c) Develop grant opportunities related to its tasks listed above
 - (d) Develop and operate annual activities related to Arbor Day

- (e) Develop a tree inventory for the community
- (f) Maintain a community forestry management plan

D. Historic Preservation Advisory Committee

- (1) The Historic Preservation Advisory Committee shall conduct all activities necessary and appropriate to maintain Berthoud's Certified Local Government status with the State of Colorado and Colorado Historical Society.
- (2) The Historic Preservation Advisory Committee shall also make recommendations to staff of the Town of Berthoud concerning:
 - (a) Criteria for review of historic resources and for review of proposals to demolish designated resources.
 - (b) Resources to be nominated for designation as either a historic structure or historic district and designation of those resources qualifying for such designation.
 - (c) Application for alterations to the exterior of designated historic structures or historic districts.
 - (d) Application for moving or demolishing an historic structure.
 - (e) Advice and assistance to owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nominations to the Local, State or National Registers of Historic Places within both the Town and the greater Berthoud area.
 - (f) Public education programs including, but not limited to, walking tours, brochures, marker programs for historic properties, lectures and conferences within both the Town and the greater Berthoud area.
 - (g) Conduct surveys of historic properties for the purpose of defining those of historic significance, and to prioritize the importance of identified historic properties and areas.
 - (h) Matters related to preserving the historic character of the Town.
 - (i) Support of financial assistance for preservation-related programs.
 - (j) Removal of properties from the register for reasons including, but not limited to, acts of God, undue hardship and public health/safety concerns.
 - (k) Application fees for applications made by citizens applying for historic designation or who are applying to alter or demolish a historically designated property.

E. Transportation Advisory Committee

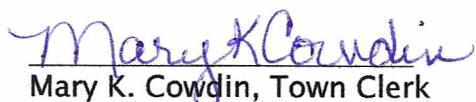
(1) The Transportation Advisory Committee shall provide recommendations to Town of Berthoud staff on transportation, transit, and related issues.

F. Utility Advisory Committee

(1) The Utility Advisory Committee shall advise and make recommendations to the staff of the Town of Berthoud on matters pertaining to utility policy, including budgeting and financial planning for the utilities operated by the Town, reviewing utility master plans and capital improvement plans for the Town's utilities and reviewing other utility relate issues. For the purpose of this article, the word utility shall include water, wastewater (sewer), drainage, electric, telephone, cable television, trash and telecommunications utilities.

At its meeting on March 8, 2011, this Resolution was read, passed and adopted by the Board of Trustees.

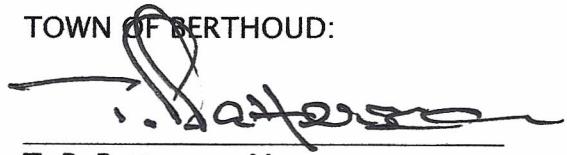
ATTEST:


Mary K. Cowdin

Approved as to Form:


R.B. Fickel, Town Attorney

TOWN OF BERTHOUD:


T. P. Patterson