

RESOLUTION NO. 22-98

A RESOLUTION ADOPTING AS A CODE OF THE TOWN OF BERTHOUD THE  
"UTILITY ADVISORY BOARD CODE".

WHEREAS, the Board of Trustees of the Town of Berthoud has determined that the administration and operation of Berthoud's municipal utilities by the Board of Trustees could be made more effective through the establishment of a utility advisory board as permitted by the Colorado Revised Statutes; and,

WHEREAS, Section 31-35-501, et. seq., C.R.S., authorizes the Town to create a utility board to assist the Board of Trustees;

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

The Board of Trustees hereby adopts Article 6 of Title 13 as the Utility Advisory Board Code as a code of the Town of Berthoud.

At its regular public meeting on the 22nd day of September, 1998, the Board of Trustees of the Town of Berthoud passed this resolution by a vote of 5 in favor and 1 opposed.

ATTEST:

Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

TOWN OF BERTHOUD:

Richard Strachan  
Richard Strachan - Mayor

Published: N/A

## Article 6: UTILITY ADVISORY BOARD

### 13-6-110 Creation of utility advisory board

(1) The Board of Trustees of the Town of Berthoud creates a board of commissioners, to have charge and control of the utility systems and facilities of the Town. The utility advisory board's powers, rights, privileges, and duties are assigned by the Board of Trustees and are designated herein.

(2) The exercise of any and all executive, administrative, and ministerial powers may be delegated and redelegated by the utility advisory board to officials and employees of the Town employed by the utility advisory board.

(3) The utility advisory board shall indicate the capacity in which the Town is acting when such actions are taken by the utility advisory board, e.g., "the Town of Berthoud, acting by and through its utility advisory board".  
(C.R.S. 31-35-501)

### 13-6-120 Utility advisory board - members - liaisons - purpose

There is established a utility advisory board consisting of five regular members appointed by the Board of Trustees, not more than two of whom may reside outside the town limits, providing that those commissioners who reside outside the Town receive utility service from at least one Town utility. The regular members shall serve a term of three years each. In addition to the five regular members, the Board of Trustees shall appoint a Trustee as Board liaison to the utility

advisory board and the town administrator shall appoint a staff liaison to the utility advisory board. The liaisons shall be non-voting members of the board. The purpose of the board shall be to advise and assist the Board of Trustees and town staff in matters pertaining to utility policy, including budgeting, rate making, financial planning, and administrative and personnel advising. For the purpose of this article, the word "utility" shall include water, wastewater, electric, phone, cable television, or telecommunication utilities.

### 13-6-130 Board - removal

Any member of the utility advisory board appointed by the Board of Trustees may be removed by the Board of Trustees for cause, after a public hearing.

### 13-6-140 Oath - officers

Each commissioner, before assuming the duties of his or her office, shall take and subscribe an oath or affirmation before an officer authorized to administer oaths that he or she will support the constitutions and laws of the United States and of the state of Colorado and that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability. Such oath or affirmation shall be filed in the office of the town clerk.

### 13-6-150 Board's administrative powers

(1) The utility advisory board, on behalf of and in the name of the Town, has the following powers:

(a) To fix the time and place at which regular meetings shall be held within the Town and to provide for the calling and holding of special meetings;

(b) To adopt and amend or otherwise modify bylaws and rules for procedure.

### **13-6-160 Meetings of the board**

(1) All meetings of the utility advisory board shall be held within the Town and shall be open to the public.

(2) No business of the board shall be transacted except at a regular or special meeting at which a quorum consisting of at least a majority of the total membership of the board is present.

(3) Any action of the board shall require the affirmative vote of a majority of the directors present and voting thereon.

### **13-6-170 Records of board**

(1) On all resolutions and orders, the roll shall be called, and the ayes and noes shall be recorded. All resolutions and orders, as soon as may be after their passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer of the board and the secretary.

(2) Every legislative act of the board of a general or permanent nature shall be by resolution.

(3) The book of resolutions and orders shall be a public record. A record shall also be made of all other proceedings of the board, minutes of the meetings, certificates, contracts, bonds given by officers, employees, and other agents of the Town under

the utility advisory board's jurisdiction, and all corporate acts, which record shall also be a public record.

(4) The treasurer shall keep strict and accurate accounts of all moneys received by and disbursed for and on behalf of the board in a permanent record, which also shall be a public record.

(5) Any permanent record of the Town under the utility advisory board's jurisdiction shall be open for inspection by any elector thereof, by any other interested person, or by any representative of the federal government, the state, or any other public body.

### **13-6-180 Conflicts in interest prohibited**

No commissioner nor officer, employee, or agent of the Town under the utility advisory board's jurisdiction shall be interested in any contract or transaction with the Town except in his official representative capacity or as provided in his contract of employment with the Town.

### **13-6-190 Staff assistance**

The town administrator and the town attorney, upon request and after consultation with the utility advisory board, shall provide such staff assistance as may be appropriate to the carrying out of its duties and responsibilities.

### **13-6-200 Authorization of facilities**

The Board of Trustees, upon recommendation of the utility advisory board, may acquire, improve equip, relocate, maintain, and operate the

utility facilities or systems, any project, or any part thereof for the benefit of the Town and the inhabitants thereof after the board has made such preliminary studies and otherwise taken such action as it determines to be necessary or desirable as preliminaries thereto.

### **13-6-210 Implementing powers**

The Board of Trustees, upon recommendation of the utility advisory board, in connection with the utility facilities or systems of the Town and any project pertaining thereto, may from time to time condemn, otherwise acquire, improve, equip, operate, maintain, and dispose of property within or without or both within and without the Town.

### **13-6-220 Finances**

Requests for budget appropriations by the utility advisory board shall be submitted to the town administrator for review and inclusion in the annual budget as submitted to the Board of Trustees by the administrator. Expenditures of appropriations shall be made in accord with purchasing policies set by the Board of Trustees and accounting procedures established by the town administrator.

### **13-6-230 Other powers of board**

The delineation of powers which may be exercised by the utility advisory board does not by implication deny any other powers which are otherwise granted to the Town by law.