

A Resolution Appointing Members to the Zoning Board of Adjustment and Adopting General Rules for the Board

WHEREAS, Section 3206 of the Montezuma County Land Use Code states that the Montezuma County Board of County Commissioners shall appoint a Zoning Board of Adjustment to consider appeals of zoning decisions; and

WHEREAS, Colorado Revised Statute C.R.S. § 30-28-117 sets forth general rules and procedures governing zoning boards of adjustment in the State of Colorado; and

WHEREAS, the Montezuma County Board of County Commissioners wishes to establish general rules that govern the Zoning Board of Adjustment in Montezuma County, as well as the procedure and the jurisdiction of such Board; and


WHEREAS, the Montezuma County Board of County Commissioners desires to appoint three board members to the Montezuma County Board of Adjustment as required by the Montezuma County Land Use Code and the Colorado Revised Statutes;

NOW THEREFORE, be it resolved that the Montezuma County Board of County Commissioners:

1. Adopts the Board of Adjustment General Rules attached to this Resolution as Exhibit A; and
2. Appoints Montezuma County Commissioner Gerald Koppenhafer to the Montezuma County Board of Adjustment for a one (3) year term;
3. Appoints Montezuma County Commissioner Kent Lindsay to the Montezuma County Board of Adjustment for a two (2) year term;
4. Appoints Montezuma County Commissioner James Candelaria to the Montezuma County Board of Adjustment for a one (1) year term;

Approved and adopted this 11th day of April, 2023.

BOARD OF COUNTY COMMISSIONERS,
MONTEZUMA COUNTY, COLORADO



County Clerk and Recorder
Montezuma County, Colorado



Gerald Koppenhafer





Kent Lindsay



Jim Candelaria

EXHIBIT A
GENERAL RULES – The Montezuma County Board of Adjustment
Effective Date: April 11, 2023

Section 1: Authority

- 1.1** The Montezuma County Board of County Commissioners (Board) is authorized pursuant to Colorado Revised Statutes (C.R.S.) 30-28-117(2) to provide general rules to govern the organization, procedure, and jurisdiction of the Zoning Board of Adjustment (BOA).

Section 2: Board of Adjustment Purpose

- 2.1** The purpose of the BOA, as set forth in Section 3206 of the Montezuma County Land use Code 3206, shall be to consider appeals of zoning decisions in conformance with C.R.S. § 30-28-117 and C.R.S. § 32-28-118.

Section 3: Jurisdictional Area

- 3.1** The jurisdictional area of the BOA shall be limited to the unincorporated areas of Montezuma County.

Section 4: Member Duties

4.1 Membership

The BOA shall consist of three members appointed by a majority of the members of the Montezuma County Board of County Commissioners. Terms shall be for three (3) years unless otherwise specified by the Board. Initial appointments (made in 2023) shall be staggered into a one (1) year, two (2) year, and three (3) year term.

4.2 Attendance

Each BOA member shall have the responsibility of attending all regular and special meetings, including work sessions, of the BOA so that business of the BOA can be conducted in an effective, efficient, and reasonable manner.

4.3 Compensation

Members of the BOA shall receive as per diem compensation for meetings attended while serving on the BOA as follows: \$50.00 per meeting.

Section 5: Meetings

5.1 Quorum

- a. A quorum of the BOA shall be a minimum of two (2) members present at the beginning of the meeting. No public hearing or meeting shall be held unless a quorum is present. In the absence of a quorum, the BOA shall terminate any scheduled public hearing or meeting within a reasonable time after gathering.
- b. If a public hearing or meeting has not been convened due to lack of quorum, matters that require public notice will not be required to republish public notice.

5.2 Official Action

- a. No action of the BOA is official unless authorized by a majority of the members of the BOA present at the regular or special meeting.
- b. In the event a quorum is not present, all items on the agenda will be tabled until the next regular meeting of the BOA or until a special meeting is called.

5.3 Establishment of Meeting Agendas

- a. The Staff, in consultation with BOA Chair, shall establish the agenda for regular and special meetings.

5.4 Rules of Order

- a. Evidentiary hearings before the BOA should be conducted in an orderly manner but need not strictly conform to the rule of procedure and evidence necessary in a judicial proceeding. Proceedings may be conducted in an informal manner; the basic requirement is that the principals of fundamental fairness be observed.
- b. Roberts Rules of Order shall govern the BOA in all parliamentary procedures unless otherwise specified in these General Rules.

5.5 Continuance of Agenda Item

When the BOA decides to continue or table a matter or application before it, it may do so by motion without any requirement for further notice to the affected

parties or the public. The matter postponed shall be scheduled to the nearest future regular or special meeting. No further notice shall be required provided the matter is continued to a date and time certain.

Section 6: Voting Privileges

6.1 Voting Right

- a. Each BOA member shall have one (1) vote and shall exercise that voting right at the appropriate time during the proceedings. Proxies are not to be allowed.

6.2 Conflict of Interest

- a. Any member of the BOA who has a conflict of interest on any matter that comes before the BOA shall disclose the conflict on the record and then shall voluntarily excuse him/herself, vacate his/her seat, leave the room where necessary to avoid any appearance of influence on the matter under consideration, and refrain from discussing or voting on the matter. A conflict of interest includes any situation where a BOA member:

1. Has a direct financial interest in the matter; or
2. Will be directly affected by the decision in the matter; or
3. Believes he or she has a conflict of interest as defined by an applicable law; or
4. Will gain an advantage to relations, groups, or associations to whom he or she is affiliated.

Section 7: Process – Appealing to the BOA

- a. Decisions and/or determinations regarding zoning decisions may be appealed to the BOA. An aggrieved party has fifteen (15) days to submit a notice of intent to appeal to the BOA to Montezuma County’s planning and zoning director.