

**TOWN OF GREEN MOUNTAIN FALLS  
ORDINANCE NO. 2020-03**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE GREEN MOUNTAIN FALLS  
MUNICIPAL CODE CONCERNING BOARDS, COMMITTEES, AND COMMISSIONS**

**WHEREAS**, the Planning Commission has a basis in state law, specifically, Part 2, Article 23, Title 31, C.R.S.;

**WHEREAS**, the Board of Adjustment has a basis in state law, specifically, C.R.S. § 31-23-307;

**WHEREAS**, as a statutory town, the Town has certain obligations regarding the Planning Commission and the Board of Adjustment;

**WHEREAS**, the Town has formed other boards and committees from time to time over which it has complete control;

**WHEREAS**, the Town desires to update its municipal code regarding boards, committees, and commissions to the extent it is authorized to do so under state law and to reorganize the same;

**WHEREAS**, in doing so, all current membership in the Parks and Recreation Advisory Board, the Fire Mitigation Advisory Board, and other existing Town boards, committees, or subcommittees will be terminated;

**WHEREAS**, with the exception of the Planning Commission and Board of Adjustment, as part of this reorganization, all seats on committees will become vacant for the new appointment of members by the Board of Trustees; and

**WHEREAS**, the amendments set forth herein will allow for clearer delineation of powers, duties, and authority and greater consistency regarding boards, committees and commissions.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:**

Section 1. Article IX of Chapter 2 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

**ARTICLE IX – Planning Commission**

**Sec. 2-221. - Purpose.**

(a) The Town is a rural mountain community in a natural setting characterized by mountainsides, boulders, streams, trees and other flora indigenous to its location, altitude and climate.

(b) Buildings and other improvements within the Town exhibit a prevailing rustic aspect subordinate to the environment. Dwellings designed for

single-family residence predominate. Commercial, civic and residential activities are of a service, crafts, professional and recreational nature. It is the purpose of this Article to accomplish the preservation and enhancement of these conditions and qualities. Therefore, pursuant to the authority conferred by state statutes, there is created a Planning Commission for the Town.

**Sec. 2-222. - Powers and duties.**

The Planning Commission shall have the powers and duties as set forth in C.R.S. § 31-23-201, *et seq.*, as amended, including, without limitation, the duty to formulate and approve a Master Plan for the Town and to make careful and comprehensive surveys and studies of present and future growth of the Town with due regard to its relation to neighboring territories. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, well-adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development; including among other things adequate provision for traffic, beautification, promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds and the adequate provision of public utilities and other public requirements. The Planning Commission shall review all proposed subdivisions, proposed zoning and such other matters relating to planning as is deemed advisable. The decisions of the Planning Commission shall be purely advisory in nature to the Board of Trustees. Upon the final adoption of the Master Plan by the Planning Commission, the same shall be presented to the Board of Trustees for its approval and the Master Plan shall be given primary consideration by the Board of Trustees. The Board of Trustees may amend or alter the Master Plan but only after the Planning Commission has had the opportunity to comment upon the proposed amendment. Any deviation from the Master Plan shall be determined to be an amendment to the Plan.

**Sec. 2-223. -Membership and term.**

(a) The Planning Commission shall consist of 5 members appointed by the Board of Trustees. In addition to 5 regular, voting members, one Board of Trustee member shall serve as an ex officio member of the Planning Commission and may take part in discussions but shall not vote.

(b) The term of the ex officio member shall correspond to his or her official tenure. The term of each voting member shall be 3 years or until his or her successor takes office. A voting member may be removed by the Board of Trustees upon the filing of a written statement by a member of the Board of Trustees if, after public hearing, the Board of Trustees finds the member has committed inefficiency, neglect of duty, or malfeasance in office.

**Sec. 2-224. - Meetings.**

(a) The Planning Commission shall meet at the call of the Town Manager or the Town Manager's designee.

(b) Public notice conforming to the requirements of Section 2-61 hereof and Chapter 16 of the Code shall be required prior to any public hearing.

Section 2. Article X of Chapter 2 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

**ARTICLE X – Board of Adjustment**

**Sec. 2-241. – Purpose.**

A Board of Adjustment is hereby created to hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement of this Code.

**Section 2-242. – Powers and duties.**

(a) The Board of Adjustment may overturn or modify any order, requirement, decision or determination made by an administrative official charged with enforcing this Code when it determines that the official incorrectly applied this Code or exceeded his or her authority. In addition, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Code, the Board of Adjustment has the power, in passing upon all appeals, to vary or modify the application of the regulations or provisions of this Code relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of this Code is observed, public safety and welfare secured and substantial justice done.

(b) The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Article or to effect any variation of this Article.

**Sec. 2-243. – Membership and term.**

(a) The Board of Adjustment shall consist of 5 members appointed by the Board of Trustees. In addition to 5 regular, voting members, one Board of Trustee member shall serve as an ex officio member of the Board of Adjustment and may take part in discussions but shall not vote.

(b) The term of the ex officio member shall correspond to his or her official tenure. The term of each voting member shall be 3 years or until his or her successor takes office. A voting member may be removed by the Board of Trustees upon the filing of a written statement by a member of the Board of Trustees if, after

a public hearing, the Board of Trustees finds the member has committed inefficiency, neglect of duty, or malfeasance in office.

**Sec. 2-244. - Meetings.**

(a) The Board of Adjustment shall meet at the call of the Town Manager or the Town Manager's designee and shall fix a reasonable time for the hearing of all appeals.

(b) Public notice conforming to the requirements of Section 2-61 hereof and Chapter 16 of the Code shall be required prior to any public hearing.

Section 3. Article XII of Chapter 2 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

**ARTICLE XII – Parks, Recreation and Trails Advisory Committee**

**Sec. 2-271. – Purpose.**

The Town's health, welfare, beauty, and economic vitality would best be served if there was more coordination in planning for the maintenance and improvement of its parks, recreation, and trails; therefore, the Parks, Recreation and Trails Advisory Committee, a standing committee, is hereby created.

**Sec. 2-272. - Powers and duties.**

(a) The Parks, Recreation and Trails Advisory Committee shall have the power and duty to formulate and approve a Parks, Recreation, and Trails Master Plan; to review the maintenance and capital needs of the Town's parks, recreation facilities, and trails; to make recommendations to the Board of Trustees for additional resources that may be needed to address these needs; to recommend trail construction, maintenance, planning and acquisition; and to recommend capital projects that the Town should undertake to improve recreation facilities. The decision of the Parks, Recreation and Trails Advisory Committee shall be purely advisory in nature to the Board of Trustees. Upon the final adoption of any new version of the Master Plan by the Committee, the same shall be presented to the Board of Trustees for its approval.

(b) The Parks, Recreation and Trails Advisory Committee shall have the power to solicit donations and carry out fundraising campaigns as approved by the Board of Trustees and in accordance with the Town's Donation Solicitation policy. All funds donated shall be accepted in accordance with the Town's Donation Acceptance policy and given to the Town Clerk for deposit in a special designated fund maintained for this purpose by the Town.

**Sec. 2-273. - Membership.**

The Parks, Recreation and Trails Advisory Committee shall consist of 5 members appointed by the Board of Trustees. All members shall be residents of the Town. In addition to regular appointed members, one Board of Trustee member shall serve as an ex officio member of the Parks, Recreation and Trails Advisory Committee and may take part in discussions but shall not vote.

**Sec. 2-274. Annual report.**

At the first regular meeting of the Board of Trustees in February of each year, the chair of the Parks and Recreation Advisory Committee will submit a written report to the Board of Trustees summarizing the work of the Committee during the preceding calendar year. At that time, the chair of the Parks, Recreation and Trails Advisory Committee shall also present for the Board of Trustees review and approval a proposed work plan for the new year.

Section 4. Article XIII of Chapter 2 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

**ARTICLE XIII – Fire Mitigation Advisory Committee**

**Sec. 2-281. - Purpose.**

The public health, safety and welfare would best be served by effective coordination in fire mitigation activities between the Town and other regional governmental agencies. Therefore, a Fire Mitigation Advisory Committee is hereby established to advise the Board of Trustees and to coordinate with the El Paso County Emergency Management, the Colorado State Patrol, and other governmental agencies on fire-related issues affecting the Town and to develop a notification and evacuation plan for the Green Mountain Falls community.

**Sec. 2-282. – Powers and duties.**

The Fire Mitigation Advisory Committee shall have the power and duty to formulate fire mitigation plans, to coordinate with El Paso County Emergency Management, the Colorado State Patrol, and other governmental agencies on fire-related issues affecting the Town and to develop a notification and evacuation plan for the Green Mountain Falls community. The Fire Mitigation Advisory Committee shall work to carry out the recommendations in the "Action Recommendations for Structural Ignitability and Public Outreach" set forth in the Town of Green Mountain Falls Comprehensive Plan, adopted June 25, 2019, on p. 93, Table 2. The Fire Mitigation Advisory Committee may make further recommendations to the Board of Trustees for additional resources that may be needed to address these needs, and to recommend projects that the Town should undertake to improve the Town's resiliency to fire-related hazards. All activities of the Fire Mitigation Advisory Committee shall be subject to final approval of the Board of Trustees of the Town.

**Sec. 2-283. - Membership.**

The Fire Mitigation Advisory Committee shall consist of 5 members appointed by the Board of Trustees. All members shall be residents of the Town. Persons interested in becoming members shall complete and submit an application in accordance with the Town's Policy on Advisory Committees, Appointments to Outside Agencies and Volunteers. In addition to regular appointed members, one Board of Trustee member shall serve as an ex officio member of the Fire Mitigation Advisory Committee and shall take part in discussions but shall not vote.

**Sec. 2-284.- Annual report.**

At the first regular meeting of the Board of Trustees in February of each year, the chair of the Fire Mitigation Advisory Committee shall submit a written report to the Board of Trustees summarizing the work of the Committee during the preceding calendar year. At that time, the chair of the Fire Mitigation Advisory Committee shall also present for the Board of Trustees review and approval a proposed work plan for the new year.

Section 5. A new Article XIV is hereby added to Chapter 2 of the Green Mountain Falls Municipal Code to read as follows:

**ARTICLE XIV - Boards, Committees and Commissions**

**2-291. – Creation.**

Pursuant to the authority conferred by state statutes, there is hereby created a planning commission, a board of adjustment, a parks, recreation and trails advisory committee, and a fire mitigation advisory committee, which shall hereinafter for the purposes of this Article be referred to as "boards, committees, and commissions" or "board, committee or commission." All boards, committees, and commissions shall act in a purely advisory role to Board of Trustees unless expressly stated otherwise in this Code or statute.

**2-292. – Applicability.**

The provisions of this title shall apply to all boards, committees, and commissions except when the topic is specifically addressed in the section related to the individual board, committee, or commission.

**2-293. – Members and alternates; appointments and requirements.**

(a) All members of any board, committee, or commission shall be residents of the Town and shall be appointed by Board of Trustees. In making appointments, the Board of Trustees shall strive to select members representative of all community demographic and stakeholder groups. If any member ceases to reside in the Town, membership shall immediately terminate. All boards, committees, and commissions shall consist of 5 voting members. No member of

the Board of Trustees and no Town employee shall serve as a voting member of any board, committee, or commission. No person shall serve as a member or alternate member of more than one board, committee, or commission at the same time.

(b) The Board of Trustees may appoint alternate members to any board, committee, or commission, not to exceed 3 alternate members. Alternates are invited and requested to attend all meetings of the board, committee, or commission, but are not required to do so. Alternate members may take part in the discussion of any matter that comes before a board, committees, or commission, except for quasi-judicial matters, in which they may not participate unless they have been appointed in the place of an absent member. An alternate member may not vote on any matter unless designated to do so by the chair of the board, committee, or commission, in place of an absent member.

(c) Member Resignation. The chair shall inform the Town Clerk in writing within one week of any member's resignation.

(d) Persons interested in becoming members shall complete and submit an application in accordance with the Town's Policy on advisory Committees, Appointments to Outside Agencies, and Volunteers.

#### **2-294. – Terms of office and appointment.**

Appointments to all boards, committees, and commissions shall be made by the Board of Trustees for 3-year terms. Members shall serve without compensation. Initial terms of membership shall be as follows: Two members shall be appointed to a one-year term, two members shall be appointed to a two-year term, and one member shall be appointed to a three-year term. Thereafter, as the terms expire, all appointments shall be for a period of 3 years. Any members whose term expires may seek reappointment. Term limits shall not apply.

#### **2-295. – Quasi-judicial hearings.**

In any quasi-judicial or public hearing held before any board, committee, or commission, all evidence and testimony shall be presented publicly. The commission may use its expertise, technical competence, and specialized knowledge in evaluating evidence presented to it and shall have the power to weigh any evidence accordingly.

#### **2-296. – Officer positions.**

Each board, committee and commission shall appoint a chair and vice-chair annually during the first meeting of each calendar year. Each board, committee and commission shall appoint a secretary who may be a non-member who is an employee of the Town. Each board, committee or commission shall operate in accordance with the rules of procedure in Section 2-297. The board, committee or

commission chair shall notify the Town Clerk in writing within one week post-election of the names of officers.

**2-297. – Rules of procedure.**

Each board, committee and commission shall hold all meetings at Town Hall at regular intervals as set forth in the board, committee or commission's adopted bylaws. All meetings shall be open to the public, after posting full and timely notice of date, time, place, and subject matter of the meeting at the Town's designated posting locations. At each meeting, the public shall be given an opportunity for public comment. Full and timely notice shall be deemed to be at least 24 hours prior to the date and time of the meeting. Unless required otherwise in this Chapter, all boards, committees, and commissions shall meet regularly at least once each month, except when a quorum is not available, or there is no business to address. Each board, committee, or commission's secretary shall keep minutes of its meetings and records of its transactions, the secretary shall deliver them to the Town Clerk in a timely manner for submission to the Board of Trustees. Special meetings may be called by the chair, any 3 members, or the Town Manager with at least 24 hours' written notice. The chair has final authority to establish the agenda and will collaborate with other members and Town staff in its development. The chair or his or her designee shall serve as the conduit of communication between the board, committee, or commission and the staff liaison and Board of Trustees. A majority of the appointed non-vacant seats shall constitute a quorum.

**2-298. – Authority and responsibility.**

(a) Boards, committees, and commissions shall exercise their authority and shall be accountable to comply with the board, committee or commission's approved work plan, the Board of Trustees' goals, and with other Board of Trustees adopted rules or regulations. Unless otherwise provided by law, no board, committee, or commission, and no member of any board, committees, or commission shall have authority to act on behalf of the Town, including without limitation approving contracts, negotiating deals, spending or allocating Town funds, and negotiating transactions involving real or personal property.

(b) Within 90 days of creation, each board, commission or committee shall submit a set of bylaws to the Board of Trustees for review and approval. Bylaws shall, at a minimum, set the board, commission or committee's regular meeting date and time.

(c) Each board, committee or commission shall provide an agenda to the Town Clerk at least 24 hours prior to the date and time of each meeting and shall provide the Town Clerk with approved minutes following every meeting.

(d) In collaboration with Town staff, each board, committee, and commission shall submit an annual budget request to Board of Trustees, which furthers the accomplishment of that plan. Once funding has been approved through



the budgeting process, each board, committee, and commission may offer recommendations to the Town staff and Board of Trustees on the expenditure of those funds.

(e) No board, committee, or commission and no member of any board, committee, or commission shall have the authority to accept donations on behalf of the Town, to direct any Town employee, or to make operational decisions for the Town.

#### **2-299. – Recommendations to Board of Trustees.**

Each board, committee, and commission shall deliver recommendations to the Board of Trustees concerning its budget provisions and other matters within its purview as required herein, from time to time as directed by the Trustees, or as initiated by the board, committee, or commission. Board of Trustees shall approve annual board, committee, or commission work plans and may provide direction to boards, committees, and commissions regarding specific matters upon which the Board of Trustees desires the board, committee, or commissions to investigate and provide recommendations. Boards, committees, and commissions shall follow such direction and provide their recommendations to Board of Trustees via the means directed by the Board of Trustees.

#### **2-300. – Removal.**

Except as provided otherwise in this Chapter, the Board of Trustees shall have the power to remove any member of any board, committee or commission at any time with or without cause. Upon removal, the Board of Trustees shall fill any vacancy for the remainder of the vacated position's term. If there is less than one year remaining on the term, a person may, but need not, be appointed to fill the remainder of that term and the next full term.

#### **2-301. – Staff liaison role.**

The Town Manager may assign Town personnel to assist boards, committees, and commissions with budget proposals or any other duties as is necessary for the boards, committees, or commissions to adequately perform their functions.

#### **2-302. – Subcommittees.**

From time to time, the Board of Trustees or a board, committee, or commission may establish temporary or standing subcommittees to study issues or make recommendations. No formal action may be taken by a subcommittee. Subcommittee meetings shall be public meetings, shall comply with the rules of procedure set forth in Section 2-297, and shall be attended by at least one member of the board, committee or commission that formed the subcommittee. All subcommittee recommendations must be submitted to the appropriate board, committee, or commission.

**2-303. – Remote participation.**

Members of any board, committee, or commission may participate in meetings remotely, and any remote participation shall be pursuant to rules and regulations adopted by the Board of Trustees, as they may be amended.

Section 6. Prior Appointments Cancelled. With the exception of the Planning Commission and the Board of Adjustment, all appointments made by the Board of Trustees to boards, committees or commissions including, without limitation, those made by Resolution 2020-03, dated January 21, 2020, are hereby rescinded. The Parks and Recreation Advisory Committee is dissolved and created a new as the Parks, Recreation and Trails Advisory Committee. The Fire Mitigation Advisory Committee is dissolved and created anew. All seats are currently vacant, and residents interested in becoming a member in either committee shall complete and submit an application in accordance with the Town's Policy on Advisory Committees, Appointments to Outside Agencies and Volunteers.

Section 7. Repeal. All prior acts of the Board of Trustees inconsistent herewith are hereby repealed including, without limitation, Ordinance 2020-02 establishing the Fire Mitigation Advisory Committee, Resolution 2017-09 establishing a trails committee, and Resolution 2009-08 establishing policies for the formation of advisory committees.

Section 8. Bylaws for Planning Commission and Board of Adjustment. Within 90 days of the Effective Date of this ordinance, the Planning Commission and Board of Adjustment shall submit to the Board of Trustees for review and approval a set of bylaws that comply with Section 2-298(b) Green Mountain Falls Municipal Code, set forth above.

Section 9. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 10. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 11. Effective Date. This Ordinance shall be effective thirty (30) days after publication.

INTRODUCED AND ORDERED PUBLISHED the 7<sup>th</sup> day of July, 2020, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the 7<sup>th</sup> day of July, 2020.

Jane Newberry  
Jane Newberry, Mayor

ATTEST:  
[Signature]  
Angie Sprang, Town Manager

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