

## RESOLUTION 2021-22

### A resolution adopting amended bylaws for the Eldorado Springs Local Improvement District Advisory Committee

#### Recitals

A. By Resolution No. 2003-113 dated August 26, 2003, the Board of County Commissioners of Boulder County (“Board”) created the Eldorado Springs Sewer and Electrical Local Improvement District (“District”).

B. By Resolution No. 2011-60, dated May 11, 2011, the Board established the Eldorado Springs LID Advisory Committee (“ESLAC”) to perform certain duties for the District and the Board, as described in that Resolution.

C. Resolution No. 2011-60 also established bylaws for ESLAC.

D. After ten years of operation, ESLAC has developed an amended set of bylaws to govern its procedures that provide updated guidance and clarity with respect to the manner in which ESLAC has functioned since its establishment. The amended bylaws are attached as **Exhibit A**.

E. The amended bylaws supersede and restate the purposes, duties, and basic operations of ESLAC provided in Resolution No. 2011-60.

F. At its duly noticed monthly meeting on February 18, 2021, ESLAC reviewed the amended bylaws and a majority of the committee members voted to recommend that the Board adopt the amended bylaws contained in **Exhibit A**; and

G. At a duly noticed public meeting on March 2, 2021, the Board heard from the staff liaisons to ESLAC and reviewed **Exhibit A** and determined that the proposed, amended bylaws in **Exhibit A** are appropriate for ESLAC.

#### Therefore, the Board resolves:

1. The Eldorado Springs Local Improvement District Advisory Committee Bylaws in **Exhibit A** are approved, effective as of the date of this Resolution. This Resolution and its exhibits are intended to replace and restate portions of Resolution 2011-60. If there is any conflict between Resolution No. 2011-60 and this Resolution with **Exhibit A**, this Resolution and **Exhibit A** control.

[Signature Page to Follow]

A motion to approve and adopt **Exhibit A** as the bylaws of the Eldorado Springs Local Improvement District Advisory Committee was made by Commissioner Loachamin, seconded by Commissioner Levy, and passed by a 3-0 vote of the Board.

**ADOPTED** as a final decision of the Board on this 2nd th day of March, 2021.

**BOARD OF COUNTY  
COMMISSIONERS OF BOULDER  
COUNTY:**

*Matt Jones*

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Matt Jones, Chair

*Marta Loachamin*

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Marta Loachamin, Vice-Chair

*Claire Levy*

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Claire Levy, Commissioner

ATTEST:

*Cecilia Lacey*

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Clerk to the Board

## EXHIBIT A

### ELDORADO SPRINGS LOCAL IMPROVEMENT DISTRICT ADVISORY COMMITTEE BYLAWS

The Eldorado Springs LID Advisory Committee (“ESLAC”) was created by the Board of County Commissioners for Boulder County (the “Board”) with Resolution 2011-60 (the “Resolution”). Pursuant to the Resolution and governing statutes, these Bylaws define the activities and conduct of ESLAC and its members in carrying out the duties assigned in the Resolution.

1. **Purpose.** Pursuant to §§ 30-20-401 et seq. and 30-20-602 et seq., C.R.S., the Board makes decisions regarding the operation and finances of the Eldorado Springs Wastewater and Electric Local Improvement District (the “District”). ESLAC serves in an advisory capacity to the Board in making such decisions. ESLAC also acts as a communication link between the ratepayers and residents of the District, the operational Service Providers, and the Board.

ESLAC will receive periodic updates and provide input to County staff where appropriate on matters including but not limited to the following:

- a. Planning for future contingencies related to the facility;
  - b. Drafting and administration of contracts with service providers and other parties;
  - c. Setting and managing the annual budget and rate schedule;
  - d. Procedures and policies as outlined in the District's Rules and Regulations; and
  - e. The needs and interests of District members, operations personnel, and other interested parties.
2. **Membership; Appointment; Terms.** ESLAC will consist of up to five members, appointed by the Board. Members must meet the eligibility criteria listed in the Boulder County Personnel & Policy Manual (“Manual”), Section 1.6. ESLAC membership will strive to include a diversity of experience, backgrounds, and interests, and to reflect the demographics of the District in aspects including but not limited to: race, ethnicity, gender, socioeconomic status, and age; as well as residential characteristics such as tenancy, multi-family, single-family, and commercial property ownership, and ownership of properties with varying numbers of Equivalent Residential or Non-Residential Units.

Applications for ESLAC seats will be solicited from property owners and residents in the District. The Board will review applications and make appointments to fill vacant terms during their usual Board and Commission appointment cycle.

ESLAC member terms will be three years. To the extent possible, members' terms will be staggered to maintain membership levels. Individuals may serve no more than nine consecutive years in accordance with the Manual, Section 1.6. Individuals who have served nine consecutive years may apply for additional terms after a minimum of one year off.

3. **Officers.** ESLAC will elect from among its members a Chair and Vice-Chair each year, at its first meeting following the appointment of new members by the Board. The Chair will preside over ESLAC meetings and be the official spokesperson for the committee. The Vice-Chair will preside over meetings in the absence of, or at the request of, the Chair and may serve as the ESLAC spokesperson in the absence of the Chair.
4. **Support from County staff.** The Board shall designate County staff members, as necessary, to support ESLAC and carry out day-to-day operational matters. All communication between ESLAC and the Board will be through staff. Staff will work to communicate with ESLAC regularly regarding facility and property management issues. If time-critical issues arise, staff will make its best efforts to inform ESLAC, but may need to report to ESLAC after the fact.
5. **Scheduling and notice of meetings.**
  - a. Regular meetings will be held monthly in person or via a virtual or telephonic format, unless cancelled by the Chair for lack of agenda items or lack of a quorum. At the first meeting of each year, ESLAC will determine its schedule of regular meetings for the year and its intended meeting locations or format (i.e., in-person or virtual).
  - b. Special meetings may be called by the Chair, the Board, Boulder County staff, or a vote of the ESLAC members. Notice of any special meeting will be made consistent with § 24-6-402, C.R.S.
  - c. Notice of ESLAC meetings, regular and special, will be posted to the District webpage on the County website at least 24 hours prior to each meeting.
6. **Conduct of meetings.**
  - a. Any action taken or decision made by ESLAC, either within its purpose and duties defined by these Bylaws or at the request of staff, requires the vote of a quorum of members. A quorum will consist of a majority of the current members.
  - b. In addition to regular business, ESLAC members may request agenda items, including speakers or particular topics of discussion.
  - c. Pursuant to § 24-6-402, C.R.S., Colorado's Open Meetings Law ("COML"), ESLAC meetings are noticed and open to the public and minutes of the meetings are open to public inspection. COML provides that "[a]ll meetings of a quorum of three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times." § 24-6-402(2)(b). COML defines "meeting" to include "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication." § 24-6-402(1)(b).

- d. ESLAC will make time available for members of the public to speak on any relevant matter at each meeting to the greatest extent possible. Such public participation will be managed by the Chair at their discretion.
  - e. Boulder County staff will create a meeting agenda and all necessary materials for consideration prior to each meeting. Staff members will be responsible for posting necessary public notices and preparing and making available meeting minutes.
  - f. ESLAC may call executive sessions by a majority vote of the committee members present at any meeting for the purpose of discussing any of those matters set out in § 24-6-402(4), C.R.S. No votes will be taken at such sessions. All executive session discussions are confidential but will be recorded in instances where recording is required by law.
7. **Member conduct.** ESLAC members are subject to County conflict of interest and code of conduct policies and to the removal provisions in the Manual where appropriate. The duties of ESLAC members include but are not limited to:
- a. To regularly attend monthly and special meetings. Members will inform County staff of any absence at least 24 hours prior to the meeting unless such prior notice is impossible. Failure to attend three consecutive regular meetings or four total regular meetings in twelve months may subject a member to removal proceedings pursuant to the Manual.
  - b. To be familiar with and abide by County policies pertaining to conflict of interest and ethics.
  - c. To adhere to these Bylaws and relevant sections of the Manual.
  - d. Not to engage in behavior unbecoming an advisory committee member, which includes engaging in unprofessional behavior and impeding or compromising the work of ESLAC.

Approved by the Board of County Commissioners for Boulder County at a duly noticed public meeting on March 2, 2021 by Resolution Number 2021-22.