



R-22-77

**RESOLUTION ADOPTING A CHARTER AND AMENDED BYLAWS  
OF THE CLEAR CREEK COUNTY OPEN SPACE COMMISSION (OSC);  
AFFIRMING THE ROLE OF THE OSC; RESCINDING THE OSC OPEN SPACE PLAN  
POLICIES 2001; RESCINDING ANY DESIGNATIONS TO THE OSC OF  
MANAGEMENT AUTHORITY OVER COUNTY OPEN SPACE LANDS CONTAINED  
IN ANY PRIOR RESOLUTIONS OR OPEN SPACE PLANS; DESIGNATING  
MANAGEMENT AUTHORITY OVER OPEN SPACE LANDS TO THE COUNTY  
MANAGER OR DESIGNEE**

**WHEREAS**, Clear Creek County has within its jurisdiction lands that have been designated as open space, hereinafter described and known as Clear Creek County Open Space Lands, that are to be managed for public open space and public recreation purposes; and

**WHEREAS**, pursuant to C.R.S § 29-7-101, Clear Creek County has the authority to enact rules respecting the protection, use and management of Open Space Lands as may be deemed by the Board of County Commissioners ("Board") to be in the best interests of the County and its residents; and

**WHEREAS**, in November 1999, the voters of Clear Creek County approved an "Open Space Property Tax" to support the acquisition and management of Open Space Lands; and

**WHEREAS**, in Resolution 99-104, the Board stated its desire to "establish an open space commission to advise the Board on issues related to open space, parkland and recreation lands, including use of revenues from the Open Space Property Tax and acquisitions of interests in land"; and

**WHEREAS**, in April 2000, the Board appointed members to a newly established County Open Space Commission (OSC); and

**WHEREAS**, in March 2001, the Board adopted the Clear Creek County Open Space Plan Policies, expanding the role of the OSC beyond advisory to actual management authority over Open Space Lands; and

**WHEREAS**, subsequent to that date, through adoption of Resolutions and approval of Open Space Plans, the Board has designated management authority over various Open Space Lands to the OSC; and

**WHEREAS**, the Board finds that since being established, through the incredible work of its volunteer members, the OSC has secured millions of dollars in grants, accrued hundreds of acres of land, and developed several areas for recreation; and

**WHEREAS**, the Board further finds that much has changed in the County organization since the OSC was established, including the creation of a Recreation Department and the

RE-RECORD FOR MISSED SIGNATURES.

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formation of a professional trails crew; and

**WHEREAS**, the Board acknowledges and appreciates the significant contribution made by the OSC and its members to Clear Creek County over the years, but believes that any management authority previously given to the OSC should now be rescinded in favor of allowing designated staff within the County organization to assume the responsibility of managing Open Space Lands; and

**WHEREAS**, the Board desires to affirm that the role of the OSC is to advise the Board on issues related to open space, parkland and recreation lands, including use of revenues from the Open Space Property Tax and acquisitions of interests in land; and

**WHEREAS**, the Board further desires to designate management authority over Open Space Lands to the County Manager or designee.

**WHEREAS**, the Board wishes that the advisory role of the OSC be defined and delineated through the Charter of the Clear Creek County Open Space Commission, attached hereto as Exhibit A; and

**WHEREAS**, the Board further wishes that the Amended and Restated Bylaws of the Clear Creek County Open Space Commission, attached hereto as Exhibit B, be adopted, and that any OSC Bylaws previously approved be rescinded.

**NOW, THEREFORE, BE IT RESOLVED**, that the Charter of the Clear Creek County Open Space Commission, attached hereto as Exhibit A, and the Amended and Restated Bylaws of the Clear Creek County Open Space Commission, attached hereto as Exhibit B, are hereby adopted and approved, and that any OSC Bylaws previously approved be rescinded.

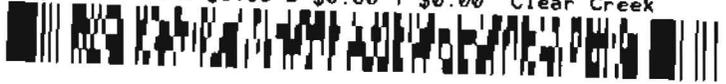
**BE IT FURTHER RESOLVED**, that the Open Space Commission Open Space Plan Policies 2001 are rescinded in their entirety, and that any designations to the OSC of management authority over Open Space Lands contained in any prior Resolutions or any other Open Space Plans, are rescinded.

**BE IT EVEN FURTHER RESOLVED**, that management authority over Open Space Lands is designated to the County Manager or designee.

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ADOPTED this 6<sup>th</sup> day of December, 2022, at a regularly scheduled meeting of the Clear Creek County Board of County Commissioners, effective the date hereof.

Sean C. Wood

Sean C. Wood, Chairman

George Martin

George Martin, Commissioner

Randall Wheelock

Randall Wheelock, Commissioner

ATTEST:

[Signature]

Deputy Clerk and Recorder  
for Brenda L. Corbett  
Clear Creek County Clerk and Recorder

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# Exhibit A



## ~ CHARTER ~ OF THE CLEAR CREEK COUNTY OPEN SPACE COMMISSION

### I. ROLE OF THE OPEN SPACE COMMISSION (OSC):

The role of the OSC is to advise the Board of County Commissioners (BoCC) on issues related to open space, parkland and recreation lands, including use of revenues from the Open Space Property Tax (OS Fund) and acquisition of interests in land. The OSC represents the interests of the voters and taxpayers of Clear Creek County in its advisory role to the BoCC.

### II. MISSION OF THE OSC:

The OSC shall advise the BoCC within the context of the OSC mission, which is: To preserve and maintain the County's unique character and natural environment by protecting its streams, woodlands, meadows, wildlife habitat, recreational opportunities, prominent vistas, geologic features, and cultural resources, to enhance the quality of life for residents and the enjoyment of the out-of-doors for residents and visitors.

### III. RESPONSIBILITIES OF THE OSC:

To fulfill its role and to achieve its mission, the OSC has been given the following responsibilities:

#### A. Advise the BoCC on open space, parkland and recreation lands by:

1. Leading the development of an Open Space Plan to be recommended to, and adopted by, the BoCC:
  - a. The Open Space Plan shall contain guidelines for development of Clear Creek County open space designated lands.

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b. The Open Space Plan shall advance the following objectives:

- i. To maintain the natural beauty and rural character of Clear Creek County and to protect environmentally sensitive areas;
- ii. To identify and plan for open space opportunities and to use open space as a design tool in helping to shape the patterns of growth within our County;
- iii. To use open space to protect and enhance the quality of life and enjoyment of the natural environment, and to preserve the rural character of the unincorporated areas of the County;
- iv. To protect areas with significant environmental, ecological, scenic cultural, or historic values;
- v. To connect various parts of the County with a network of public and private open space, including trail corridors and passive recreation areas, where appropriate;
- vi. To act as general liaison with the BoCC and the general public relative to open space issues;
- vii. To encourage the private sector and governmental organizations to participate in open space preservation and trail development where such participation advances the goals of the Open Space Plan within Clear Creek County;
- viii. To serve as a public source of information for residents of Clear Creek County regarding open space lands and the plans for the protection and use; and,





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- ix. To collaborate with staff to ensure that the Open Space Plan has clear deliverables and deadlines.
- c. Implementation of the Open Space Plan
  - i. The Open Space Plan must be reviewed by the OSC and adopted by the BOCC; and
  - ii. The Open Space Plan shall be updated by the OSC in collaboration with County staff, with those updates approved by the BoCC at least every five years to meet the purpose and mission of the OSC established by the BoCC.
- 2. Providing land management recommendations in accordance with the Open Space Plan:
  - a. When considering acquisition of a new asset, a concept for its use will be part of any recommendation to the BoCC for the acquisition.
  - b. The OSC may recommend that the BoCC consider joint maintenance agreements with other open space entities such as Denver Mountain Parks, Jefferson County Open Space, United State Forest Service and the Colorado State Forest Service when those agreements would further the mission of the OSC and the goals of the Open Space Plan.
- B. Advise the BoCC on the use of the OS Fund by:
  - 1. Monitoring and promoting the growth of the OS Fund.
    - a. Monitoring the fund:
      - i. Review regular financial reports from staff; and,



- ii. Work with staff to develop five-year projections on mill levy value and fund balances and include information in Annual Reports to the public and the BoCC.
- b. Promoting growth of the OS Fund:
- i. OS Fund stewardship should include maintaining a positive community perception of the Open Space Plan through good communication and sustainably fostering community through the enjoyment of open space lands, and in this way will keep the door open for growth of the OS Fund.
  - ii. Maintaining positive community perception includes:
    - 1. Advocating for public information and assisting with content creation to build and nurture public support for the Open Space Plan;
    - 2. Recommending ballot measures as appropriate and coordination with others that may be planned in the County;
    - 3. Providing information and guidance to the BoCC on open space issues;
    - 4. Presenting an annual report to the BoCC in May of each year (this report shall be available to the public); and
    - 5. Obtaining citizen input. Citizen input is an important part of formulating open space recommendation. The OSC shall ensure that citizens are informed of their activities and educated about the Open Space Plan; and the benefits of land or easement donations or bequests.



iii. Supporting sustainable enjoyment of the land:

1. Providing input to master planning or other community land use processes;
2. Guiding conservation policies and recreation planning;
3. Recommending sustainable user programming strategies and goals; and
4. Recommending interpretive and historical content to enhance user experience.

C. Advise the BoCC on land acquisition:

1. The OSC shall recommend land acquisitions. Land acquisition is a key tool in protecting and preserving land in Clear Creek County. The OSC is the BoCC's sole team dedicated to evaluating and identifying lands to acquire and prioritize for protection. In so doing, they shall also identify and highlight systemic issues threatening County lands and strive to identify and propose strategic long-term solutions.

a. Perform a suitability analysis. The OSC shall perform an open space suitability analysis for all acquisitions. The concept of preservation for natural and scenic values shall guide open space decisions. The suitability criteria shall include, but not be limited to, the following considerations:

- i. Does this land preserve natural, scenic, cultural or historic values?
- ii. How and to what degree will the land enhance the quality of life for Clear Creek County residents and visitors?



- iii. Will the land preserve a vista from major travel corridors?
- iv. Does this land connect to other open space, parks, trails or other public property?
- v. Does the land have historical significance or contain historic or cultural resources?
- vi. Will acquisition of this land protect wetlands or other biologically sensitive areas?
- vii. Will the characteristics of the property serve its intended function?
- viii. Should preservation of this property be a priority due to an imminent purchase or development?
- ix. Does the land have special value for wildlife preservation or will it act as a bridge or corridor for the passage of wildlife?
- x. Will the land serve as a buffer between land uses?
- xi. Will the property preserve unusual terrain and geological features?
- xii. Will the property maintain the agricultural, ranching or mining heritage of the community?

The OSC shall use the open space lands suitability analysis to identify and evaluate potential acquisitions or open space development areas. The OSC shall also inspect and evaluate all County-owned lands for their potential use as open space.





- b. Acquisitions -- Means. Open Space lands may be recommended for acquisition to the BoCC by any of the following means appropriate to the situation:
- i. Purchase;
  - ii. Conservation easement (donation or purchased) on private lands;
  - iii. Designation of County-owned lands as permanent open space;
  - iv. Land trade;
  - v. Retained life estate; and,
  - vi. Gifts.
2. The OSC may identify joint venture opportunities and recommend them to staff for active exploration and eventual recommendation to the BoCC and will actively pursue various sources of available funding to maximize resources.
3. The OSC may recommend use of land acquisition funds to assist other entities to advance purchases of lands that are in the County's interest to be secured or conserved.



**AMENDED AND RESTATED BYLAWS  
CLEAR CREEK COUNTY OPEN SPACE COMMISSION**

**ARTICLE I: NAME**

The name of this organization shall be Clear Creek County Open Space Commission, referred to as OSC.

**ARTICLE II: OBJECTIVE**

The objective of the OSC shall be to advise the Clear Creek County Board of County Commissioners (BoCC) on issues related to open space, parkland and recreation lands, and facilities. This will include advising the BoCC on use of revenues from the Open Space Property Tax and other sources of revenue for acquisition and management of these lands and facilities. The OSC shall advance OSC mission, as set forth in the OSC Charter, and provide leadership in the planning for and preservation of open space for the benefit of our residents.

**ARTICLE III: MEMBERSHIP**

**Section 1.** Members serving on the OSC shall meet the following requirements: an adult resident of Clear Creek County, with demonstrated interest in and commitment to the performance of the duties of an active OSC Member.

**Section 2.** The OSC shall consist of eleven Members. Members shall have the right to vote on OSC business.

**Section 3.** The OSC shall recommend potential Members to the BoCC. Members shall be appointed by the BoCC, to serve four-year staggered terms.

**Section 4.** Excluding emergency situations, Members shall notify the designated County Staff of planned absence(s) in writing or by e-mail at least one day prior to the meeting(s).

**Section 5.** The OSC may recommend termination of any Member to the BoCC for not attending more than three meetings in a six-month consecutive period, excluding personal or family emergency or illness, for leaving Clear Creek County, and for resignation.

**Section 6.** Members recommended for termination shall be notified in writing or by e-mail by the OSC Chair.

**Section 7.** Termination of Members shall be by notice from the BoCC.

**Section 8.** A Member may request a sabbatical by submitting a written request with reason, to the Chair at least two regular meetings prior to the beginning of the sabbatical. The request shall be voted upon by the OSC at the next regular meeting following receipt. A sabbatical shall last for no longer than three consecutive regularly scheduled meetings.

**Section 9.** Advisors and partners may include individuals, groups, organizations and governmental agencies that are involved in policies and services to Clear Creek County. If the advisors and partners support the OSC Objective as defined in Article II, then they shall be considered in partnership with the OSC.

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#### ARTICLE IV: OFFICERS NOMINATION AND ELECTION

**Section 1.** The officers of the OSC shall be a Chair, Vice Chair, and Secretary/Treasurer.

**Section 2.** The officers shall be active Members of the OSC.

**Section 3.** The Nominating Committee, Article X Section 2, shall present to the OSC a list of those Members who have consented to serve and each office to be filled. Nominations may be made from the floor, with the consent of the nominee.

**Section 4.** Election of officers shall take place at the regular April meeting. Election shall be by written ballot and a majority vote shall elect. When there is only one nominee for any office, the election may be by voice vote.

**Section 5.** Installation of officers shall occur at the end of the regular April meeting. Officers shall hold office for one year or until their successors are elected and installed.

**Section 6.** No Member shall hold more than one office at any one time.

**Section 7.** Officer vacancies shall be appointed by the vote of the OSC. If there is not a majority vote, the vote will be deferred to the next regular meeting. Those appointed to fill vacancies shall hold office until the expiration of the term for which the election or appointment to said office was made.

#### ARTICLE V: DUTIES OF OFFICERS

**Section 1.** The OSC officers shall perform the duties prescribed by these BYLAWS and prescribed by parliamentary authority adopted by the OSC, Article XI.

**Section 2.** The Chair shall preside at meetings of the OSC and Executive Board. The Chair shall be the Chief Officer of the OSC and work with the Open Space Coordinator.

**Section 3.** The Vice Chair shall perform the duties pertaining to the Chair in the absence of, or at the request of, the Chair.

**Section 4.** The Secretary/Treasurer shall work with the Open Space Coordinator to keep a record of the proceedings of regular OSC meetings and of the Executive Board meetings. This officer shall keep a roll of members, their initial date of appointment, and of committees. This officer shall execute such correspondence as may be requested by the Chair.

**Section 5.** The Secretary/Treasurer shall work with designated County Staff to prepare monthly financial reports, annual budgets and the track the overall health of and strategies for the Open Space Fund.

#### ARTICLE VI: EXECUTIVE BOARD

**Section 1.** The Executive Board shall consist of the officers of the OSC, as listed in Article IV, Section 1.

**Section 2.** A quorum shall consist of three Executive Board members.

**Section 3.** Approval of business before the Executive Board shall require a minimum of three members voting for the motion. If the Executive Board cannot reach agreement, the business will be presented for resolution at the next regular meeting of the OSC. The OSC vote shall be considered final.



**Section 4.** The Executive Board shall appoint committees, except for the Nominating Committee. Members of the Executive Board shall be considered ex-officio member of all committees except the Nominating Committee.

**Section 5.** The Executive Board may call special meetings, notifying the OSC Members in writing or by e-mail at least two days in advance of the meeting.

#### **ARTICLE VII: MEETINGS**

**Section 1.** Regular meetings shall be held monthly and advertised seven days in advance of each meeting on the Clear Creek County web site with agendas published 24 hours in advance as per Colorado sunshine laws.

**Section 2.** Open Space Commission meetings shall be open to the public, except during an Executive Session.

**Section 3.** Special meetings of the OSC may be called by the Executive Board as specified in Article VI, Section 5.

**Section 4.** An OSC meeting quorum shall consist of at least five Members.

**Section 5.** Only Members present at a meeting may vote on business before the OSC. In the event that the vote is equal, the vote shall be deemed negative. The vote of a Member that abstains/recuses has no value and shall not be counted.

**Section 6.** Proposed OSC Policy and Procedures shall be submitted in writing to the OSC for discussion at a regular OSC meeting. The OSC shall vote at the next regular OSC meeting or a special meeting called by the Executive Board, Article VI, Section 5.

#### **ARTICLE VIII: COMMITTEES**

**Section 1.** Committees may be appointed as needed by the Executive Board or the OSC.

**Section 2.** A Nominating Committee of two Members shall be selected by the OSC at the regular March meeting. The duties of this committee are to solicit the consent to nominees for each of the four offices listed in Article IV, Section 1.

The list of nominees shall be presented at the regular OSC April meeting.

**Section 3.** Voting members of any committee shall include those appointed by the Executive Board or selected by the OSC at its regular meetings. Members not appointed or selected to serve on a committee may participate in committee meetings or functions as non-voting members.

#### **ARTICLE IX: PARLIAMENTARY AUTHORITY**

Robert's Rules of Order, Newly Revised, shall govern the conduct of OSC meetings except when they are inconsistent with policies and regulations of Clear Creek County.

#### **ARTICLE X: AMENDMENT TO BYLAWS**

**Section 1.** Proposed Bylaw amendment(s) shall be provided to the OSC in writing at a regular OSC meeting for the purpose of discussion.



**Section 2.** If there is consensus, the proposed amendment(s) shall then be distributed to Members at least 10 calendar days prior to the next regular OSC meeting or a special meeting called by the Executive Board.

**Section 3.** The OSC shall vote on the proposed amendments at the next regular OSC meeting or a special meeting called by the Executive Board. The proposed amendments to the Bylaws shall be by at least a two-thirds vote.

**Section 4.** The proposed, amended Bylaws shall then be recommended to the BoCC for approval and adoption. Amendments to the Bylaws shall not become effective until approved and adopted by the BoCC.

**APPROVED and ADOPTED** by the Clear Creek County Board of County Commissioners upon the recommendation of the Clear Creek Open Space Commission this 6th day of December, 2022.

**For BoCC:**

Sean C. Wood, Chairman

George Marlin, Commissioner

Randall Wheelock, Commissioner

**ATTEST:**

Deputy Clerk and Recorder  
for Brenda L. Corbett  
Clear Creek County Clerk and Recorder

**For OSC:**

Chair

**ATTEST:**

Secretary

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