BOCC

Steve Schleiker
10/02/2024 11:43:06 AM
Doc $0.00 5
Rec $0.00 Pages

El Paso County, CO
224077986

RESOLUTION NO. 24 - 376

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO AMEND THE BYLAWS OF THE ROAD IMPACT FEE ADVISORY COMMITTEE

WHEREAS, pursuant to §§30-11-101(1)(0) and30-11-107(1)(e), C.R.S. the Board of County Commissioners of El Paso County, Colorado ("Board") has the legislative authority to manage the concerns of El Paso County when deemed by the Board to be in the best interests of the County and its citizens; and

WHEREAS, the Board has created the Road Impact Fee Advisory Committee ("Committee") pursuant to Resolution No. 12-318 for the purpose of advising the Board regarding the implementation and administration of the El Paso County Road Impact Fee Program; and

WHEREAS, pursuant to Resolution No. 13-215 approved on May 14, 2013, the Board adopted bylaws for the Committee; and

WHEREAS, at a meeting held on September 26, 2024, the Committee suggested an amendment to its bylaws to add a voting option; and

WHEREAS, the Board finds and determines that the proposed amendment is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of El Paso County, Colorado hereby amends the bylaws of the Road Impact Fee Advisory Committee as attached hereto.

DONE THIS 1st day of October, 2024 at Colorado Springs, Colorado.

Attest:

Steve Schleiker,
County Clerk & Recorder

Board of County Commissioners
of El Paso County, Colorado

By: Cami Bremer

Cami Bremer,
Chair

EXHIBIT A

BYLAWS OF THE EL PASO COUNTY ROAD IMPACT FEE ADVISORY COMMITTEE

ARTICLE I. INTRODUCTION

On November 15, 2012, the El Paso County Board of County Commissioners (hereinafter "Board") adopted the El Paso County Road Impact Fee Program (hereinafter "Fee Program") pursuant to Resolution No. 12-382. The purpose of the Fee Program is to serve as a means of collecting a fair and equitable contribution to the regional transportation system within unincorporated El Paso County from new development based upon the development's impact on such system. The Fee Program consists of Road Impact Fee Implementation Document and Road Impact Fee Study. Words and phrases used in these bylaws shall have the same meaning as those used in the Fee Program unless otherwise noted.

ARTICLE II. AUTHORITY

The El Paso County Road Impact Fee Advisory Committee (hereinafter "Committee") was established by the Board through adoption of Resolution No. 12-318. The Committee shall act under two separate grants of authority: first, as an advisory body to the Board regarding certain aspects of implementing and administering the Fee Program; second, as the District Advisory Board to El Paso County Public Improvement District No. 1, El Paso County, Colorado (hereinafter "District") pursuant to the provisions of the Intergovernmental Agreement Between El Paso County and El Paso County Public Improvement District No. 1 Concerning the El Paso County Road Impact Fee, approved by Board Resolution No. 12-399.

ARTICLE III. PURPOSE

The purposes of the Committee shall be as follows:

a. Monitor and evaluate implementation of the Fee Program and associated Public Improvement Districts, file annual written reports regarding same, and report to the Board any perceived inequities regarding same.

b. Advise the Board of the need to update or revise the Major Transportation Corridor Plan, the associated Road Impact Fee Study, or the unit costs set forth therein.

c. Make recommendations to the Board regarding the establishment of Fee Program credits, the disbursement of impact fee funds or PID bond proceeds, the expenditure of impact fee funds or PID bond proceeds for Eligible Improvements, and issues referred and the appeal of decisions by the Impact Fee Administrator.

d. To perform any other duties related to the Fee Program delegated by the Board.

ARTICLE IV. MEMBERSHIP AND TERMS

Section 1. The Advisory Committee shall consist of nine (9) members to be appointed by the Board. Members shall be drawn from the following groups and shall serve the following terms.

a. Three (3) members shall represent the development community and own property or represent a party who owns property that is subject to the Fee Program. The terms for these members shall be three (3) years.

b. One (1) member shall be recommended by and represent the Housing and Building Association of Colorado Springs. The term shall be for a period of three (3) years.

c. Two (2) members shall be citizens-at-large. The terms for these members shall be three (3) years.

d. Three (3) members shall be El Paso County staff as follows, who shall serve at the pleasure of the Board: the County Engineer or his/her designee, the Executive Director of Planning and Community Development or his/her designee, and the County Chief Financial Officer or his/her designee.

Section 2. Members other than County staff shall be limited to serving two (2) consecutive full terms. Such members shall be eligible for reappointment one (1) year after expiration of their second term.

Section 3. Members of Committee shall serve at the pleasure of the Board and may be removed by the Board at any time. The Committee may remove a member for having three (3) unexcused absences in a one-year period. Members shall comply with and be subject to the provisions of El Paso County Board Resolution 96-57 General 24 and Resolution 97-325 General 72 concerning El Paso County Advisory Boards.

ARTICLE V. OFFICERS

Section 1. At the first meeting held every year the Committee shall elect a Chair and Vice Chair. Each officer shall hold office for a term one (1) year or until his or her successor is duly elected. Officers may be elected to successive terms.

Section 2. The Chair shall preside at all meetings of the Committee and shall call special meetings when deemed necessary. The Chair shall act as spokesperson for the Committee and shall sign the documents of the Committee. The Chair may designate subcommittees to perform the work of the Committee when necessary.

Section 3. The Vice Chair shall perform the duties of the Chair in the Chair's absence.

ARTICLE VI. MEETINGS

Section 1. The Committee shall hold regular monthly meetings at 1:30 p.m. on the 4th Thursday of each month. All regular meetings shall be held virtually except in case of special meetings that the Chair and Road Impact Fee Program Manager agree to another venue.

Section 2. The Chair may call a special meeting which may be held at a time other than the regular quarterly meetings. A special meeting may be held virtually, at an in-person location, or via email.

Section 3. Study sessions or work sessions may be called at any time for educational or discussion purposes. No official record will be kept. No formal action or decision may be made at such sessions.

Section 4. The Committee may hold an executive session during any regular or special meeting pursuant to the provisions of §24-6-402, C.R.S. The custodian for executive session records is the County Attorney. An affirmative vote of two-thirds of the quorum present is required in order to hold an executive session.

Section 5. A quorum for conducting business at any regular or special meeting shall be five (5) members, one of which must be a member of El Paso County staff.

Section 6. All regular meetings, special meetings, study sessions and work sessions shall be open to the public. Unless otherwise designated, notice of such meetings and sessions shall be posted to the County's agenda suite webpage under "Upcoming Meetings" (Link: https://www.agendasuite.org/iip/elpaso). Please note that you can also click on the "Calendar" icon and view all upcoming meetings and the meeting notifications (Link: https://www.agendasuite.org/iip/elpaso/meeting/list).

Section 7. The agenda for each meeting shall be approved by the Chair and the Impact Fee Program Manager and shall be distributed to the members prior to the meeting. As needed, the agenda shall contain instructions for virtual participation or email voting.

Section 8. Minutes of all regular and special meetings shall be kept and approved by the Committee at the next regular meeting. Minutes and records of the Committee shall be open to the public and subject to the Colorado Open Records Act, C.R.S. 24-72-201, *et seq.*

Section 9. Regular and special meetings shall be conducted according to Robert's Rules of Order.

ARTICLE VII. VOTING

Section 1. Only Committee members may vote, and each member is entitled to one (1) vote.

Section 2. Any action taken by the Committee, other than a decision to hold an executive session, requires an affirmative vote by a majority of the quorum present. In the event of a tie vote, the motion shall be deemed to have failed.

Section 3. A Committee member may participate in a meeting by phone at the Chair's discretion.

Section 4. No Committee member shall state the vote or opinions of any absent Committee member.

Section 5. The Committee may vote to continue any action item on its agenda only for the purpose of obtaining additional information.

ARTICLE VIII. CONFLICT OF INTEREST

Section 1. Committee members have an obligation to carry out their duties for the benefit of the public and accordingly should promote public confidence by avoiding conflicts of interest or the appearance thereof. Examples of conflicts of interest include:

a. Acquiring or holding an interest in a business or undertaking that could be directly and substantially affected economically by an action of the Committee.

b. Holding a financial interest in a matter before the Committee.

c. Accepting a gift of substantial value or substantial economic benefit from any party with a matter before the Committee.

d. Using confidential information to further one's personal financial interest.

e. Holding a personal or private interest in a matter before the Committee.

f. Performing an official act which may have a direct economic benefit on a business or other undertaking in which the member has a direct or substantial financial interest.

Section 2. If a Committee member has a conflict of interest or may have the appearance of a conflict of interest with respect to a particular matter before the Committee, the member shall:

a. Disclose the interest on the record prior to the matter being heard.

b. Abstain from voting on the matter and leave the hearing room until the matter has concluded.

c. Refrain from discussing the matter privately with other Committee members.

ARTICLE IX. AMENDMENTS

These Bylaws may be amended by a majority vote of the Committee. Any such amendments must be approved by the Board.