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El Paso County, CO



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RESOLUTION NO. 22-04

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

**RESOLUTION TO APPOINT CHAIR AND VICE CHAIR AND THE
LEGISLATIVE AND PARLIAMENTARY RULES AND PROCEDURES OF THE
BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO**

WHEREAS, C.R.S. § 30-10-302, as amended, provides that the Board of County Commissioners of the County of El Paso ("Board"), has the general statutory authority to establish rules and regulations to govern the transactions of its business; and

WHEREAS, the Board adopted Resolution No. 00-5 on January 10, 2000, which initially established Legislative and Parliamentary Rules and Procedures to formalize and clarify its deliberative process, and incorporated related policy and organizational resolutions to enable ready access for reference purposes; and

WHEREAS, said Rules and Procedures have been subsequently amended from time to time by the Board, most recently at Resolution No. 21-423, recorded in the records of the El Paso County Clerk and Recorder at Reception No. 221208537 on November 10, 2021; and

WHEREAS, the Board desires to amend the Legislative and Parliamentary Rules and Procedures as attached herein at Exhibit A; and

WHEREAS, the Board finds said amended Rules and Procedures would provide a more efficient, effective, and responsive operation of El Paso County government for the citizens of the County; and

WHEREAS, pursuant to C.R.S. §§ 30-10-307 and 30-10-308 and the Rules and Procedures herein cited, the Board desires to appoint Stan VanderWerf as the Chair and Cami Bremer as the Vice Chair of the El Paso County Board of County Commissioners, effective on January 11, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby appoints Stan VanderWerf to serve as Chair of the El Paso County Board of County Commissioners effective January 11, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby appoints Cami Bremer to serve as Vice Chair of the El Paso County Board of County Commissioners effective January 11, 2022.

AND BE IT FURTHER RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby adopts the Legislative and Parliamentary Rules and Procedures, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

AND BE IT FURTHER RESOLVED that all formerly adopted Legislative and Parliamentary Rules and Procedures of the Board are hereby repealed to the extent that they are inconsistent with this Resolution.


DONE THIS 11th day of January, 2022, at Colorado Springs, Colorado.

ATTEST

Chuck Broemner
County Clerk & Recorder

The seal of El Paso County, Colorado, is circular with a double-line border. The outer ring contains the text "EL PASO COUNTY" at the top and "COLORADO" at the bottom. The inner circle features a central emblem of a mountain range with a sun rising over it, flanked by two trees. The text "EL PASO COUNTY" is also written in a smaller font across the middle of the seal.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: 
Chair

Resolution No. 22-04
Exhibit A

LEGISLATIVE AND PARLIAMENTARY RULES AND PROCEDURES
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LEGISLATIVE AND PARLIAMENTARY RULES AND PROCEDURES

I. ELECTIONS AND OATHS OF COUNTY ELECTED OFFICIALS

- A. The County's Elected Officials are elected per General Election or as otherwise prescribed by the Constitution and/or statutes of the State of Colorado.
- B. The County's Elected Officials are sworn into their respective offices in accordance with Article 10 of Title 30, C.R.S., as amended. (Per Colorado Constitution and Section 30-10-702, C.R.S., as amended, the Treasurer-elect shall be sworn into office prior to December 31).
- C. The oaths for the County's Elected Officials shall be prepared and recorded by the El Paso County Clerk & Recorder (hereinafter "County Clerk").

II. CRIME INSURANCE POLICY COVERAGE FOR COUNTY ELECTED OFFICIALS

- A. The necessary crime insurance policy coverage for the County's Elected Officials shall be secured and paid for by the Director of Human Resources and Risk Management from the self-insurance fund in an amount prescribed by Article 10, Title 30, C.R.S., as amended.
- B. Pursuant to Section 24-13-105, C.R.S., as amended, on the first day of each term, the Board shall examine and inquire into the sufficiency of the crime insurance policy coverage of the County Treasurer, Sheriff, Coroner, Assessor, County Clerk, and Surveyor, and all other County officers (County Commissioners).
- C. The Resolution, Finding Sufficiency of Crime Insurance Policy Coverage for County Elected Officials, prepared by the County Attorney in coordination with the Director of Human Resources and Risk Management, shall be considered for adoption at the Board's Organizational Meeting. Upon adoption, the resolution shall be recorded in the office of the County Clerk pursuant to Section 24-13-117, C.R.S., as amended. The County Attorney, in coordination with the Director of Human Resources and Risk Management, shall schedule the Board's consideration and approval of the Treasurer's crime insurance policy coverage in December prior to the swearing in of the Treasurer.
- D. If a County Commissioner or County Clerk as Registrar of Titles executes a bond in lieu of crime insurance the bond shall be filed with the District Court in accordance with Sections 30-10-313, 30-10-314 and 38-36-110, C.R.S., as amended.
- E. All statutory insurance shall be recorded in the office of the County Clerk and shall remain on file, (Sections 30-10-314, -501, -601, -701, -801, -901, C.R.S., as amended) with the exception of the County Clerk's crime insurance policy coverage, which shall be filed in the office of the El Paso County Treasurer (Section 30-10-401, C.R.S., as amended).
- F. The County Clerk shall file his crime insurance policy coverage as Registrar of Titles (Torrens Title Registration Act, C.R.S. 38-36-110, as amended) with the Secretary of State.

III. APPOINTMENTS AND POWERS OF CHAIR AND VICE CHAIR

A. APPOINTMENT OF CHAIR:

1. The Board shall choose one of its members as Chair pursuant to Section 30-10-307, C.R.S., as amended.
2. By this reference, the Board hereby appoints Commissioner Stan VanderWerf as Chair to serve as Chair so long as it pleases the majority of the Board.
3. Pursuant to Sections 30-10-307 and 30-10-308, C.R.S., as amended, the Chair shall preside at all meetings of the Board, administer oaths to any person concerning any matter submitted to the Board or connected with its powers and duties, and shall sign all County orders and documents related to matters acted upon by the Board. These powers are automatic and do not require separate or additional Board action. The Chair may authorize the County Attorney or designee to administer oaths. By this reference, the Board automatically renews, approves, and authorizes the Chair to execute County warrants per calendar year.
4. The Chair or Vice Chair is authorized to sign Grant Applications without scheduling on the Board's Agenda unless public funds are being committed to by El Paso County for fulfillment of a grant if awarded and if the County match is not already budgeted in the current budget or designated in fund balance for stated purpose. This does not include the authority to sign Grant Agreements which are required to be heard in an open and public meeting by the Board before they become a valid and binding Agreement.

B. APPOINTMENT OF VICE CHAIR:

1. Pursuant to Section 30-10-307, C.R.S., as amended, the Board shall choose one of its members as Vice Chair. By this reference, the Board hereby appoints Commissioner Cami Bremer as Vice Chair to act in the absence of the Chair for whatever actions or events that may require the presence of or execution by the Chair, so long as it pleases the majority of the Board. This authorization is automatic and does not require separate or additional Board action.

C. OTHER:

1. No other powers may be assumed without concurrence of the Board.

IV. LIAISON RESPONSIBILITIES

- A.** By separate resolution, the Board adopts liaison responsibilities for the purpose of providing and receiving policy guidance and generally assisting in communication and cooperation between the County's Elected Officials, directors, and agencies. Such liaison responsibilities shall remain in effect so long as it pleases a majority of the Board, upon Commissioners entering into office, or the appointment of a new Chair or Vice Chair

V. ORGANIZATIONAL STRUCTURE OF OFFICES

- A. The County's Organizational Structure is attached as Attachment A and remains in effect so long as it pleases a majority of the Board. Amendment(s) shall be determined by separate resolution.

VI. OFFICIAL MEETING INFORMATION

- A. Effective November 16, 2021, all Official Board Meetings shall be held on Tuesday at 9:00 a.m. for regular Board Meetings, and an additional meeting at 1:00 p.m., on the 1st and 3rd Tuesday of the month for land use matters; or as soon as a quorum is present thereafter, in the auditorium of Centennial Hall located at 200 South Cascade Avenue, Colorado Springs, Colorado. Official Board Meetings may be held with some or all members appearing virtually as circumstances may dictate and as directed by the Chair. Informal Meetings will be scheduled on the 2nd and 4th Tuesday of the month, immediately following the regular Board Meeting, or as soon thereafter at the Chair's discretion.
- B. All meetings are open to the public except as otherwise provided by law. Accommodations for public appearance and/or comment will be made for all meetings and public instructions therefor will appear on the agenda.
- C. By previously adopted resolution, a meeting may be scheduled and held on a day, and at a time and location, other than those described herein, to consider matter(s) of unusually high public interest. Said meeting is subject to the posting and public notice requirements described herein and availability of a recording device to enable proper record retention.
- D. Pursuant to Section 30-10-405, C.R.S., as amended, the County Clerk shall attend the sessions of the Board either in person or by deputy, keep the County seal, records, and papers of the Board, and keep the Record of Proceedings of the Board in a visual text format that may be transmitted electronically, as required by law, under the direction of the Board.

VII. LEGAL ENTITIES OF THE COMMISSIONERS AND RELATED MEETINGS

- A. BOARD OF COUNTY COMMISSIONERS (Constitutional officers under the Colorado Constitution Article XIV, Section 6, with executive, legislative and quasi-judicial responsibilities.) Regular Board meetings shall be conducted as described in Official Meetings. Land use matters shall be scheduled on the first and third Tuesday of each month with the fourth Tuesday optional of each month as needed.
- B. LOCAL LICENSING AUTHORITY (Sections 44-3-103(27) and 44-4-103(4), C.R.S., as amended, Colorado Beer and Liquor Code matters, and Section 44-11-104(8) Medical Marijuana matters). Local Licensing Authority matters for unincorporated El Paso County shall be scheduled on regular Official Board Meeting Agendas.
- C. SOCIAL SERVICES A/K/A HUMAN SERVICES BOARD (Section 26-1-116, and Section 26-1-116(3) C.R.S., as amended by SB 04-035). Human Services agenda items shall be scheduled on regular Official Board Meeting Agendas.
- D. COUNTY BOARD OF EQUALIZATION ("CBOE") (Colorado Constitution Article X, Section 15). The Board of County Commissioners is not constitutionally or statutorily required to review the decisions of the CBOE. Colorado statutes

provide an appeal process for citizens that do not agree with decisions of the CBOE.

1. In accordance with Section 39-8-107(2)(b), C.R.S., as amended, the Board of County Commissioners authorizes a petitioner or petitioner's agent to elect to receive the decisions rendered by the CBOE by electronic mail.
2. By submitting an appeal through the County Assessor's online appeal system, the petitioner, or petitioner's agent, is agreeing to receive future electronic transmissions concerning CBOE matters, instead of through U.S. Mail. To opt-out of the electronic list and receive notices via U.S. Mail, petitioners may contact the Assessor's Office. Section 39-5-121(1.7), C.R.S., as amended.

- E. PUBLIC IMPROVEMENT DISTRICT (Section 30-20-501, C.R.S. *et seq.*)
Public Improvement District items shall be scheduled on Public Improvement District Meeting Agendas.

VIII. OFFICIAL MEETINGS, SCHEDULES, AND CLOSURES

A. ORGANIZATIONAL MEETING:

1. Upon commencement of the terms of office and administration of Oaths of Office for the County's newly Elected Officials, on the second Tuesday in January following the election, the Board has determined to hold its Organizational Meeting to consider matters which include, but are not limited to, resolutions for the crime insurance policy coverage for the County's newly elected officials, the Commissioners' liaison responsibilities, to designate the posting location and the custodian of the Minutes, and changes to the Board's Official Meeting and/or Summer Schedules.

B. OFFICIAL MEETINGS:

1. In accordance with Section 30-10-304(1), C.R.S., as amended, the Board shall hold at least two meetings in each week of the year commencing at 9:00 a.m. on Tuesday, an additional meeting commencing at 1:00 p.m. on the 1st and 3rd Tuesday for land use matters, and an Informal Meeting on the 2nd and 4th Tuesday immediately following the regular Board Meeting or as soon thereafter at the Chair's discretion (except during the months of July and August). (See Section VIII.D. for additional information.)
2. In accordance with Section 30-10-304(2), C.R.S., the Board may hold fewer than two meetings in each week of each year on the basis of, without limitation, the following circumstances:
 - a) A lack of a quorum caused by illness;
 - b) Scheduling conflicts with meetings of professional organizations whose membership includes County Commissioners;
 - c) Inclement weather;
 - d) Natural disasters or emergency conditions;

- e) Special events; or
 - f) Any other circumstance that a majority of the Board deems reasonable justification for not holding the meeting in the majority's sole discretion.
3. The Board Chair may cancel a regularly scheduled meeting of the Board pursuant to subsection two (2) above or applicable provisions of the law or these rules. If the decision to cancel a meeting is made more than twenty-four hours in advance of the meeting, the Board shall promptly provide notice to the public of the cancellation in the same manner in which it customarily provides the public notice of its meetings.
 4. Amendments to this regular meeting schedule shall be determined by resolution pursuant to Section 30-10-303(1), C.R.S., as amended.
 5. Official Board Meetings may be held with some or all members appearing virtually as circumstances may dictate and as directed by the Chair.
 6. Any commissioner(s) participating virtually, by means of telephone or other electronic method, shall be deemed present and counted toward a quorum for voting purposes.
 7. When Official Board Meetings are held where a quorum of the Board is participating by telephone or other electronic method, the County shall follow the following procedures:
 - a) Publish a conference call dial-in number, and any associated access code, with the agenda for the purpose of inviting public participation; or
 - b) Publish the electronic medium and access method to the platform the Board may utilize, with instructions to members of the public on how to listen and participate.
 - c) The County Public Information Office shall inform the public through customary means of any such telephonic or electronic meeting.
 - d) The County shall audio-record any telephonic or electronic meetings of the Board and said recording shall constitute the official record of the meeting. In the event audio-recording is not feasible, then the Clerk to Board, or designee, or a County staff person assigned by the Board, shall take written minutes of the meeting, and the written minutes shall constitute the official record of the meeting.
 - e) When the Board holds a meeting by other electronic means, the County shall video and audio record the meeting if feasible; and if not feasible, written minutes shall be taken as set forth in the preceding paragraph.

C. SPECIAL AND EMERGENCY MEETINGS:

1. The Board may hold Special and Emergency Meetings pursuant to Section 30-10-303(2), C.R.S., as amended.
2. Special Meetings shall be held at such time and place as stated on the published Agenda. Upon receiving a written request of three Board members eligible to vote on said matter, the Chair shall schedule a Special Meeting of the Board upon proper public notice unless

emergency circumstances warrant the Special Meeting. The County Administrator and the County Attorney shall have discretion to call an Emergency Meeting.

3. Special and Emergency Meetings may be held with some or all members appearing virtually as circumstances may dictate and as directed by the Chair.
4. Should proper public notification not be attainable, the Board's action(s) at the Special or Emergency Meeting shall be scheduled for ratification as a Consent Calendar item on the Board's next regular Agenda to provide proper public notice. In the event the County Clerk has already posted the Agenda of the next Official Meeting, the special or emergency matter shall be scheduled for ratification on the next available Agenda.

D. SUMMER SCHEDULE:

1. Pursuant to Section 30-10-304(1), C.R.S., as amended, the Board may meet in regular session twice monthly during the months of July and August. By this reference, the Board hereby determines to meet twice weekly on the 1st and 3rd Tuesdays, commencing at 9:00 a.m. for regular items, and 1:00 p.m. for land use matters; and once weekly on the 2nd and 4th Tuesdays, commencing at 9:00 a.m.

E. COUNTY CLOSURES:

1. When County Offices are closed due to inclement weather or for an act of emergency; and where a virtual meeting is not possible, the Board hearing and scheduled agenda shall be automatically postponed and continued to the next scheduled Board hearing date. No further action shall be required of the Board, the County Administrator, County Attorney or Clerk to the Board.

F. SOCIAL GATHERINGS:

1. Chance meetings of public officials, or social gatherings, for which discussion of public business is not the central purpose for such gatherings, are not subject to the provisions of the Open Meetings Law.

IX. SCHEDULING AGENDA AND ADDENDUM MATTERS FOR OFFICIAL MEETINGS

A. GENERAL REFERENCE INFORMATION:

1. GRANTS – Resolution No. 17-152 or any amendment thereto.
 - a) The Chair and Vice Chair are authorized to sign grant applications on behalf of the Board pursuant to Section III.A. 4.
 - b) The Chair and Vice Chair are not provided the authority to sign Grant Agreements, which are required to be heard in an open and public meeting by the Board before they become a valid and binding Agreement.
2. The Board desires to ensure prior fiscal, legal, and administrative review and to provide uniform submittal and processing of all matters scheduled. All agenda submittals shall be processed through the

automated process. Items submitted outside of the Workflow process will not be accepted.

3. The following Agenda Requests do not require review by Financial Services:

Deputy District Attorney Appointments;
BOCC Minutes;
Committee Appointments/Reappointments;
Ambulance Licensing and Permits;
Tax Abatement Petitions;
Fireworks Display Permits;
Liquor License matters;
Medical Marijuana License matters;
Ceremonial Resolutions;
Land Development Code, Engineering Criteria Manual, and Ordinance Violation matters;
Animal Control;
Committee Bylaws;
Regional Building Code matters;
Special District Service Plans;
Treasurer's Tax Sale Certificates, Delete Uncollectible Taxes and Designate Depositories;
Department of Human Services Program Plans;
Fire Code matters;
Land Use matters;
Road Project Management Plans;
Road Closures and Acceptances;
Environmental Assessments; and
Storm Water Permits.

4. The following Agenda Requests do not require review by the County Attorney's Office:

Deputy District Attorney Appointments;
Budget Requests to Recognize Revenue and Appropriate Expenditures;
BOCC Minutes;
Committee Appointments/Reappointments;
Ambulance Licensing and Permits;
Procurement and Contract matters;
Tax Abatement Petitions;
Fireworks Display Permits;
Liquor License matters (unless otherwise prescribed by adopted Policy);
Medical Marijuana License matters (unless otherwise prescribed by adopted Policy or Law);
Ceremonial Resolutions;
Land Use matters (except Contracts, Development Agreements, Escrow Agreements, and Real Estate Transfers);
Treasurer's Tax Sale Certificates, Delete Uncollectible Taxes and Designate Depositories;
Department of Human Services Program Plans; and
Road Closures and Acceptances.

5. Ceremonial Resolutions (proclamations, acknowledgements, recognitions, retirements, etc.) must be coordinated with the Public Information Office, in accordance with Resolution 21-18.

6. First and third Tuesdays at 1:00 p.m. are reserved for land use matters. The Board may, in its discretion, hear land use and other matters on any day it deems fit.
7. The County Clerk is responsible for scheduling all applicable tax abatement petition hearings and liquor and medical marijuana license matters, Board of Equalization meetings, fireworks display permits, and Minutes for approval.
8. The County Administrator shall schedule Agenda item requests of the Commissioners upon the written consent of at least two (2) Commissioners eligible to vote on said requests, or by oral consensus of at least two (2) Commissioners preferably one (1) week before the hearing on the request.
9. It is the Chair's discretion to pull any Agenda item requests prior to final agenda distribution except any items requested by at least two (2) Commissioners.
10. The agenda will only be posted and distributed by the Clerk's Office after review by the County Administrator and approval by the Chair.

B. SUBMITTALS AND ROUTING (EARLY SUBMITTAL IS ENCOURAGED; DO NOT WAIT UNTIL THE DEADLINE TO INITIATE A REQUEST):

1. Agenda items shall be appropriately placed on the Consent Calendar, as a Regular Item, or a Non-Action item by the originator:
 - a) The Consent Calendar may contain all ministerial matters necessary for the management of routine tasks/internal affairs of business by County departments, which require Board action, that are neither statutorily required to be formally advertised/published in a newspaper or to hold a public hearing thereon, nor are policy matters, conveyances, or acceptances of real estate.
 - b) Regular Consent Calendar Inclusions:

Matters determined by the County Attorney;
 BOCC Minutes;
 Committee appointments/re-appointments;
 Petty cash and donation Resolutions, and any other matters at the discretion of the Chief Financial Officer;
 Leases;
 Approved tax abatement petitions;
 Denied and partially approved tax abatement petitions (unless the petitioner is present at the meeting and requires a public hearing);
 Procurement and Contract Regular and Renewal matters unless otherwise determined by the Contracts Manager;
 Local Licensing Authority matters unless otherwise determined by the County Clerk;
 Clerk and Recorder polling place changes/additions;
 Fireworks Display Permits;

