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RESOLUTION NO. 09-361

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

Resolution to Approve the Updated El Paso County  
Forestry and Weed Advisory Commission Bylaws

WHEREAS, the Board of County Commissioners of the County of El Paso ("Board") has heretofore established an advisory commission known as the El Paso County Forestry and Weed Advisory Commission; and

WHEREAS, on August 26, 1996, the Board adopted Bylaws for the Forestry and Weed Advisory Commission by Resolution No. 96-306, which Resolution is recorded in the records of the Office of the El Paso County Clerk and Recorder at Reception No. 96117209; and

WHEREAS, on July 14, 2003, the Board adopted updated Bylaws for the Forestry and Weed Advisory Commission by Resolution No. 03-234, which Resolution is recorded in the records of the Office of the El Paso County Clerk and Recorder at Reception No. 203160421; and

WHEREAS, the Forestry and Weed Advisory Commission has recommended updates to the Bylaws to more adequately reflect the organizational structure of the Public Services Department; and

WHEREAS, the Board, having reviewed the request, hereby finds and determines that the proposed changes are appropriate and consistent with the overall purpose and objective of the Forestry and Weed Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of El Paso hereby approves updates to the Forestry and Weed Advisory Commission Bylaws and adopts the Bylaws more particularly described in Exhibit A, that is attached hereto and incorporated here by reference.

BE IT FURTHER RESOLVED that all previously adopted Board Resolutions approving Bylaws of the El Paso County Forestry and Weed Advisory Commission are hereby repealed to the extent that they are inconsistent with this Resolution.

DONE THIS 6th day of October, 2009, at Colorado Springs, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: Robert C. Balink  
County Clerk and Recorder

By: Jim Bensberg  
Chairman

RESOLUTION NO. 09-361

EXHIBIT A

**EL PASO COUNTY  
FORESTRY AND WEED ADVISORY COMMISSION  
BYLAWS**

**I. AUTHORITY**

The Board of County Commissioners of El Paso County Colorado (BoCC) is empowered by the provisions of C.R.S. §29-7-101, et seq. and C.R.S. §30-11-107 (1) (e) et seq. and C.R.S. § 35-5.5-107, et seq. to create the El Paso County Forestry and Weed Advisory Commission to advise the BoCC in matters of the management of undesirable plants, tree diseases, forestry pests, and forestry management.

Board of County Commissioners Resolution No. 96-57, General-24, establishes the policy for appointments/reappointments to County advisory boards, committees, commissions, and task forces.

**II. APPOINTMENT AND CONSTITUTION OF WEED ADVISORY COMMISSION**

- A. The members of the Forestry and Weed Advisory Commission shall be appointed by the BoCC and shall consist of nine (9) members who are residents of El Paso County. Each member shall be a resident of El Paso County for at least one (1) year prior to appointment.
- B. The regular voting members of the Forestry and Weed Advisory Commission shall be appointed to have five (5) members by district, one being a resident of each of the five county commissioner districts and one (1) appointed at-large; one (1) shall be appointed from a recommendation from the El Paso County Conservation District; one (1) shall be appointed from a recommendation from the El Paso County Farm Bureau; one (1) shall be the El Paso County Commissioner Liaison representing the Board of County Commissioners or his/her appointed representative. The majority of the five (5) commission members, shall own forty (40) acres or more. In the event that no qualified applicant applies to fill an opening from a specific El Paso County commissioner's district, that commissioner may fill the open position with an El Paso County applicant from any other commissioner's district.
- C. The technical representatives and non-voting members of the Forestry and Weed Advisory Commission may be one (1) representative from each of the following agencies:
1. Colorado State University Cooperative Extension
  2. El Paso County Public Services Department, Environmental Services Division
  3. El Paso County Public Services Department, Transportation Division
  4. United States Department of Agriculture Natural Resources Conservation Service
  5. El Paso County Public Services Department, Parks Division
  6. City of Colorado Springs

7. Colorado State Forest Service

8.. Any other person so requested by this commission and/or the BoCC.

D. Voting Forestry and Weed Advisory Commission members shall be appointed for terms of three (3) years or until a successor is appointed.

E. Terms of office shall be established to expire at the conclusion of the regular meeting in February of the given year.

F. No voting member of the Forestry and Weed Advisory Commission shall serve more than two consecutive terms.

G. At the expiration of the first full or partial term, an incumbent may request reappointment; however, reappointment is not guaranteed. The Board of County Commissioners will review the attendance record, participation, and performance of each member who requests reappointment before determining whether to advertise for a replacement or for additional volunteers. It is within the discretion of the Board of County Commissioners to re-advertise and/or re-interview for an appointment.

H. At the expiration of a second consecutive term, no voting member shall be eligible for reappointment until at least one year has passed since service on the Forestry and Weed Advisory Commission. Voting members appointed to a vacancy to complete a term that has more than one and one-half years remaining shall be reappointed to no more than one additional term.

I. The Board of County Commissioners may dismiss any member from the Forestry and Weed Advisory Commission if the member misses three scheduled meetings during any one-year period.

### III. COMPENSATION

Forestry and Weed Advisory Commission members shall serve without pay, except they may receive reimbursement for actual, documented expenses incurred in the conduct of business of the County.

### IV. REMOVAL

Forestry and Weed Advisory Commission members serve at the pleasure of the Board of County Commissioners and may be removed from membership by resolution of the Board of County Commissioners. Reasons for removal include, without limitation, nonperformance of duties, misconduct, conflict of interest, or other activities deemed detrimental to the best interests of the County.

## V. RESPONSIBILITIES

- A. The primary responsibility of a Forestry and Weed Advisory Commission member is to all citizens of El Paso County, the Board of County Commissioners, and the El Paso County Public Services Department, Environmental Services Division. The member shall protect the desires and interests of the entire County and shall consider all aspects of the issue at hand; analyzing all factors to determine what is in the best interest of the entire County.
- B. The Forestry and Weed Advisory Commission member must demonstrate an active interest in forestry and weed issues in El Paso County and be willing to work with other Commission members to achieve goals and objectives and resolve any problems pertaining hereto.
- C. The Forestry and Weed Advisory Commission member is responsible for reviewing and commenting on items and proposals specifically related to issues concerning the County's policies and philosophy on the management of forestry and weeds and for making recommendations to the El Paso County Public Services Department Environmental Services Division and/or the Board of County Commissioners concerning policies and programs related to forestry problems and to noxious weed management within the broader framework of a long term resource management goal for the County. The member is also responsible for encouraging research, understanding, and education regarding noxious weeds, tree diseases, forestry pests and forestry management, for assisting in assessing the extent of forestry diseases and noxious weeds in the County, and for collaborating with municipalities and government agencies in the furtherance of forestry and noxious weed management.
- D. Forestry and Weed Advisory Commission members shall provide advice and direction to the El Paso County Public Services Department, Environmental Services Division through the Forestry and Weed Advisory Commission Chairperson.

## VI. FORESTRY AND WEED ADVISORY COMMISSION ORGANIZATION AND PROCEDURES

### A. Officers:

A Chairperson, Vice-chairperson, and Secretary shall be elected by a quorum of the Forestry and Weed Advisory Commission at the regular February meeting. Each officer shall serve for a one-year term. In the absence of a Chairperson and Vice-chairperson at a regular commission meeting, the Commission shall elect a chairperson pro tempore.

#### 1. Chairperson:

- a. The Chairperson shall preside at the Commission meetings and shall perform the duties ordinarily performed by that office.
- b. The Chairperson, Vice-Chairperson, or designated representative shall represent the Forestry and Weed Advisory Commission in matters before the Board of County Commissioners that relate to the Forestry and Weed Advisory Commission's responsibilities.

- c. The Chairperson shall make appointments of committee chairpersons and committee members in consultation with the Vice-chairperson. The Vice-chairperson shall be an ex-officio member of all committees created by the Forestry and Weed Advisory Commission.

2. Vice-chairperson:

- a. In the absence of the Chairperson, the Vice-chairperson shall perform all the duties of the Chairperson.
- b. The Vice-chairperson shall counsel the Chairperson and act in his or her behalf, when requested, and perform other duties as designated by the Chairperson or the Commission.

3. Secretary:

- a. The Secretary shall maintain the minutes of the Commission meetings, and shall sign all approved minutes of the commission meetings.
- b. The Secretary shall discharge all duties incident to the office of Secretary and such other duties as may be assigned by the Chairperson or the Commission.
- c. The ex-officio Secretary shall be an El Paso County employee and shall be designated at the first meeting of each year by a vote of the Commission members. The duties shall include issuance and posting of meeting notices, preparation of meeting agendas, maintenance of all minutes and records of Commission meetings and custodianship of all documents and written materials of the Commission. Agenda for the Commission meetings, shall be prepared by the ex-officio Secretary with the Chairperson's consent. Submission of items to be included in the agenda packet shall be received not less than five (5) working days prior to any meeting of the Commission.

4. No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

B. Meetings:

Meetings of the Forestry and Weed Advisory Commission shall be held at the call of the Chairperson and shall be conducted in accordance with the following requirements:

- I. The Forestry and Weed Advisory Commission shall hold a minimum of one (1) monthly regular meeting, at such time and place as the Forestry and Weed Advisory Commission shall decide and may, upon the call of the Chairperson or of any five (5) Forestry and Weed Advisory Commission members, hold special meetings. Any

regular meeting may be canceled by a simple majority of the Forestry and Weed Advisory Commission or by the Chairperson for good cause.

2. All regular and special meetings held by the Forestry and Weed Advisory Commission where public business is discussed or at which formal action may be taken shall be open to the public and subject to the Colorado Open Meetings Law, C.R.S. §24-6-401, et seq., and Board Resolutions #92-201, General-107, and #91-219, General-109, as the same may be amended from time to time.
3. Executive sessions shall be held in strict compliance with the aforesaid statutory provisions and Board resolutions.
4. The Forestry and Weed Advisory Commission shall keep minutes of its respective proceedings showing the presence or absence of each member. Failure to vote and any abstentions shall be noted in the minutes. Minutes and records of the Forestry and Weed Advisory Commission shall be open to the public and subject to the Colorado Open Records Act, C.R.S. §24-72-201, et seq., and Board Resolution #92-198, General-104, as the same may be amended from time to time.
5. Meetings shall be conducted in accordance with Robert's Rules of Order, as revised, unless waived by Chairperson. Five (5) members of the commission shall constitute a quorum. A vacancy in the Commission may occur when any member fails to be present at three (3) consecutive regular meetings, or twenty-five percent (25%) of the regular meetings in a calendar year, unless such absence is excused by the Commission, or the member resigns from the Commission.

#### C. Voting:

All voting of the Commission shall be by voice vote, except that any member may request a roll call vote on any issue. Roll call votes shall be recorded as such in the minutes of the meeting. Proxy votes are explicitly not permitted.

### VII. POWERS AND DUTIES OF THE FORESTRY AND WEED ADVISORY COMMISSION

- A. The powers and duties of the Forestry and Weed Advisory Commission shall be exercised and performed as provided herein and in conformity with state laws, and subject to the approval and action of the Board of County Commissioners.
- B. The Forestry and Weed Advisory Commission shall advise the El Paso County Public Services Department, Environmental Services Division, in the control, development, management, programming, operation, and maintenance of forestry and weed issues.
- C. The Forestry and Weed Advisory Commission shall advise the El Paso County Public Services Department, Environmental Services Division, on matters related to forestry and weed issues including the annual budget, management, control measures, safety, economic costs relative to long-term benefit, sustainability of practices, and mandates of law.

D. The Forestry and Weed Advisory Commission shall perform any other acts in conformity with existing laws that may be delegated and/or requested by the Board of County Commissioners.

#### VIII. AMENDMENTS

- A. This resolution containing the Forestry and Weed Advisory Commission Bylaws, may be amended by resolution of the Board of County Commissioners of El Paso County, Colorado.
- B. This resolution is deemed to be severable. If any provision hereof is invalidated by any court of competent jurisdiction, the remaining provisions shall be suitable to implement the intent and purpose of this resolution.

#### IX. STATUS

The Forestry and Weed Advisory Commission is a non-profit, volunteer organization dedicated to the furtherance of forestry and noxious weed management, in compliance with House Bill 81-1099, House Bill 90-1175, and House Bill 96-1003, et seq.