

GUNNISON COUNTY, COLORADO

**BOARD OF ADJUSTMENT AMENDED AND SUPPLEMENTAL
ORGANIZATION AND PROCEDURAL GUIDELINES**

SECTION I: ORGANIZATION

This organization is the Gunnison County Board of Adjustment for the County of Gunnison, Colorado, which is governed by and has those duties and responsibilities authorized by the applicable provisions of the Gunnison County Land Use Resolution, and shall have additional powers as the Board of County Commissioners may grant from time to time. To the extent any provision of these Organization and Procedural Guidelines conflicts with the Gunnison County Land Use Resolution, the Gunnison County Land Use Resolution shall control.

This organization is being referred to in these Organization and Procedural Guidelines as "the Board."

The Gunnison Board of County Commissioners is referred to in these Organization and Procedural Guidelines as "the Board of County Commissioners."

SECTION II: MEMBERSHIP AND RESPONSIBILITIES

- A. The Board is comprised of five regular members and not more than two alternate (or associate) members, all of whom are appointed by the Board of County Commissioners ("BOCC"). The regular membership of the Board consists of the three elected BOCC members and two appointed members, who may also be members of the Gunnison County Planning Commission,
- B. Board members are appointed to overlapping one-year terms by the Board of County Commissioners. Alternate members are appointed for one-year terms.
- C. A vacancy created by the resignation or termination of a member's term is filled by appointment by the Board of County Commissioners for the length of time remaining in the vacated term.
- D. Alternate members are expected to attend and fully participate in all regularly scheduled meetings, except that an alternative member may not vote on any matter before Board unless such alternate member fills the position of a regular member as provided in this Paragraph. In the event that any regular member is unable to act because of absence, illness, conflict of interest, or other cause as determined by the Board, the Board shall, by majority vote, appoint an alternate member to fill the absent Board member's position in the matter before the Board to act as a voting member during such period that such regular member is unable to act. The Board need not appoint such alternate member if the Board otherwise has a quorum to act on the matter before it.
- E. A Board member may be removed as provided in Section 1-116 of the Gunnison County Land Use Resolution.
- F. Compensation
 - 1. Appointed at-large and alternate Board members may receive a nominal fee for each regular meeting, which is approved from time to time by the Board of County Commissioners. BOCC members of the Board are not eligible for such compensation.
 - 2. Board members may be reimbursed for necessary traveling and subsistence expenses related to occasional out-of-county workshops and meetings.

- G. Any member may resign from the Board by giving written notice to the Board chairperson and to the Board of County Commissioners.
- H. A Board member is responsible for the following:
 - 1. Reviews all material received prior to meetings.
 - 2. Familiarizes him/herself with the applicable sections of the Gunnison County Land Use Resolution that detail responsibilities of the Board.
 - 3. Attends all meetings, insofar as possible, and notifies the Community Development Department of absences in advance of the meeting(s) to be missed.
 - 4. Reviews recommendations by the Community Development Department and makes decisions on matters presented to the Board.
 - 5. Evaluates each application for variance for its compliance or non-compliance with the Gunnison County Land Use Resolution and as necessary visit on-site the property for which the variance is requested, or which is the subject of an appeal, at the discretion of the Board.
 - 6. Decides all appeals made to the Board, applying the standards set forth in the Land Use Resolution.
 - 7. Assists new members of the Board as needed.
 - 8. Insofar as possible, attends other County meetings of interest to the Board.
 - 9. Refers inquiries about variances and appeals from the public to the Community Development Department.

SECTION III: OFFICERS AND DUTIES

- A. Officers of the Board are a chairperson, vice-chairperson, and any other officers as the Board deems necessary for Board business in the Board's discretion.
- B. Officers are elected annually by members and alternates at the Board's first meeting of the calendar year following appointment of members by the Board of County Commissioners, as applicable. The Board shall elect a chairperson and a vice-chairperson by majority vote.
- C. Each officer holds office for one calendar year after their election and may succeed them-self if re-appointed by the Board of County Commissioners to the Board.
- D. The chairperson presides at all meetings of the Board. The vice-chairperson serves in the absence or incapacity of the chairperson, including in any event in which a conflict of interest prevents the chairperson's participation and vote; and completes all such duties as are defined in these *Organization and Procedural Guidelines* which are normally performed by the chairperson. The chair is also empowered to administer oaths and compel the attendance of witnesses by application to the district court, which application will be submitted by the County Attorney or his/her designee on behalf of the Board.

SECTION IV: MEETINGS

- A. The Board shall meet as necessary, to determine matters brought before it. All Board meetings which are preceded by notice and held regularly and at specific times, are public meetings and open to the public at all times. By majority vote of members who are present, the Board may go into executive session, as governed

by the laws of State of Colorado (e.g., C.R.S. § 24-6-402(4)).

- B. Special meetings may be conducted at any time when called by the chairperson or at the request of three or more Board members. All members must be notified at least 48 hours in advance of a special meeting. Only items on the announced agenda are considered at a special meeting. Special meetings may be called in order to expedite action on a special review or an appeal application, or any other subject which requires review and recommendation or other action by the Board, but in no case shall a public hearing be conducted without the appropriate notice and procedure required by the *Gunnison County Land Use Resolution*.
- C. Work sessions may be scheduled as needed by the Board chairperson at least 48 hours in advance of any session, or as part of a regular meeting, to review an application prior to public hearing, and to encourage unstructured discussion of specific applications and special projects. No official action takes place at these sessions, and the Board need not take minutes at such meetings. Work sessions are public meetings and open to the public at all times.
- D. A quorum of the Board consists of three of the five members, unless the matter before the Board is an appeal pursuant to LUR Section 8-103 Appeals, in which case a quorum of the Board shall consist of four members. A concurring vote of three members shall be necessary to approve a variance or a special review application.
 - 1. For any appeal, the vote of four members of the Board is necessary to reverse any order, requirement, decision or determination of the Board of County Commissioners, the Gunnison County Planning Commission, the Gunnison County Community Development Director, or any other Gunnison County official, or to decide any appellate issue in favor of the appellant.
 - 2. The vote of three members of the Board is necessary to affirm any order, requirement, decision or determination of the Board of County Commissioners, the Gunnison County Planning Commission, the Gunnison County Community Development Director, or any other Gunnison County official, or to decide any appellate issue in favor of the appellee or Gunnison County.
- E. The Board shall keep a permanent, public record of all proceedings (except work sessions), as recorded in the usual form of minutes by a member of the Planning Department staff. Minutes shall not be construed to mean a transcript of a meeting. All meetings shall be taped or electronically recorded.
- F. The order of business for each regular meeting of the Board may include the following, so far as is applicable, and not necessarily in the order listed:
 - 1. Call to order, verify public notice of meetings & Public Hearings for individual scheduled appeals or special reviews, and determination of quorum.
 - 2. Minutes of previous meeting(s) for action.
 - 3. Individual scheduled special permit reviews and appeals
 - 4. Work sessions
 - 5. Reports by staff/Board members
 - 6. Adjournment
- G. At least three business days prior to a regular meeting, the Planning Department staff will have available in the Planning Department, by mail or e-mail to each Board member copies of applications, reports, draft recommendations and/or other materials related to agenda items scheduled for that meeting.

SECTION V: PUBLIC HEARINGS

- A. Public hearings shall be noticed and conducted in the manner required by the applicable section(s) of the *Gunnison County Land Use Resolution*.

SECTION VI: PUBLIC HEARINGS

- A. Any member of the Board is considered in a position of conflict of interest if any of the following situations is in evidence relative to the application for variance, or other specified situation.
 - 1. The member is:
 - a. Seller of the subject property
 - b. Broker or Realtor for the property.
 - c. Applicant for a Variance.
 - d. Owner, lessor, or lessee, adjoining the subject property; or
 - 2. The member stands to be beneficially or detrimentally affected in a financial way by action taken on the property.
- B. Any member who considers him/herself to be in a position of conflict of interest as defined in these *Organization and Procedural Guidelines* must declare such conflict and surrender the privilege of voting.
- C. Questions of conflict of interest which fall outside the above-cited categories shall be referred to the County Attorney for evaluation. No action will be taken on the subject item, and any Board member whose relationship to the subject or application is in question must remove him/herself from any related discussion until a finding from the Attorney is received.

SECTION VII: AMENDMENTS

These *Guidelines and Procedures* may be altered and amended, and new ones adopted by a concurring vote of three or more members of the Board at a regular meeting subsequent to notification of the proposed change.

SECTION VIII: APPROVAL

By vote of the Board and the signature of the Board Chairperson, these procedures are considered approved.

These *Organization and Procedural Guidelines* were passed and adopted by the members of the Gunnison County Board of Adjustment this ____ day of _____, 20__.

Laura Puckett Daniels, Chairperson
Board of Adjustment, Gunnison County