

# GRAND COUNTY OPEN LANDS, RIVERS AND TRAILS ADVISORY COMMITTEE BYLAWS

## ARTICLE I NAME

### Section 1. Name

The name of this committee shall be the Open Lands, Rivers and Trails Advisory Committee ("Committee").

## ARTICLE II PURPOSE

### Section 1. Purposes

a. The Committee shall make recommendations to the Board of County Commissioners regarding the disbursement of monies from the Grand County Open Lands, Rivers and Trails Fund, in accordance with the guidelines set forth in these Bylaws; in Grand County Resolutions, Nos. 2016-8-18 and 2016-9-4; the ballot language (County Issue 1A) as set forth in Attachment I of these Bylaws, which Attachment I is incorporated into and made a part of these Bylaws; and the general evaluation criteria as set forth in Attachment II of these Bylaws, which Attachment is incorporated into and made a part of these Bylaws.

b. The Committee shall make other recommendations consistent with its purpose when requested or appropriate to its purpose.

## ARTICLE III MEMBERSHIP

### Section 1. Membership

The Committee shall consist of nine members, three of whom shall be residents of unincorporated Grand County (one from each commissioner district) and one person who shall be nominated by the governing body of his/her respective municipality in the County. The composition of the Open Lands Fund Advisory Committee ideally should have equitable representation from the agricultural, land conservation, outdoor recreation, water, business, and economic development communities.

### Section 2. Terms

The terms of office for the members of the Committee shall be four years with a maximum of two full terms. As determined by the members of the Open Lands, Rivers and Trails Advisory Committee, the initial terms of office shall be as follows:

- Three members (Granby, Kremmling, Winter Park) for two years;
- Three members (District 1, Hot Sulphur Springs, and Grand Lake) for three years; and
- Three members (Fraser, District 2, and District 3) for four years.

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Subsequent terms shall be four years for all members. .

Section 3. No Compensation

Members of the Committee shall not be compensated for their services, but will be reimbursed for related mileage accrued at the IRS rate.

Section 4. Replacement

A member of the Committee shall be replaced if that member completes his/her term, no longer resides in Grand County, or resigns from the Committee. If the departing member represents a municipality, the governing body of that municipality shall nominate a replacement to the Board of County Commissioners as soon as practicable. Members representing each of the commissioner districts of unincorporated Grand County shall be replaced by the Board of County Commissioners as soon as practicable. All replacements shall serve for the length of time remaining in the vacated term or begin a new term, as appropriate.

At the discretion of the Board of County Commissioners or the respective municipality, Committee members missing three meetings within a calendar year may be replaced. For the purposes of this section, the term "meetings" shall not include special meetings or field trips.

Section 5. Service

Each Committee member (including the municipal members) serves at the pleasure of the Board of County Commissioners. No Committee member has an entitlement to or property interest in continued service. The Board of County Commissioners may terminate the service of any member at any time for any reason in its discretion, and any Committee member may resign from the Committee by given written notice to the Board of County Commissioners.

**ARTICLE IV  
OFFICERS**

Section 1. Election of Officers

The Committee shall elect from among its members and by a majority vote a Chair and Vice-Chair at the first meeting of each calendar year. Officers shall assume office upon election and serve for one year or until their successors are elected. The Board of County Commissioners shall be notified when the officers are elected.

Section 2. Officer Duties

Duties of each of the officers are:

- a. Chairperson: The Chairperson shall preside over all meetings of the Committee and perform the duties which are ordinarily associated with that position, such as but not limited

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to serving as the liaison to the Board of County Commissioners and county staff, as appropriate, and serving as the official spokesperson for the Committee.

b. Vice-Chairperson: The Vice-Chairperson shall preside in the absence of, at the request of or upon incapacity of the Chairperson, including in any event in which a conflict of interest prevents the participation and vote by the Chairperson. The Vice-Chairperson shall also provide guidance for new Committee members of the process and activities of the committee.

c. Secretary: The Secretary is responsible for Committee records being complete and available to the public. Administrative work shall be performed under the direction of the Secretary or an Administrative consultant, if hired, which includes but is not limited to; public notice of Committee meetings, preparing and posting meeting agendas, preparing meeting minutes and making them available to the public, arranging suitable accommodations and confirming before meetings.

d. Treasurer: The Treasurer, or the Administrative consultant, if hired, is responsible for presenting a complete and accurate report of the finances of the Open Lands, Rivers, and Trails Fund at each meeting of the Committee, or at any other time upon request by the Board of County Commissioners or the Committee. The Treasurer, in general, shall perform all duties as assigned from time to time by the Chairperson.

### ARTICLE V MEETINGS

#### Section 1. Meetings

The Open Lands Advisory Committee shall convene a minimum of twice a year for the purpose of reviewing applications, making recommendation to the Board of County Commissioners concerning expenditures from the Open Lands Fund and for performing its other functions. All meetings shall be held in accordance with the Colorado Open Meetings Act. Members may participate in a meeting through electronic communications, videoconferencing, teleconferencing or other available technology which allows the member to communicate simultaneously and without interruption with all members during the meeting. Participation in a meeting by pursuant to this subsection constitutes presence in person at the meeting. Participation by electronic communications does not included email.

Meetings shall be held when needed at a date, time and location to be announced. Meetings may be called at any time by the Chair, Grand County Commissioners, or by at least four members of the Committee. Meetings are open to the public and shall be held only after required public notice of at least 24 hours posted notice on the bulletin board outside the Grand County Board of County Commissioners Hearing Room, Grand County Administration Building, 2<sup>nd</sup> Floor, 308 Byers Avenue, Hot Sulphur Springs, CO 80451, and on the Grand County website.

#### Section 2. Work Sessions and Field Trips

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Work sessions and field trips may be conducted at the request of a majority of the Committee members to allow members to review and consider a grant application prior to a regular meeting, to encourage unstructured discussion of specific applications and special projects, or to become familiar with properties prior to voting on a recommendation to expend funds. Field trips shall be conducted only after required notice.

Section 3. Executive Sessions

Executive sessions may be called by a motion of any Committee member and such motion shall recite the statutory reason, authority and the general subject matter. For instance, "Move to enter into executive session pursuant to C.R.S. § 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators."

All executive session discussions are confidential, and no formal decisions nor formal action shall be taken by the Committee at such sessions.

Section 4. Agenda and Meeting Minutes

The Chair and Secretary, or the Administrative consultant, if hired, with coordination from the Chair and Secretary shall prepare the meeting agenda and mail or email it, together with the minutes of the previous meeting and any other needed reports or information to the Committee members, at least three business days preceding the regularly scheduled meeting. Reports or materials handed out at meetings shall be sent to members who were absent.

Section 5. Quorum

A simple majority of the total membership of the Committee at any meeting shall constitute a quorum. Participation by electronic communications, videoconferencing, teleconferencing or other available technology as provided in Article V, Section 1 shall constitute presence in person at a meeting for the determination of a quorum and for purposes of voting pursuant to Section 6 below. Any action by those present, provided there is a quorum, constitutes an action of the Committee. In the event a quorum is not present at any meeting, the members may adjourn and reschedule the meeting at a later date with required notice.

Section 6. Voting

All issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place.

**ARTICLE VI  
SUB-COMMITTEES**

Section 1. Sub-committees

Sub-committees may be appointed by the Chair from the Committee membership from time to time. Upon completion of the assigned task, the Chair shall dissolve the sub-committee.

**ARTICLE VII  
CODE OF ETHICS AND CONFLICT OF INTEREST**

Section 1.     Code of Ethics

The Committee shall act in accordance with law, including the Colorado Code of Ethics as it is applicable to public bodies. Specifically, the Committee shall abide by the provisions applicable to public servants pursuant to Grand County Resolution No. 2017-3 (“A Resolution by the Board of County Commissioners of the County of Grand, State of Colorado, Approving and Adopting Amendments to the Grand County Personnel Manual, effective March 7, 2017”); Article XXIX of the Colorado Constitution (“Ethics in Government”); and Part 1 (“Code of Ethics”) and Part 2 (“Proscribed Acts related to Contracts and Claims”) of Article 18 (“Standards of Conduct”), Title 24, of the Colorado Revised Statutes.

Section 2.     Conflict of Interest

A conflict of interest may result where a member has a personal or private interest in a matter proposed or pending before the Committee; where a member stands to gain or lose financially as a result of a position taken by the Committee; or where a member believes he/she cannot fairly and impartially discharge his/her duties. A member shall recuse him/herself from discussion and voting if an actual or potential conflict of interest exists, and a member shall not vote or participate in the application process regarding an acquisition or expenditure in which he or she has a direct financial or ownership interest in the subject property or an adjacent property, or where his or her participation may have a direct economic benefit on a business or other undertaking in which such member has a financial interest.

If the Committee is unable to determine whether a conflict of interest exists, the County Attorney shall be consulted for his/her evaluation and no action shall be taken on the subject matter until the County Attorney issues a finding of whether a conflict of interest exists to the Chairperson.

**ARTICLE VIII  
AMENDMENT**

Section 1.     Amendment

These Bylaws may be approved or amended in whole or in part by a 2/3 vote of the Committee members, subject to approval by the Board of County Commissioners, during a regularly scheduled meeting provided any proposed changes to the Bylaws are distributed in written form to all members at least ten days prior to the meeting at which action is taken on the proposed changes.

These Bylaws are hereby adopted this **4th** day of **October, 2018**, by vote of a majority of the Grand County Open Lands, Rivers and Trails Advisory Committee and approved this **4th** day of **December, 2018**, by the Grand County Board of County Commissioners.

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Date: 11/29/18



Name: Paul Bruchez  
Chairperson, Grand County Open Lands, Rivers and  
Trails Advisory Committee

Approved:

Date: 12/4/18



Name:  
Chairperson, Grand County Board of County  
Commissioners

**ATTACHMENT I  
BALLOT LANGUAGE FOR  
COUNTY ISSUE 1A (NOVEMBER 8, 2016)**

1A: OPEN LANDS, RIVERS AND TRAILS MEASURE

SHALL GRAND COUNTY TAXES BE INCREASED SEVEN-HUNDRED FIFTY THOUSAND DOLLARS AND BY WHATEVER AMOUNTS RAISED ANNUALLY, BEGINNING JANUARY 1, 2017, AND AUTOMATICALLY EXPIRING AFTER TEN YEARS, FROM A THREE TENTHS OF ONE PERCENT (0.3%) SALES TAX LEVY, WHICH WILL NOT BE COLLECTED ON SALES OF PRESCRIPTION DRUGS, TO BE USED SOLELY FOR:

- KEEPING WATER IN THE COLORADO RIVER AND OTHER RIVERS, LIKE THE FRASER RIVER, AVAILABLE FOR AGRICULTURE, RANCHING, AND OUTDOOR RECREATION;
- CONSERVING AGRICULTURAL LANDS, NATURAL AREAS, SCENIC OPEN LANDS, WILDLIFE HABITAT, WETLANDS, AND RIVER ACCESS THROUGH ACQUISITION; AND
- MAINTAINING HIKING AND BIKING TRAILS

WITH ALL EXPENDITURES SUBJECT TO THE RECOMMENDATIONS OF A CITIZEN ADVISORY COMMITTEE, AN ANNUAL INDEPENDENT AUDIT, AND A CAP ON ADMINISTRATIVE EXPENSES OF FIVE PERCENT; AND SHALL THE COUNTY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE PROCEEDS OF THE REVENUE FROM SUCH TAXES AND ANY EARNINGS THEREON WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

**ATTACHMENT II**  
**General Evaluation Criteria**

**Purpose of the Open Lands, Rivers and Trails Fund**

- Keeping water in the Colorado River and other rivers for agriculture, ranching and outdoor recreation
- To the protection, conservation, and acquisition of agricultural lands, natural areas, scenic open lands, wildlife habitat, wetlands, and river access
- To the maintenance of hiking and biking trails

**Criteria for Prioritization of Grant Applications**

- Quality of the resource
- Property size large enough to protect conservation values
- Contiguity to existing or likely to be protected properties
- Vulnerability to development
- Percentage of value donated by landowner
- Leveraging of other funds
- Amount requested in the grant application
- Timeframe of the project – may be contingent on available funds for multiyear projects
- Projects with the county's agricultural community designed to retain and continue sustainability of ranch lands and water resources
- Projects designed to conserve and keep water within the Colorado River and its tributaries within Grand County

**Eligible Grant Applicants**

1. Grand County, incorporated municipalities located within Grand County, and qualified nonprofit land conservation organizations as defined at 26 U.S.C §170(h)(3) or as accredited to hold conservation easements by the Land Trust Alliance Commission may submit grant applications requesting funding for the following:
  - a. Less than fee interests in real property
  - b. Fee simple or water rights acquisition
2. Grand County, incorporated municipalities located within Grand County, and nonprofit organizations may submit grant applications requesting funding for the maintenance of hiking and biking trails. Funding for trail maintenance purposes is capped at 15% of the funds available for grant awards.



**Use of OLRT Funds (Eligible Projects)**

1. All projects shall be with willing participants and no funds shall be used for eminent domain or the threat of eminent domain
  2. Funds are restricted to real property and bodies of water located within Grand County
  3. Funds may be used in the following manner:
    - a. To acquire lands or interests in lands that conserve and protect water in the Colorado River and its tributaries within Grand County for agriculture, ranching, and outdoor recreation, and that conserve agricultural lands, natural areas, scenic open lands, wildlife habitat, wetlands and river access
    - b. To acquire less than fee interests in real property for the purposes provided herein, such as permanent conservation easements, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis
    - c. To acquire fee title interest in real property for the purposes provided herein
    - d. To acquire water rights and water storage rights for use in connection the purposes provided herein
    - e. To maintain hiking and biking trails
    - f. To allow expenditure of funds for joint projects between the County and municipalities, or other governmental entities in the County
    - g. To pay for all related costs of acquisition, such as but not limited to the costs of appraisal, surveying, legal and other services such as easement documentation and environmental reports, as well as the costs of stewardship of easements and construction
    - h. To implement and effectuate the purposes of the Open Lands, Rivers and Trails Program
  4. Multi-year projects will be considered and may be reviewed on an annual basis
- *For additional information, please refer to Grand County Resolution #2016-8-18 & Resolution #2016-9-4*