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RESOLUTION NO. 09-180

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

Resolution to Approve Updates to the Highway Advisory Commission Bylaws.

WHEREAS, on February 13, 1975 the Board of County Commissioners created the El Paso County Highway Advisory Commission to assist in the operation and management of the El Paso County Department of Transportation; and

WHEREAS, the Board of County Commissioners approved updates to the Highway Advisory Commission Bylaws on April 14, 1997 and January 14, 2008; and

WHEREAS, it has now been deemed necessary and prudent to modify and update the Bylaws to more adequately reflect the organizational structure of the Public Services Department; and

WHEREAS, the Highway Advisory Commission unanimously endorsed the proposed changes at their meeting on April 15, 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of El Paso County, Colorado that the attached modified Bylaws shall constitute the Bylaws of the El Paso County Highway Advisory Commission.

BE IT FURTHER RESOLVED, that the attached Bylaws shall replace Resolution No. 08-25 of the El Paso County Highway Advisory Commission Bylaws.

BE IT FURTHER RESOLVED, that Jim Bensberg, duly elected, qualified member and Chairman of the Board of County Commissioners, or Sallie Clark, duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 12<sup>th</sup> day of May, 2009, at Colorado Springs, Colorado.



By: Robert C. Balink  
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: Jim Bensberg  
Jim Bensberg, Chairman

ROBERT C. "BOB" BALINK El Paso County, CO  
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## Highway Advisory Commission

### By-Laws

#### I. AUTHORITY

The Board of County Commissioners of El Paso County is empowered by the provisions of C.R.S. § 30-11-107 (1) (e) and (h) et seq. to create the El Paso County Highway Advisory Commission to advise the Board of County Commissioners in matters involving policy and philosophy related to County transportation operations and activities.

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 HIGHWAY ADVISORY COMMISSION

- A. The members of the Highway Advisory Commission shall be appointed by the Board of County Commissioners and shall consist of nine (9) regular members and three (3) associate 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. Advisory Commission associate members shall be appointed and shall meet the same eligibility requirements as regular members. The term of such associate members shall be one (1) year or until their successors are appointed. For each meeting, on a rotating basis, an associate member(s) shall fill an absent regular member(s) seat for purposes of voting.
- B. Five (5) members of the Highway Advisory Commission shall be appointed to represent the five (5) county commissioner districts. Each member shall be a resident of and represent a different district. The remaining four (4) members shall be appointed to represent the county-at-large to generally represent different geographical areas of El Paso County.
- C. Highway Advisory Commission members shall be appointed for terms of three (3) years and until their successors are appointed. The terms of appointment shall be staggered so that no more than three (3) members are reappointed or replaced annually by the Board of County Commissioners.
- D. Terms of office shall be established to expire at the conclusion of the regular meeting in February of the given year.

- E. No member of the Highway Advisory Commission shall serve more than two (2) successive terms.
- F. 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.
- G. At the expiration of a second successive term, no citizen member shall be eligible for reappointment to that board, committee or commission until at least one (1) year has passed since service on that board, committee or commission. Members appointed to a vacancy to complete a term which has more than one and one half (1 ½) years remaining shall be reappointed to no more than one (1) additional term.
- H. The Board of County Commissioners may dismiss any member from the board, committee or commission if the member is unexcused for three (3) scheduled meetings during any one (1) year period.

### III. COMPENSATION

Highway 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

Highway Advisory Commission members serve at the pleasure of the Board of County Commissioners and may be removed as a member 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 Highway Advisory Commission member is to all citizens of El Paso County, the Board of County Commissioners, and the Public Services Department. 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 Highway Advisory Commission member must demonstrate an active interest in the goals, objectives and problems of the County's transportation goals and objectives, and be willing to work with other members to achieve the goals and objectives and resolve any problems.
- C. The Highway Advisory Commission member has the responsibility to review and comment on items and proposals specifically related to issues concerning the County's policies and philosophy on the management and operation of the County's transportation system and to make recommendations to the Board of County Commissioners and the Public Services Department staff.
- D. Highway Advisory Commission members shall provide advice and direction to the Director of Public Services through the Highway Advisory Commission Chairperson.

VI. **HIGHWAY ADVISORY COMMISSION ORGANIZATION AND PROCEDURES**

- A. **Officers:** Nominations of candidates for Chairperson, Vice-Chairperson and Secretary shall be made at the regular meeting of the Highway Advisory Commission in January of each year. Candidates must be regular members and must have at least one year experience on the Commission. Officers shall be elected by a quorum of the Highway 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 Highway Advisory Commission in matters before the Board of County Commissioners which relate to the Highway Advisory Commission's responsibilities.
    - c. The Chairperson shall make appointments of committee chairpersons and committee members in consultation with the Vice-Chairperson and the Director of Public Services. The Chairperson shall be an ex-officio member of all committees created by the Highway Advisory Commission.

2. Vice-Chairperson
  - a. The Vice-Chairperson, in the absence of the 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 and approve the minutes of the commission meetings.
  - b. The Secretary shall discharge all duties incident to the office of Secretary and such other duties and may be assigned by the Chairperson or the commission.
  - c. The ex-officio Secretary shall be the Director of Public Services. 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.

B. **Meetings:** Meetings of the Highway Advisory Commission shall be held at the call of the Chairperson and shall be conducted in accordance with the following requirements:

1. The Highway Advisory Commission shall hold a minimum of one (1) monthly regular meeting, at such time and place as the Highway Advisory Commission shall decide and may, upon the call of the Chairperson or any five (5) Highway Advisory Commission members, hold special meetings. Any regular meeting may be cancelled by a simple majority of the Highway Advisory Commission or by the Chairperson for good cause.
2. All regular and special meetings held by the Highway 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 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 Highway Advisory Commission shall keep minutes of their respective proceedings showing the presence or absence of each member and the vote of the Highway Advisory Commission upon every motion. Failure to vote and any abstentions shall be noted in the minutes. Minutes and records of the Highway 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 Resolutions 92-198, General-104 and 91-219, General-109, 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 members of the commission shall constitute a quorum.
- 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.

## **VII. POWERS AND DUTIES OF THE HIGHWAY ADVISORY COMMISSION**

- A. The powers and duties of the Highway Advisory Commission shall be exercised and performed as provided herein and in conformity with state laws, subject to the approval and action of the Board of County Commissioners.
- B. The Highway Advisory Commission shall advise the Public Services Department staff in the control, development, management, programming, operation and maintenance of the County's road system.
- C. The Highway Advisory Commission shall advise the Public Services Department staff on such matters as the annual budget, county road and bridge projects and their priorities, short- and long-range transportation planning and utilizing the grounds, facilities, and equipment on a year-round basis.
- D. The Director of Public Services shall, at the beginning of each calendar year, submit a written report to the Board of County Commissioners of the work and activity performed the previous year and the proposed work to be performed in the upcoming year. Said report shall be reviewed and approved by the Highway Advisory Commission. A public hearing may be held for the submission of the report to inform the public of the commission's activities and plans, and to receive input and suggestions from the public.

- E. The Highway Advisory Commission shall perform any other acts as may be delegated and/or requested by the Board of County Commissioners.

**VIII. AMENDMENTS**

- A. The Highway Advisory Commission Bylaws may be amended by resolution of the Board of County Commissioners.
- B. These Bylaws may 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 these Bylaws.