

Boards and Commission Discussion Exhibit List

(Links are embedded below to allow for easy navigation, and bookmarks are also included)

1. Summary of All Boards and Commission
2. Supplemental Information (Charter Information or Resolution or Ordinances ((when applicable))), By-Laws, and any other information)
 - a. Board of Adjustments
 - b. Historic Preservation Board
 - c. Parks and Recreation Advisory Board
 - d. Planning Commission
 - e. Police Commission
 - f. Tourism Advisory Council
 - g. Arts and Culture Board
 - h. Downtown Advisory Board
 - i. Livability Commission

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
BOARD OF ADJUSTMENT	<p>Fruita City Charter Article VI <u>6.03 Established Boards and Commissions:</u> <i>The following Boards and Commissions are hereby established:</i></p> <p>FRUITA MUNICIPAL CODE SECTION 2.40.060 (Ord. 2021-22, S2)</p> <p>BY-LAWS: NO</p>	<p><u>Charter Section 6.03.01 Board of Adjustment: A Board of Adjustment as established by Ordinance.</u></p> <p><u>2.40.060 POWER AND DUTIES OF BOARD OF ADJUSTMENT.</u></p> <p>A. The Board of Adjustment shall hear and decide:</p> <ol style="list-style-type: none"> 1. Appeals from any order, decision, requirement or interpretation made by the Community Development Director, building official, or any other zoning, building or code enforcement officer. 2. Applications for variances in accordance with the standards set forth in Title 17 of the Fruita Municipal Code. 3. Questions involving interpretations of the City’s Official Zoning Map, including disputed district boundary lines and lot lines. 4. All other matters referred to it under the provisions of Titles 15 and 17 of the Fruita Municipal Code, or other ordinances of the City, or any Codes adopted by reference by the City. <p>B. The Board may adopt by-laws, rules and regulations governing its procedures and meetings not inconsistent with any provisions of the Fruita Municipal Code.</p>

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
HISTORIC PRESERVATION BOARD	FRUITA MUNICIPAL CODE SECTION 2.43.050 (Ord. 2021-22, S2) BY-LAWS: YES	<u>2.43.050 POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD.</u> (B) The Historic Preservation Board shall: <ol style="list-style-type: none"> 1. Conduct public hearings and make recommendations to the City Council concerning land use applications in accordance with the requirements of the City's Land Use Code Title 17 of the Fruita Municipal Code. This shall include the ability to: <ol style="list-style-type: none"> i. Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources; ii. Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation; iii. Review and make recommendations to the owner(s) on proposed alterations or demolitions to a designated historic structure, site or district; iv. Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places; v. Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences; vi. Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas. The Board may create a list of structures of historical or archeological merit, which have not been designated;

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
		<p>vii. Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of purposes of this Chapter</p> <p>viii. Actively pursue financial assistance for preservation-related programs.</p> <p>2. Perform such additional duties as assigned by the City Council.</p>

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
PARKS AND RECREATION ADVISORY BOARD	<p>Fruita City Charter Article VI <u>6.03 Established Boards and Commissions:</u> <i>The following Boards and Commissions are hereby established:</i></p> <p>FRUITA MUNICIPAL CODE SECTION 2.42.050 (Ord. 2005-17, S2)</p> <p>BY-LAWS: YES</p>	<p><u>Charter Section 6.03.05 Parks and Recreation Commission:</u></p> <p>A. The Parks and Recreation Commission shall consist of one Council member and six (6) members at large.</p> <p>B. It shall recommend to the Council plans for acquisitions, development and operation of parks, recreation areas, and recreation facilities owned and operated by the City.</p> <p>C. It shall recommend to the Council Recreation programs.</p> <p><u>2.42.050 POWERS AND DUTIES OF PARKS AND RECREATION COMMISSION.</u></p> <p>A. The Parks and Recreation Commission shall have the powers and duties as noted in Section 6.03.05 of the Fruita City Charter.</p> <p>B. The Parks and Recreation Commission shall perform such additional duties as assigned by the City Council.</p>

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
PLANNING COMMISSION	<p>Fruita City Charter Article VI <u>6.03 Established Boards and Commissions:</u> <i>The following Boards and Commissions are hereby established:</i></p> <p>FRUITA MUNICIPAL CODE SECTION 2.39.050 (Ord. 2002-26, S1; Ord. 2021-22, S2-3)</p> <p>BY-LAWS: NO</p>	<p><u>Charter Section 6.03.03 Planning and Zoning Commission: A Planning and Zoning Commission as established by Ordinance.</u></p> <p><u>2.39.050 POWERS AND DUTIES OF PLANNING COMMISSION.</u></p> <p>A. The Planning Commission may:</p> <ol style="list-style-type: none"> 1. Make studies and recommend to the City Council plans, goals and objectives related to the growth, development and redevelopment of the City and the surrounding extraterritorial planning area. 2. Develop and recommend to the City Council policies, ordinances, administrative procedures, and other means for carrying out land use planning in a coordinated and effective manner. 3. Adopt by-laws, rules and procedures for conduct of the Planning Commission business, not inconsistent with any provisions of the Fruita Municipal Code. <p>B. The Planning Commission shall:</p> <ol style="list-style-type: none"> 1. Conduct public hearings and make recommendations to the City Council concerning land use applications in accordance with the requirements of the City's Land Use Code, Title 17 of the Fruita Municipal Code. 2. Perform such additional duties as assigned by the City Council.

CITY OF FRUITA BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
POLICE COMMISSION	<p>Fruita City Charter Article VI <u>6.03 Established Boards and Commissions:</u> <i>The following Boards and Commissions are hereby established:</i></p> <p>FRUITA MUNICIPAL CODE SECTION 2.41.050 (Ord. 2005-17, S1)</p> <p>BY-LAWS: DISSOLVED 8/2/2011 VIA RESOLUTION 2011-33</p>	<p><u>Charter Section 6.03.04 Police Commission:</u></p> <p>A. The Police Commission shall consist of one (1) Council member, and four (4) members at large.</p> <p>B. Recommend policies, standards, procedures, and limitations for the Police Department to the Council.</p> <p>C. Upon direction of the City Council the Police Commission may receive public comment on the operations and management of the Police Department.</p> <p>D. Upon direction of the City Council the Police Commission may provide input to the City Manager on the appointment of the Chief of Police.</p> <p>E. Upon the direction of the City Council the Police Commission may provide assistance to the Chief of Police in selecting members of the department.</p> <p><u>2.41.050 POWERS AND DUTIES OF POLICE COMMISSION.</u></p> <p>A. The Police Commission shall have the powers and duties as noted in Section 6.03.04 of the Fruita City Charter.</p> <p>B. The Police Commission shall perform such additional duties as assigned by the City Council.</p>

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
TOURISM ADVISORY BOARD	FRUITA MUNICIPAL CODE 3.18.240 (Ord. 1996-12; Ord. 2005-17) BY-LAWS: YES	<u>3.18.240 TOURISM ADVISORY COUNCIL.</u> There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. Members of the Commission may reside inside or outside the City limits of Fruita and shall have an interest in marketing and promoting the City of Fruita. The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation.

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
ARTS & CULTURE BOARD	RESOLUTION 2008-66 - A RESOLUTION ESTABLISHING THE FRUITA ARTS AND CULTURE BOARD BY-LAWS: YES	SECTION 1. The Fruita Arts and Culture Board (“Board”) is hereby created. SECTION 2. The Board, no later than one year from its creation and annually thereafter, shall work to submit a report to the Fruita City Council and community on the state of the arts in Fruita. The report should work to define and identify arts and cultural organizations in the community, identify the services each organization provides, assess the needs of each organization, determine the community’s needs in the arts and develop a plan to address those needs. SECTION 3. In accordance with the Fruita City Charter, the Board shall serve in an advisory capacity to the Fruita City Council. The Board will serve as the principal coordinating body for advancement of the arts in Fruita. SECTION 4. The Board will work closely with all community groups to maximize the limited resources available to the arts.

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
DOWNTOWN ADVISORY BOARD	RESOLUTION 2012-28 - A RESOLUTION ESTABLISHING THE FRUITA DOWNTOWN ADVISORY BOARD BY-LAWS: YES	SECTION 1. The Fruita Downtown Advisory Board (“Board”) is hereby created. SECTION 2. The Board, no later than one (1) year from its creation and as necessary thereafter, shall submit a report to the Fruita City Council and community on the status of Fruita’s downtown. SECTION 3. In accordance with the Fruita City Charter, the Board shall serve in an advisory capacity to the Fruita City Council. The Board will serve as the principal coordinating body for advancement of the downtown in Fruita. Eventually, the City Council will encourage this board to become an independent organization, separate, distinct, and independent from the city government. Until independence can be achieved, the city will support this Board in the same manner as other boards and commissions. SECTION 4. The Board will work closely with all community groups to maximize the resources available to downtown.

CITY OF FRUITA

BOARDS AND COMMISSIONS

NAME OF BOARD	ESTABLISHED BY	POWERS & DUTIES
LIVABILITY COMMISSION	RESOLUTION 2018-37 - ESTABLISHING THE LIVABILITY COMMISSION AND DISSOLVING THE SENIOR TASK FORCE BY-LAWS: YES	SECTION 2. The Livability Commission is hereby created. SECTION 3. The Livability Commission shall serve in an advisory capacity to the Fruita City Council. SECTION 4. The Livability Commission will work closely with groups and other agencies to explore ways to make Fruita a Livable Community and to promote and support healthy aging in the Fruita Community. SECTION 5. The Livability Commission will operate pursuant to the By-laws which are attached as Exhibit A.

ARTICLE VI BOARDS AND COMMISSIONS

6.01 Boards and Commissions, Appointment and Compensation: Members of Boards and Commissions shall be appointed by the Mayor, with approval of the Council for a period of three (3) years, with overlapping terms, and shall serve without compensation. First appointments shall be for one (1), two (2), and three (3) year terms.

6.02 Meeting Procedures: Each Board and Commission shall operate under established rules of procedure at public meetings as approved by the City Council and in accordance with the state open meetings law. A record of each meeting shall be kept.

6.03 Established Boards and Commissions: The following Boards and Commissions are hereby established:

6.03.01 Board of Adjustment: A Board of Adjustment as established by ordinance.

6.03.02 Election Commission:

- A. Colorado Municipal Election Law Adopted: Elections shall be governed by the Colorado Municipal Election Law in effect at the time of the election, except as the Council may prescribe by ordinance.
- B. An Election Commission is hereby created consisting of the Clerk, who shall be Chairman, and two other members at large, who, shall not be the City officers, employees, candidates, or nominees for elective City office. These two (2) members shall be appointed by the Mayor for a term of two (2) years.
- C. Powers and Duties of Commission: The Election Commission shall establish precincts and appoint election judges and clerks for each precinct. The Election Commission shall have the power to adopt reasonable rules and regulations not in conflict with the Constitution and Statutes of the State of Colorado, this Charter, and ordinances of the City of Fruita. In the event of a tie vote, the Election Commission shall determine by lot the person or persons who shall be elected. No member of the Election Commission shall serve as a municipal election judge or clerk.
- D. Municipal Elections: A general municipal election shall be held on the first Tuesday of April 1982, and on the first Tuesday of April of every second year thereafter.

6.03.03 Planning and Zoning Commission: A Planning and Zoning Commission as established by ordinance.

ORDINANCE NO. 2021-22

AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, THE PLANNING COMMISSION, **THE BOARD OF ADJUSTMENT**, AND THE HISTORIC PRESERVATION BOARD.

WHEREAS, Title 2 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth powers, duties and responsibilities of administration and personnel of the City;

WHEREAS, Chapter 20 of Title 2 of the Code sets forth the establishment of city departments pursuant to the Fruita City Charter including the Community Development Department;

WHEREAS, Chapter 39 of Title 2 of the Code sets forth the establishment of the Planning Commission;

WHEREAS, Chapter 40 of Title 2 of the Code sets forth the establishment of the Board of Adjustment;

WHEREAS, Title 2 of the Code does not include the establishment of the Fruita Historic Preservation Board;

WHEREAS, to provide better organization within the Code, the City wishes to amend Title 2 of the Code.

WHEREAS, this Ordinance was introduced at first reading on September 21, 2021 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Amendments and Additions to Title 2. Title 2 of the Code is hereby amended to read as shown in the attached Exhibit A.

Section 3. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the

correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 6. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
19TH DAY OF OCTOBER 2021.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

Chapter 2.40**BOARD OF ADJUSTMENT****Sections:**

2.40.010	Creation; Membership
2.40.020	Meetings of the Board of Adjustments
2.40.030	Quorum
2.40.040	Voting
2.40.050	Board of Adjustment Officers
2.40.060	Powers and Duties of Board of Adjustment

2.40.010 CREATION; MEMBERSHIP.

- A. In accordance with the City Charter, there shall be a Board of Adjustment and appeals for the City consisting of five (5) regular members and two (2) alternates. Members shall reside within Fruita and shall serve without compensation.
- B. Board of Adjustment regular members and alternates shall be appointed by the Mayor, with approval of the City Council, for three (3) year overlapping terms, but both regular members and alternates may continue to serve until their successors have been appointed.
- C. All vacancies shall be filled by the City Council. Members may be reappointed by the City Council to successive terms without limitation.
- D. Regular members of the Board of Adjustment may be removed by the City Council at any time for failure to attend two (2) unexcused consecutive meetings or for failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period, or for any other good cause related to performance of their duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request by the member proposed for removal, the City Council shall hold a hearing on such removal before it becomes effective.
- E. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City Officials, and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Board of Adjustment.

(Ord. 2002-26, S2; Ord. 2021-22, S203)

2.40.020 MEETINGS OF THE BOARD OF ADJUSTMENT.

- A. The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with the requirements of the City's Land Use Code, Title 17 of the Fruita Municipal Code.

- B. The Board shall conduct its meetings in accordance with quasi-judicial procedures set forth in Chapter 2.60 of the Fruita Municipal Code.
- C. Whenever the Board of Adjustment is required to hold a public hearing pursuant to the City's Land Use Code, Title 17 of the Fruita Municipal Code, the Community Development Department shall notify the public of the date, time and place of such hearing in accordance with Section 17.01.130 of the Fruita Municipal Code.
- D. All meetings of the Board of Adjustment shall comply with the Colorado Open Meetings Law, Section 24-6-401, *et. seq.*, C.R.S. Whenever feasible, an agenda for each Board of Adjustment meeting shall be made available to the public in advance of such meeting.

(Ord. 2002-26, S2; Ord. 2021-22, S2-3)

2.40.030 QUORUM.

- A. A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths (4/5) of the regular Board membership, excluding vacant positions. A quorum shall be necessary for the Board to take any official action.
- B. A member who has withdrawn from a meeting without being excused shall be counted as present for purposes of determining whether a quorum is present.

(Ord. 2002-26, S2; Ord. 2021-22, S2-3)

2.40.040 VOTING.

- A. The concurring vote of four-fifths (4/5) of the regular Board membership, excluding vacant positions, shall be necessary to reverse any order, requirement, decision, or determination of the administration; to decide in favor of an applicant on any matter upon which it is required to render a decision under the Fruita Municipal Code; or to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present. In the event there is a tied vote, this shall constitute a failed motion and shall not be considered an action. The no action shall have occurred, and the matter shall be considered active until a motion receives a majority vote.
- B. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (C) or has been allowed to withdraw from the meeting in accordance with subsection (D).
- C. A member shall be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - 1. The member has direct financial interest in the outcome of the matter at issue, or
 - 2. The matter at issue involves the member's own official conduct, or

3. Participation in the matter might violate the letter or spirit of the City's Code of Ethics for City Officials, Chapter 4 of the Fruita Municipal Code, or the Standards of Conduct for Local Government Officials, Sections 24-18-101, *et. seq.*, C.R.S., or
 4. A member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound objective judgment in the public interest.
- D. A member may be allowed to withdraw from the entire remainder of a meeting by a majority vote of the remaining members present for any good and sufficient reason, other than the member's desire to avoid voting on matters to be considered at that meeting.
- E. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- F. A roll call vote shall be taken upon the request of any member.

(Ord. 2002-26, S2; Ord. 2021-22, S2-3)

2.40.050 BOARD OF ADJUSTMENT OFFICERS.

- A. At its first regular meeting in April, the Board of Adjustment shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chair who shall preside over the Board's meetings, and one (1) member to serve as vice-chair. The person so designated shall serve in such capacity for a term of one (1) year. A vacancy may be filled for an unexpired term only by majority vote of the Board's membership, excluding vacant positions.
- B. The chair or any member temporarily acting as chair may administer oaths to witnesses coming before the Board.
- C. The chair and vice-chair may take part in all deliberations and vote on all matters.

(Ord. 2002-26, S2; Ord. 2021-22, S2-3)

2.40.060 POWER AND DUTIES OF BOARD OF ADJUSTMENT.

- A. The Board of Adjustment shall hear and decide:
1. Appeals from any order, decision, requirement or interpretation made by the Community Development Director, building official, or any other zoning, building or code enforcement officer.
 2. Applications for variances in accordance with the standards set forth in Title 17 of the Fruita Municipal Code.

3. Questions involving interpretations of the City's Official Zoning Map, including disputed district boundary lines and lot lines.
 4. All other matters referred to it under the provisions of Titles 15 and 17 of the Fruita Municipal Code, or other ordinances of the City, or any Codes adopted by reference by the City.
- B. The Board may adopt bylaws, rules and regulations governing its procedures and meetings not inconsistent with any provisions of the Fruita Municipal Code.

(Ord. 2002-26, S2; Ord. 2021-22, S2-3)

ORDINANCE NO. 2021-22

AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, THE PLANNING COMMISSION, THE BOARD OF ADJUSTMENT, AND **THE HISTORIC PRESERVATION BOARD.**

WHEREAS, Title 2 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth powers, duties and responsibilities of administration and personnel of the City;

WHEREAS, Chapter 20 of Title 2 of the Code sets forth the establishment of city departments pursuant to the Fruita City Charter including the Community Development Department;

WHEREAS, Chapter 39 of Title 2 of the Code sets forth the establishment of the Planning Commission;

WHEREAS, Chapter 40 of Title 2 of the Code sets forth the establishment of the Board of Adjustment;

WHEREAS, Title 2 of the Code does not include the establishment of the Fruita Historic Preservation Board;

WHEREAS, to provide better organization within the Code, the City wishes to amend Title 2 of the Code.

WHEREAS, this Ordinance was introduced at first reading on September 21, 2021 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Amendments and Additions to Title 2. Title 2 of the Code is hereby amended to read as shown in the attached Exhibit A.

Section 3. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the

correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 6. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
19TH DAY OF OCTOBER 2021.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

Chapter 2.43**HISTORIC PRESERVATION BOARD****Sections:**

- 2.43.010 Creation; Membership**
- 2.43.020 Meetings of the Historic Preservation Board**
- 2.43.030 Quorum and Voting**
- 2.43.040 Historic Preservation**
- 2.43.050 Powers and duties of Historic Preservation Board**

2.43.010 CREATION; MEMBERSHIP.

- A. There is hereby established an Historic Preservation Board, which shall have principal responsibility for matters of historic preservation.
- B. The Board shall consist of a minimum of five (5) members and not more than seven (7) members providing a balanced, community-wide representation. The Director of the Community Development Department and/or appointed department representatives shall serve as staff to the Board. There shall be one (1) member representative of the downtown merchants. Members shall reside within the City and shall serve without compensation.
- C. Historic Preservation Board members shall be appointed by the City Council for three (3) year staggered terms from the date of appointment. Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Board shall be made by the City Council. Members may be appointed to successive terms without any limitation.
- D. Historic Preservation Board members may be removed by the City Council at any time for failure to attend two (2) unexcused consecutive meetings or for the failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period, or for any other good cause related to performance of duties. Upon request by the member proposed for removal, the City Council shall hold a hearing on the proposed removal before it becomes effective.
- E. Chapter 2.70 of the Fruita Municipal Code concerning the Code of Ethics for City Officials and Sections 24/18/101 *et. seq.* C.R.S. shall apply to all members of the Historic Preservation Board.

(Ord. 2021-22, S 2-3)

2.43.020 MEETINGS OF THE HISTORIC PRESERVATION BOARD.

- A. The Historic Preservation Board shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with Title 17 of the Fruita Municipal Code.

- B. Minutes shall be kept of all Historic Preservation Board proceedings.
- C. All Board meetings shall be subject to the Colorado Open Meetings Law, Sections 24-6-401, *et. seq.*, C.R.S.
- D. Whenever the Historic Preservation Board is required to hold a public hearing pursuant to the City's Land Use Code, Title 17 of the Fruita Municipal Code, the Community Development Department shall notify the public of the date, time and place of such hearing in accordance with Section 17.01.130 of the Fruita Municipal Code. The quasi-judicial procedures set forth in Chapter 2.60 of the Fruita Municipal Code shall apply to all land use hearings.

(Ord. 2021-22, S2-3)

2.43.030 QUORUM AND VOTING.

- A. Quorum for the Historic Preservation Board shall consist of a majority of the Board membership, excluding vacant positions. A quorum shall be necessary for the Board to take official action.
- B. All official actions of the Historic Preservation Board shall be taken by a majority vote, requiring a quorum being present. A simple majority vote is required for all official actions. In the event there is a tied vote, this shall constitute a failed motion and shall not be considered an action. The no action shall have occurred, and the matter shall be considered active until a motion receives a majority vote.
- C. A roll call vote shall be taken upon the request of any member.

(Ord. 2021-22, S2-3)

2.43.040 HISTORIC PRESERVATION BOARD OFFICERS.

- A. In its first meeting in April of each year, the Historic Preservation Board shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chair who shall preside over the Board's meetings, and one (1) member to serve as vice-chair. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Board membership, excluding vacant positions.
- B. The chair and vice-chair may take part in all deliberations of the Historic Preservation Board and vote on all matters.

(Ord. 2021-22, S2-3)

2.43.050 POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD.

- A. The Historic Preservation Board may adopt bylaws, rules and procedures for the conduct of Historic Preservation Board business, not inconsistent with any provisions of the Fruita Municipal Code.

B. The Historic Preservation Board shall:

1. Conduct public hearings and make recommendations to the City Council concerning land use applications in accordance with the requirements of the City's Land Use Code Title 17 of the Fruita Municipal Code. This shall include the ability to:
 - i. Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources.
 - ii. Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation.
 - iii. Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places.
 - iv. Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences.
 - v. Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Board may create a list of structures of historical or archeological merit, which have not been designated.
 - vii. Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of purposes of this Chapter.
 - viii. Actively pursue financial assistance for preservation-related programs.
2. Perform such additional duties as assigned by the City Council.

(Ord. 2021-22, S2-3)

BYLAWS

HISTORIC PRESERVATION BOARD

1. Quorum and Voting

A quorum for the Board shall consist of a simple majority of members. A quorum is necessary for the Board to conduct business including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.

2. Officers

The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as vice chairperson. The members so designated shall serve in these capacities for terms of one (1) year. Members may serve up to two (2) consecutive terms.

3. Meetings

The Board shall establish a regular meeting schedule. Minutes shall be kept of all board proceedings.

4. Interim Board

Until such time that the members of the Board are appointed, the Planning Commission shall act as the Board.

A section of the minutes to the October 2017 HPB meeting:

Bruce made a motion to strike out the last sentence of Section 2 to allow the chairperson and vice chairperson to serve for more than two consecutive terms:

Section 2:

The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as vice chairperson. The members so designated shall serve in these capacities for terms of one (1) year.
~~Members may serve up to two (2) consecutive terms.~~

Denise seconded the motion and the motion passed unanimously.

6.03.04 Police Commission:

- A. The Police Commission shall consist of one (1) Council member, and four (4) members at large.
- B. The Police Commission shall recommend policies, standards, procedures, and limitations for the Police Department to the Council.
- C. Upon the direction of the City Council the Police Commission may receive public comment on the operations and management of the Police Department.
- D. Upon the direction of the City Council the Police Commission may provide input to the City Manager on the appointment of the Chief of Police.
- E. Upon the direction of the City Council the Police Commission may provide assistance to the Chief of Police in selecting members of the department.

6.03.05 Parks and Recreation Commission:

- A. The parks and Recreation Commission shall consist of one Council member and six (6) members at large.
- B. It shall recommend to the Council plans for acquisitions, development and operation of parks, recreation areas, and recreation facilities owned and operated by the City.
- C. It shall recommend to the Council Recreation programs.

6.04 Additional Boards and Commissions: The Council shall have the authority to create or abolish other Boards and Commissions.

6.05 Advisory Capacity: Except for the Election Commission and Board of Adjustment, Boards and Commissions serve in an advisory capacity.

6.06 Membership Requirements: Eligibility requirements for members of all Boards and Commissions shall be as set forth in ordinance or resolution.

6.07 Reasons for Removal of any Member:

- A. Being found guilty of committing a felony:
- B. Having failed to attend two (2) consecutive regular meetings, unless excused.
- C. Is found to have wilfully engaged in unethical conduct as defined by ordinance.

ORDINANCE 2005-17

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, ESTABLISHING OR AMENDING REQUIREMENTS FOR ELIGIBILITY TO SERVE ON CITY BOARDS AND COMMISSIONS

WHEREAS, the Fruita City Charter was amended in April 2004 by the voters of Fruita to allow eligibility requirements for membership on Boards and Commissions, including residency requirements, to be established by ordinance or resolution, and

WHEREAS, the Fruita City Council has reviewed the eligibility and residency requirements for membership on Boards and Commissions and finds that it is in the best interest of the City to amend or establish residency requirements, and

WHEREAS, the Fruita City Council finds that residency should be required for members of the Planning Commission, Board of Adjustments and Police Commission. Resident status is important for these boards and commissions based on the scope of their duties and powers, and

WHEREAS, the Fruita City Council finds that residency should not be a requirement for eligibility to serve on the Tourism Advisory Council, Tree Board, Historic Preservation Board and Parks and Recreation Commission. Members should be appointed based on their interest, property ownership, skills, and expertise they bring to the Board or Commission.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That Chapter 2.41 of the Fruita Municipal Code is hereby enacted to read as follows:

Chapter 2.41 **POLICE COMMISSION**

2.41.010 MEMBERSHIP REQUIREMENTS

- A. The Police Commission is established by Article VI of the Fruita City Charter. Members at large are appointed in accordance with the Fruita City Charter. The City Council representative or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years. Members may continue to serve until their successors have been appointed.
- B. Members of the Commission shall reside within the City.
- C. Members may be appointed to successive terms without any limitation.
- D. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City

Officials, and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Parks and Recreation Commission.

2.41.020 MEETINGS OF THE POLICE COMMISSION

- A. The Police Commission shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with Article 6 of the Fruita City Charter and this Chapter.

2.41.030 QUORUM AND VOTING

- A. A quorum for the Police Commission shall consist of a majority of the Commission membership, excluding vacant positions. A quorum shall be necessary for the Police Commission to take official action.
- B. All actions of the Police Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.

2.41.040 POLICE COMMISSION OFFICERS

- A. In its first meeting in April of each year, the Police Commission shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chairman who shall preside over the Commission's meetings, and one (1) member to serve as vice chairman. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.
- B. The chairman and vice-chairman may take part in all deliberations of the Police Commission and vote on all matters.

2.41.050 POWERS AND DUTIES OF POLICE COMMISSION

- A. The Police Commission shall have the powers and duties as noted in Section 6.03.04 of the Fruita City Charter.
- B. The Police Commission shall perform such additional duties as assigned by the City Council.

Section 2. That Chapter 2.42 of the Fruita Municipal Code is hereby enacted to read as follows:

Chapter 2.42

for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.

- Ⓒ The chairman and vice-chairman may take part in all deliberations of the Parks and Recreation Commission and vote on all matters.

2.42.050 POWERS AND DUTIES OF PARKS AND RECREATION COMMISSION

- A. The Parks and Recreation Commission shall have the powers and duties as noted in Section 6.03.05 of the Fruita City Charter.
- B. The Parks and Recreation Commission shall perform such additional duties as assigned by the City Council.

Section 3: Section 3.18.240, Tourism Advisory Council, of the Fruita Municipal Code and Ordinance 1996-12 are hereby amended to read as follows:

3.18.240 TOURISM ADVISORY COUNCIL. There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. **MEMBERS OF THE COMMISSION MAY RESIDE INSIDE OR OUTSIDE THE CITY LIMITS OF FRUITA AND SHALL HAVE AN INTEREST IN MARKETING AND PROMOTING THE CITY OF FRUITA.** The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation.

Section 4: Section 8.06.020, Creation and Establishment of a Tree Board, of the Fruita Municipal Code and Ordinance 1993-19 are hereby amended to read as follows

8.06.020 CREATION AND ESTABLISHMENT OF A TREE BOARD. There is hereby created and established a Tree Board for the City of Fruita which shall consist of five (5) to seven (7) members of citizens and residents of the City of Fruita. **MEMBERS OF THE BOARD MAY INCLUDE BOTH RESIDENTS OF THE CITY OF FRUITA AND NONRESIDENTS** who are interested and enthusiastic about improving and protecting trees, who shall be recommended by the Mayor and approved by a majority vote of the City Council. This Tree Board shall be governed by by-laws recommended by the Tree Board and approved by the City Council.

Section 5: Section 17.37.020 A, Membership (Historic Preservation Board), of the Fruita Municipal Code and Ordinance 2004-19 are hereby amended to read as follows:

Chapter 2.42**PARKS AND RECREATION COMMISSION****Sections:**

- 2.42.010 Membership**
- 2.42.020 Meetings of the Parks and Recreation Commission**
- 2.42.030 Quorum and Voting**
- 2.42.040 Parks and Recreation Commission officers**
- 2.42.050 Powers and duties of Parks and Recreation Commission**

2.42.010 MEMBERSHIP.

- A. The Parks and Recreation Commission is established by Article VI of the Fruita City Charter. Members at large are appointed in accordance with the Fruita City Charter. The City Council representative or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years. Members may continue to serve until their successors have been appointed.
- B. Members of the Commission may reside inside or outside the city limits of Fruita and shall have an interest in parks and recreation activities in the city of Fruita.
- C. Members may be reappointed by the City Council to successive terms without limitation.
- D. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City Officials, and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Parks and Recreation Commission.

(Ord. 2005-17, S2)

2.42.020 MEETINGS OF THE PARKS AND RECREATION COMMISSION. The Parks and Recreation Commission shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with the requirements of this Chapter and the Fruita City Charter. (Ord. 2005-17, S2)

2.42.030 QUORUM AND VOTING.

- A. A quorum for the Parks and Recreation Commission shall consist of a majority of the Commission membership, excluding vacant positions. A quorum shall be necessary for the Parks and Recreation Commission to take official action.
- B. All actions of the Parks and Recreation Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member

(Ord. 2005-17, S2)

2.42.040 PARKS AND RECREATION COMMISSION OFFICERS.

- A. At its first regular meeting in April, the Parks and Recreation Commission shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chairman who shall preside over meetings, and one (1) member to serve as vice-chairman. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.
- B. The chairman and vice-chairman may take part in all deliberations of the Parks and Recreation Commission and vote on all matters.

(Ord. 2005-17, S2)

2.42.050 POWERS AND DUTIES OF PARKS AND RECREATION COMMISSION.

- A. The Parks and Recreation Commission shall have the powers and duties as noted in Section 6.03.05 of the Fruita City Charter.
- B. The Parks and Recreation Commission shall perform such additional duties as assigned by the City Council.

(Ord. 2005-17, S2)

City of Fruita

Parks and Recreation Advisory Board

BY-LAWS

I. Creation

The Follow by-laws are being adopted by the Parks and Recreation Advisory Board as outlined in the Fruita City Charter, 6.03.05.

II. Purpose

- a. The Parks and Recreation Advisory Board shall serve n an advisory capacity.
- b. The Parks and Recreation Advisory Board shall recommend to the City Council plans for Acquisitions, development and operations of parks, trails, open space areas, recreation areas, and recreation facilities owned and operated by the City of Fruita.
- c. The Parks and Recreation Advisory Board shall recommend to the City Council and staff community recreation programs, activities and special events.

III. Membership

- a. The Parks and Recreation Advisory Board shall consist of 6 members and 1 City Council member which will be recommended by the Mayor and appointed by the City Council.
- b. The Parks and Recreation Advisory Board members shall serve 3 year terms with overlapping terms to be identified with the position.
- c. The Parks and Recreation Advisory Board ex-officio members will include a City of Fruita Parks and Recreation staff person and if needed the Fruita City Manager.
- d. Any Parks and Recreation Advisory Board member having 2 consecutive unexcused absences, shall automatically be considered to have resigned.
- e. Officers consist of a Chairperson, Vice Chairperson and Secretary
 - i. Officers shall serve for a period of 1 year. They shall not succeed themselves for more than 2 years. Officers will be selected in January of each year at the first meetingof the year.
 - ii. Officers shall perform duties appropriate to their titles
 1. Chairperson: Lead meetings, work with staff on agenda development and coordinate with City staff on projects as needed.
 2. Vice Chairperson: Fills in for the chairperson and assists the chairperson as needed.
 3. Secretary: Take and prepare minutes in a timely manner. Coordinates with City staff for dispersing.

IV. Meetings

- a. The Parks and Recreation Advisory Board shall meet on a Monthly basis.

- i. The 1st Monday of the month from 6:00 – 7:00 pm is the designated unless changed by a majority consensus, either temporarily or permanently.
- ii. All meetings are open to the public.

V. Quorum

- a. A majority of the members of the Parks and Recreation Advisory Board shall constitute a quorum.

VI. Parliamentary Procedures

- a. Robert Rules of Order will be followed on the conducting of business.
- b. The Parks and Recreation Advisory Board shall keep minutes and a record of its meetings and transactions.

VII. Amendments

- a. The Parks and Recreation Advisory Board shall prescribe its own rules and regulation which shall be consistent with the Fruita Municipal Code and the Fruita City Charter. Copies of such rules shall be kept on file at the office of the City Clerk where they shall be available for public inspection.
- b. The by-laws listed herein, with the exception of the established by the City Charter, may be amended in the following manner:
 - i. A new amendment or an amendment change may be presented at a given meeting and discussed.
 - ii. Said amendment change will be considered for vote at the succeeding meeting.

PASSED AND ADOPTED THIS 8th DAY OF January, 2018 BY THE CITY OF FRUITA Parks and Recreation Advisory Board.

CHAIRPERSON

ARTICLE VI BOARDS AND COMMISSIONS

6.01 Boards and Commissions, Appointment and Compensation: Members of Boards and Commissions shall be appointed by the Mayor, with approval of the Council for a period of three (3) years, with overlapping terms, and shall serve without compensation. First appointments shall be for one (1), two (2), and three (3) year terms.

6.02 Meeting Procedures: Each Board and Commission shall operate under established rules of procedure at public meetings as approved by the City Council and in accordance with the state open meetings law. A record of each meeting shall be kept.

6.03 Established Boards and Commissions: The following Boards and Commissions are hereby established:

6.03.01 Board of Adjustment: A Board of Adjustment as established by ordinance.

6.03.02 Election Commission:

- A. Colorado Municipal Election Law Adopted: Elections shall be governed by the Colorado Municipal Election Law in effect at the time of the election, except as the Council may prescribe by ordinance.
- B. An Election Commission is hereby created consisting of the Clerk, who shall be Chairman, and two other members at large, who, shall not be the City officers, employees, candidates, or nominees for elective City office. These two (2) members shall be appointed by the Mayor for a term of two (2) years.
- C. Powers and Duties of Commission: The Election Commission shall establish precincts and appoint election judges and clerks for each precinct. The Election Commission shall have the power to adopt reasonable rules and regulations not in conflict with the Constitution and Statutes of the State of Colorado, this Charter, and ordinances of the City of Fruita. In the event of a tie vote, the Election Commission shall determine by lot the person or persons who shall be elected. No member of the Election Commission shall serve as a municipal election judge or clerk.
- D. Municipal Elections: A general municipal election shall be held on the first Tuesday of April 1982, and on the first Tuesday of April of every second year thereafter.

6.03.03 Planning and Zoning Commission: A Planning and Zoning Commission as established by ordinance.

ORDINANCE NO. 2021-22

AN ORDINANCE AMENDING TITLE 2 OF THE FRUITA MUNICIPAL CODE CONCERNING POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT, **THE PLANNING COMMISSION**, THE BOARD OF ADJUSTMENT, AND THE HISTORIC PRESERVATION BOARD.

WHEREAS, Title 2 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth powers, duties and responsibilities of administration and personnel of the City;

WHEREAS, Chapter 20 of Title 2 of the Code sets forth the establishment of city departments pursuant to the Fruita City Charter including the Community Development Department;

WHEREAS, Chapter 39 of Title 2 of the Code sets forth the establishment of the Planning Commission;

WHEREAS, Chapter 40 of Title 2 of the Code sets forth the establishment of the Board of Adjustment;

WHEREAS, Title 2 of the Code does not include the establishment of the Fruita Historic Preservation Board;

WHEREAS, to provide better organization within the Code, the City wishes to amend Title 2 of the Code.

WHEREAS, this Ordinance was introduced at first reading on September 21, 2021 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Amendments and Additions to Title 2. Title 2 of the Code is hereby amended to read as shown in the attached Exhibit A.

Section 3. Codification of Amendments. The codifier of the City’s Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the

correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 6. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
19TH DAY OF OCTOBER 2021.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

Chapter 2.39**PLANNING COMMISSION****Sections:**

- 2.39.010 Creation; Membership**
- 2.39.020 Meetings of the Planning Commission**
- 2.39.030 Quorum and Voting**
- 2.39.040 Planning Commission Officers**
- 2.39.050 Powers and Duties of Planning Commission**

2.39.010 CREATION; MEMBERSHIP.

- A. In accordance with the City Charter, there shall be a Planning Commission consisting of seven (7) members. Members shall reside within the City and shall serve without compensation.
- B. Planning Commission members shall be appointed by the Mayor, with approval of the City Council, for three (3) year overlapping terms. The members may continue to serve until their successors have been appointed. All vacancies shall be filled by the City Council.
- C. Members may be appointed to successive terms without any limitation. The Mayor or one (1) City Council member shall serve as a member of the Planning Commission. The City Council member or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years.
- D. Planning and Zoning Commission members may be removed by the City Council at any time for failure to attend two (2) unexcused consecutive meetings or for the failure to attend thirty percent (30%) or more of the meetings within any twelve (12) month period, or for any other good cause related to performance of duties. Upon request by the member proposed for removal, the City Council shall hold a hearing on the proposed removal before it becomes effective.
- E. Chapter 2.70 of the Fruita Municipal Code concerning the Code of Ethics for City Officials and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Planning Commission.

(Ord. 2002-26, S1; Ord. 2021-22, S 2-3)

2.39.020 MEETINGS OF THE PLANNING COMMISSION.

- A. The Planning Commission shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with Title 17 of the Fruita Municipal Code.
- B. Minutes shall be kept of all Planning Commission proceedings.

- C. All Planning Commission meetings shall be subject to the Colorado Open Meetings Law, Sections 24-6-401, *et. seq.*, C.R.S.
- D. Whenever the Planning Commission is required to hold a public hearing pursuant to the City's Land Use Code, Title 17 of the Fruita Municipal Code, the Community Development Department shall notify the public of the date, time and place of such hearing in accordance with Section 17.01.130 of the Fruita Municipal Code. The quasi-judicial procedures set forth in Chapter 2.60 of the Fruita Municipal Code shall apply to all land use hearings.
- E. The Planning Commission can hold work sessions. At work sessions, agenda items for consideration for future meetings are brought forward and discussed. Unless previously announced, there is no voting that takes place at a work session. Although the public and applicants are invited to attend, no testimony on the record is taken from members of the public. Applicants and the public may provide comment when recognized by the Chair of the Planning Commission.

(Ord. 2002-26, S1; Ord. 2021-22, S2-3)

2.39.030 QUORUM AND VOTING.

- A. Quorum for the Planning Commission shall consist of a majority of the Commission membership, excluding vacant positions. A quorum shall be necessary for the Planning Commission to take official action.
- B. All official actions of the Planning Commission shall be taken by a majority vote, requiring a quorum being present. A simple majority vote is required for all official actions. In the event there is a tied vote, this shall constitute a failed motion and shall not be considered active until a motion receives a majority vote.
- C. A roll call vote shall be taken upon the request of any member.

(Ord. 2002-26, S1; Ord. 2021-22, S 2-3)

2.39.040 PLANNING COMMISSION OFFICERS.

- A. In its first meeting in April of each year, the Planning Commission shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chair who shall preside over the Commission's meetings, and one (1) member to serve as vice chair. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.
- B. The chair and vice-chair may take part in all deliberations of the Planning Commission and vote on all matters.

(Ord. 2002-26, S1; Ord. 2021-22, S2-3)

2.39.050 POWERS AND DUTIES OF PLANNING COMMISSION.

A. The Planning Commission may:

1. Make studies and recommend to the City Council plans, goals and objectives related to the growth, development and redevelopment of the City and the surrounding extraterritorial planning area.
2. Develop and recommend to the City Council policies, ordinances, administrative procedures, and other means for carrying out land use planning in a coordinated and effective manner.
3. Adopt bylaws, rules and procedures for the conduct of Planning Commission business, not inconsistent with any provisions of the Fruita Municipal Code.

B. The Planning Commission shall:

1. Conduct public hearings and make recommendations to the City Council concerning land use applications in accordance with the requirements of the City's Land Use Code, Title 17 of the Fruita Municipal Code.
2. Perform such additional duties as assigned by the City Council.

(Ord. 2002-26, S; Ord. 2021-22, S2-3)

6.03.04 Police Commission:

- A. The Police Commission shall consist of one (1) Council member, and four (4) members at large.
- B. The Police Commission shall recommend policies, standards, procedures, and limitations for the Police Department to the Council.
- C. Upon the direction of the City Council the Police Commission may receive public comment on the operations and management of the Police Department.
- D. Upon the direction of the City Council the Police Commission may provide input to the City Manager on the appointment of the Chief of Police.
- E. Upon the direction of the City Council the Police Commission may provide assistance to the Chief of Police in selecting members of the department.

6.03.05 Parks and Recreation Commission:

- A. The parks and Recreation Commission shall consist of one Council member and six (6) members at large.
- B. It shall recommend to the Council plans for acquisitions, development and operation of parks, recreation areas, and recreation facilities owned and operated by the City.
- C. It shall recommend to the Council Recreation programs.

6.04 Additional Boards and Commissions: The Council shall have the authority to create or abolish other Boards and Commissions.

6.05 Advisory Capacity: Except for the Election Commission and Board of Adjustment, Boards and Commissions serve in an advisory capacity.

6.06 Membership Requirements: Eligibility requirements for members of all Boards and Commissions shall be as set forth in ordinance or resolution.

6.07 Reasons for Removal of any Member:

- A. Being found guilty of committing a felony:
- B. Having failed to attend two (2) consecutive regular meetings, unless excused.
- C. Is found to have wilfully engaged in unethical conduct as defined by ordinance.

ORDINANCE 2005-17

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, ESTABLISHING OR AMENDING REQUIREMENTS FOR ELIGIBILITY TO SERVE ON CITY BOARDS AND COMMISSIONS

WHEREAS, the Fruita City Charter was amended in April 2004 by the voters of Fruita to allow eligibility requirements for membership on Boards and Commissions, including residency requirements, to be established by ordinance or resolution, and

WHEREAS, the Fruita City Council has reviewed the eligibility and residency requirements for membership on Boards and Commissions and finds that it is in the best interest of the City to amend or establish residency requirements, and

WHEREAS, the Fruita City Council finds that residency should be required for members of the Planning Commission, Board of Adjustments and Police Commission. Resident status is important for these boards and commissions based on the scope of their duties and powers, and

WHEREAS, the Fruita City Council finds that residency should not be a requirement for eligibility to serve on the Tourism Advisory Council, Tree Board, Historic Preservation Board and Parks and Recreation Commission. Members should be appointed based on their interest, property ownership, skills, and expertise they bring to the Board or Commission.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That Chapter 2.41 of the Fruita Municipal Code is hereby enacted to read as follows:

Chapter 2.41

POLICE COMMISSION

2.41.010 MEMBERSHIP REQUIREMENTS

- A. The Police Commission is established by Article VI of the Fruita City Charter. Members at large are appointed in accordance with the Fruita City Charter. The City Council representative or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years. Members may continue to serve until their successors have been appointed.
- B. Members of the Commission shall reside within the City.
- C. Members may be appointed to successive terms without any limitation.
- D. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City

Officials, and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Parks and Recreation Commission.

2.41.020 MEETINGS OF THE POLICE COMMISSION

- A. The Police Commission shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with Article 6 of the Fruita City Charter and this Chapter.

2.41.030 QUORUM AND VOTING

- A. A quorum for the Police Commission shall consist of a majority of the Commission membership, excluding vacant positions. A quorum shall be necessary for the Police Commission to take official action.
- B. All actions of the Police Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.

2.41.040 POLICE COMMISSION OFFICERS

- A. In its first meeting in April of each year, the Police Commission shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chairman who shall preside over the Commission's meetings, and one (1) member to serve as vice chairman. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.
- B. The chairman and vice-chairman may take part in all deliberations of the Police Commission and vote on all matters.

2.41.050 POWERS AND DUTIES OF POLICE COMMISSION

- A. The Police Commission shall have the powers and duties as noted in Section 6.03.04 of the Fruita City Charter.
- B. The Police Commission shall perform such additional duties as assigned by the City Council.

Section 2. That Chapter 2.42 of the Fruita Municipal Code is hereby enacted to read as follows:

Chapter 2.42

Chapter 2.41**POLICE COMMISSION****Sections:**

- 2.41.010** **Membership requirements**
- 2.41.020** **Meetings of the Police Commission**
- 2.41.030** **Quorum and voting**
- 2.41.040** **Police Commission officers**
- 2.41.050** **Powers and duties of Police Commission**

2.41.010 MEMBERSHIP REQUIREMENTS.

- A. The Police Commission is established by Article VI of the Fruita City Charter. Members at large are appointed in accordance with the Fruita City Charter. The City Council representative or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years. Members may continue to serve until their successors have been appointed.
- B. Members of the Commission shall reside within the City.
- C. Members may be appointed to successive terms without any limitation.
- D. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City Officials, and Sections 24-18-101, *et. seq.*, C.R.S. shall apply to all members of the Police Commission.

(Ord. 2005-17, S1)

2.41.020 MEETINGS OF THE POLICE COMMISSION. The Police Commission shall establish a regular meeting schedule and shall meet as frequently as necessary to perform its duties in conformance with Article 6 of the Fruita City Charter and this Chapter. (Ord. 2005-17, S1)

2.41.030 QUORUM AND VOTING.

- A. A quorum for the Police Commission shall consist of a majority of the Commission membership, excluding vacant positions. A quorum shall be necessary for the Police Commission to take official action.
- B. All actions of the Police Commission shall be taken by a majority vote, a quorum being present. A roll call vote shall be taken upon the request of any member.

(Ord. 2005-17, S1)

2.41.040 POLICE COMMISSION OFFICERS.

- A. In its first meeting in April of each year, the Police Commission shall, by majority vote of its membership, excluding vacant positions, elect one (1) of its members to serve as chairman who shall preside over the Commission's meetings, and one (1) member to serve as vice chairman. The persons so designated shall serve in such capacities for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.
- B The chairman and vice-chairman may take part in all deliberations of the Police Commission and vote on all matters.

(Ord. 2005-17, S1)

2.41.050 POWERS AND DUTIES OF POLICE COMMISSION.

- A. The Police Commission shall have the powers and duties as noted in Section 6.03.04 of the Fruita City Charter.
- B The Police Commission shall perform such additional duties as assigned by the City Council.

(Ord. 2005-17, S1)



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: CHIEF OF POLICE MARK ANGELO

DATE: AUGUST 2, 2011

RE: RESOLUTION 2011-33 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO DISSOLVING THE EXISTING BY-LAWS OF THE FRUITA POLICE COMMISSION THAT WERE ADOPTED BY THE FRUITA CITY COUNCIL ON JUNE 1, 1999

BACKGROUND

On June 1, 1999, the Fruita City Council adopted by-laws for the Fruita Police Commission.

On April 5, 2005, the Fruita City Council adopted Ordinance 2005-17. Section 1 of this Ordinance addresses the membership, terms of office, officers, duties of membership, meetings and quorums, which were also addressed in the by-laws that were adopted on June 1, 1999. This Ordinance has been incorporated into the Fruita Municipal Code as Chapter 2.41.

The Fruita City Charter (revised April 6, 2004), also addresses the membership and duties of the Fruita Police Commission in Article 6.03.04.

The 1999 by-laws conflict with the City Charter and Ordinance 2005-17. In order to eliminate this conflict, the Police Commission at their meeting on July 20, 2011 voted unanimously in favor of dissolving the by-laws that were adopted on June 1, 1999. This will reduce redundancy and clarify the responsibilities and authority of the Police Commission.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve Resolution 2011-33 – Dissolving the existing by-laws of the Fruita Police Commission
- Decline the approval of Resolution 2011-33 and leave the existing by-laws of the Fruita Police Commission that were adopted on June 1, 1999 intact

RECOMMENDATION

It is the recommendation of Fruita City staff and the Fruita Police Commission that the Council, by motion:

- **ADOPT RESOLUTION 2011-33 – DISSOLVING THE EXISTING BY-LAWS OF THE FRUITA POLICE COMMISSION THAT WERE ADOPTED BY THE FRUITA CITY COUNCIL ON JUNE 1, 1999**

RESOLUTION 2011-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO
DISSOLVING THE EXISTING BY-LAWS OF THE FRUITA POLICE COMMISSION
THAT WERE ADOPTED BY THE FRUITA CITY COUNCIL ON JUNE 1, 1999**

WHEREAS, the Fruita City Council adopted by-laws for the Fruita Police Commission on June 1, 1999; and

WHEREAS, the Fruita City Council adopted Ordinance 2005-17, S1 on April 5, 2005, which has been incorporated into the Fruita Municipal Code as Chapter 2.41; and

WHEREAS, Chapter 2.41 of the Fruita Municipal Code addresses the membership, terms of office, officers, duties of membership, meetings and quorums, which were also addressed in the by-laws that were adopted on June 1, 1999; and

WHEREAS, the Fruita City Charter (revised April 6, 2004), Article 6.03.04 addresses the membership and duties of the Fruita Police Commission; and

WHEREAS, the Fruita Police Commission voted unanimously at their meeting on July 20, 2011 in favor of dissolving the existing by-laws of the Police Commission that were adopted on June 1, 1999 in an effort to reduce redundancy and clarify the responsibilities and authority of the Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE FRUITA CITY COUNCIL OF THE CITY OF FRUITA that the Police Commission by-laws that were adopted by the Fruita City Council on June 1, 1999 are hereby dissolved.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF August, 2011**

City of Fruita

H. Kenneth Henry, Mayor

ATTEST:

Margaret Steelman, City Clerk

FRUITA POLICE COMMISSION BY-LAWS

MEMBERSHIP

Pursuant to the City of Fruita Charter, Article VI, section 6.3.4 the Police Commission will consist of four (4) members at-large and one (1) current member of the City Council, to serve as an advisory committee reporting to the City Council.

The Mayor shall nominate persons who are citizens of the City of Fruita, with regard to their ability to perform the prescribed duties. The appointments to the Commission shall be nominated by the Mayor with the approval of the City Council. No member of said Commission shall receive any compensation as such. The Chief of Police shall be an ex-officio member of the Commission with no voting power. The Police Commission may appoint other ex-officio members with no voting power, to serve in an advisory capacity.

Reasons for removal of any Commission member, pursuant to the City Charter are as follows:

1. Being found guilty of committing a felony.
2. Having failed to attend two (2) Commission meetings in one calendar year without a valid excuse.
3. Making use of the position as a Commissioner for personal gain.

TERMS OF OFFICE

Pursuant to the City of Fruita Charter, Article VI, section 6.1, members of the Police Commission serve for a period of three (3) years, with overlapping terms. In the event that a Commissioner cannot fill an entire term the person appointed to fill a vacated position shall be appointed for the remainder of that term. The intent is to continue the overlapping terms. Ex-officio members terms will be set by the Commission at the time of the appointment but shall not exceed one year. An ex-officio member may be reappointed for succeeding terms by the Commission. The Chief of Police is a permanent ex-officio member.

OFFICERS

Officers of the Police Commission shall be a Chairperson, Vice-Chairperson and a Secretary. The Commission shall elect officers at the first meeting of the year. They shall hold office for one (1) year or until their successors are elected.

The duties of the Officers are as follows:

Chairperson:

1. Preside at all meetings of the Commission.
2. Call special meetings of the Commission in accordance with the by-laws.
3. Sign document of the Commission.
4. Such other duties as the Commission shall require.

Vice-Chairperson:

1. During the absence of the Chairperson, the Vice-Chairperson shall exercise or perform all duties and be subject to all responsibilities of the Chairperson.
2. Be responsible for directing the orientation of new members.
3. Serve the un-expired term of a vacated chair.

Secretary:

1. See that actions of the Commission are properly taken.
2. Keep track of expiration dates of appointments to the Commission and advise City Staff of the need to announce vacancies.
3. Keep a record of proceedings and provide copies to the City Staff in a timely manner. The Chief of Police shall provide a person to record proceedings at the request of the Police Commission.

DUTIES OF MEMBERS

The Police Commission shall serve as an advisory committee reporting to the City Council on matters involving Police Department activities, policies, personnel and planning and to serve as an advisory committee to the Chief of Police and the Fruita Police Department.

The Police Commission shall serve as a citizen complaint review board. The Commission may investigate complaints and may make recommendations to the Chief of Police, City Manager or City Council but has no authority to administer corrective actions to Department personnel.

Due to the extreme difficulty in collecting evidence and testimony the Commission will not hear complaints resulting from actions taken more than one year in the past.

It shall be the duty of each member of the Commission to take an active part in the Commission deliberations and to act in whatever assignment capacity he/she may be called, unless participation is imprudent because of a real conflict of interest.

COMPLAINTS

Evaluating complaints is one of the most important duties of the Police Commission. In order to insure that reviews are complete and unbiased the Commission :

1. shall review all completed employee complaint investigations.
2. may request a review of the investigation with the investigating supervisor.
3. may invite the complainant or witnesses associated to the complaint to attend a Police Commission executive session for the purposes of answering questions.
4. may designate an outside law enforcement jurisdiction to conduct an internal affairs investigation of a serious nature.

MEETINGS

All meetings of the Commission shall be open to the public and all persons shall be permitted to attend such meetings. The Police Commission shall meet on a regularly scheduled monthly basis. The Commission may select alternate dates for meetings to accommodate conflicts of Commissioners. Monthly meetings may be cancelled if the Commissioners determine that lack of agenda items would waste time of Commissioners. In the event of any change of meeting time or date the City Clerk shall be notified at the time of the decision.

When appropriate and in accordance with state statute, the commission may retire to an executive session upon the majority vote of commission members. Upon adjournment of the executive session and the return to open session the Commission Chairperson will disclose the topic of discussion. Commission members will then, if necessary, vote on the executive session topic in open session.

SPECIAL MEETINGS

Special meetings may be called by the Chairperson upon written or verbal request of the majority of the Commission following at least 24 hours notice to each member of the Commission, provided that special meeting notices are posted in accordance with state sunshine laws.

QUORUM

A majority of the members and Chairperson shall constitute a quorum, three (3). The Chairperson is a voting member of the Commission.

COMMITTEES

Special committees may be appointed by order of the Commission as needs arise. Such committee shall not necessarily be restricted to members of the Commission; however, one member of the committee must also be a member of the Commission.

MEETING PROCEDURES

A majority vote of members present shall be required to carry a motion, proposal or resolution. All official members present shall vote on every question presented to the Commission unless a conflict of interest exists. In case of a tie vote, the Commission shall recommend to the City Council the item as a tie vote.

In order that matters coming before the Commission from public, civic, or private organizations or individuals be assured of full consideration and action, such requests should be received at least seven (7) days preceding the Commission meeting.

COMMUNICATIONS

All written communications to outside groups shall be sent out over the signature of the Chairperson. Any communications will be copied to the Chief of Police.

BY-LAWS AND AMENDMENTS

The by-laws of the Commission shall be approved by the Fruita City Council. The Police Commission may draft amendments to the by-laws but they will be approved by the Council before implementation

PASSED AND ADOPTED THIS 6-1-99 by the Fruita City Council.

in this chapter.

- F. The City may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the county treasurer for collection in the same manner as delinquent ad valorem taxes.

3.18.210 STATUTE OF LIMITATION.

- A. The taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this chapter shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the tax was or is payable. Nor shall any lien continue after such period, except for taxes assessed before the expiration of such three (3) year period, notice of lien with respect to which has been filed prior to the expiration of such period.
- B. In case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be begun at any time.
- C. Before the expiration of such period of limitation, the taxpayer and the Finance Director may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

3.18.220 SEVERABILITY. The several sections, sentences, clauses and provisions of this chapter are intended to be severable; if any such section, sentence, clause or provision is declared unconstitutional, invalid or unenforceable by the valid judgment of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not effect the remaining portions of this chapter.

3.18.230 TOURISM PROMOTIONAL FUND. There is hereby created a fund to be known as the "Marketing and Promotional Fund". All of the revenues derived from the lodgers tax imposed by this chapter shall be placed in such fund. All expenditures for such fund shall be for the purpose of marketing and promotion of the City and its environs to tourists, the traveling public and others, in addition to costs incurred by the City in the collection and enforcement of this chapter.

3.18.240 TOURISM ADVISORY COUNCIL. There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. The Tourism

Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation.

3.18.250 EXEMPTION FROM REVENUE LIMITATIONS. The lodger's tax imposed by this ordinance and use of revenues derived from said tax for the marketing and promotion of the City was approved by the electorate of the City of Fruita on April 2, 1996. As part of said approval the revenues are to be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution.

3.18.260 EFFECTIVE DATE. This chapter and Ordinance shall be effective on June 12, 1996.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 13th DAY OF May, 1996.

City of Fruita


Mayor Lyle Baldwin

ATTEST:


City Clerk

ORDINANCE 2005-17

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, ESTABLISHING OR AMENDING REQUIREMENTS FOR ELIGIBILITY TO SERVE ON CITY BOARDS AND COMMISSIONS

WHEREAS, the Fruita City Charter was amended in April 2004 by the voters of Fruita to allow eligibility requirements for membership on Boards and Commissions, including residency requirements, to be established by ordinance or resolution, and

WHEREAS, the Fruita City Council has reviewed the eligibility and residency requirements for membership on Boards and Commissions and finds that it is in the best interest of the City to amend or establish residency requirements, and

WHEREAS, the Fruita City Council finds that residency should be required for members of the Planning Commission, Board of Adjustments and Police Commission. Resident status is important for these boards and commissions based on the scope of their duties and powers, and

WHEREAS, the Fruita City Council finds that residency should not be a requirement for eligibility to serve on the Tourism Advisory Council, Tree Board, Historic Preservation Board and Parks and Recreation Commission. Members should be appointed based on their interest, property ownership, skills, and expertise they bring to the Board or Commission.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1. That Chapter 2.41 of the Fruita Municipal Code is hereby enacted to read as follows:

Chapter 2.41 **POLICE COMMISSION**

2.41.010 MEMBERSHIP REQUIREMENTS

- A. The Police Commission is established by Article VI of the Fruita City Charter. Members at large are appointed in accordance with the Fruita City Charter. The City Council representative or Mayor shall be appointed by the City Council immediately following the regular municipal election held every two (2) years. Members may continue to serve until their successors have been appointed.
- B. Members of the Commission shall reside within the City.
- C. Members may be appointed to successive terms without any limitation.
- D. Chapter 2.70 of the Fruita Municipal Code, concerning the Code of Ethics for City

for a term of one (1) year. A vacancy in these offices may be filled for the unexpired term by a majority vote of the Commission membership, excluding vacant positions.

- Ⓒ The chairman and vice-chairman may take part in all deliberations of the Parks and Recreation Commission and vote on all matters.

2.42.050 POWERS AND DUTIES OF PARKS AND RECREATION COMMISSION

- A. The Parks and Recreation Commission shall have the powers and duties as noted in Section 6.03.05 of the Fruita City Charter.
- B. The Parks and Recreation Commission shall perform such additional duties as assigned by the City Council.

Section 3: Section 3.18.240, Tourism Advisory Council, of the Fruita Municipal Code and Ordinance 1996-12 are hereby amended to read as follows:

3.18.240 TOURISM ADVISORY COUNCIL. There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. **MEMBERS OF THE COMMISSION MAY RESIDE INSIDE OR OUTSIDE THE CITY LIMITS OF FRUITA AND SHALL HAVE AN INTEREST IN MARKETING AND PROMOTING THE CITY OF FRUITA.** The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation.

Section 4: Section 8.06.020, Creation and Establishment of a Tree Board, of the Fruita Municipal Code and Ordinance 1993-19 are hereby amended to read as follows

8.06.020 CREATION AND ESTABLISHMENT OF A TREE BOARD. There is hereby created and established a Tree Board for the City of Fruita which shall consist of five (5) to seven (7) members of citizens and residents of the City of Fruita. **MEMBERS OF THE BOARD MAY INCLUDE BOTH RESIDENTS OF THE CITY OF FRUITA AND NONRESIDENTS** who are interested and enthusiastic about improving and protecting trees, who shall be recommended by the Mayor and approved by a majority vote of the City Council. This Tree Board shall be governed by by-laws recommended by the Tree Board and approved by the City Council.

Section 5: Section 17.37.020 A, Membership (Historic Preservation Board), of the Fruita Municipal Code and Ordinance 2004-19 are hereby amended to read as follows:

enforcement of this Chapter. (Ord. 1996-12; Ord. 2020-01, S6)

3.18.240 TOURISM ADVISORY COUNCIL. There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. Members of the Commission may reside inside or outside the City limits Fruita and shall have an interest in marketing and promoting the City of Fruita. The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation. (Ord. 1996-12, Ord. 2005-17)

3.18.250 ECONOMIC DEVELOPMENT FUND. There is hereby created a fund to be known as the "Economic Development Fund." Certain revenues, as determined by Council, derived from the lodger's tax imposed by this Chapter shall be placed in such fund. All expenditures from such fund shall be for the purpose of financing business incentives, matching funds for public-private partnerships and attainable housing, as well as other purposes deemed appropriate by Council. (Ord. 2020-01, S6)

3.18.260 PARKS, TRAILS, OPEN SPACE AND PUBLIC PLACES FUND. There is hereby created a fund to be known as the "Parks, Trails, Open Space and Public Places Fund." Certain revenues, as determined by Council, derived from the lodger's tax imposed by this Chapter shall be placed in such fund and shall be used to finance the acquisition, construction and maintenance of open space, trails and public places within and outside the City. (Ord. 2020-01, S6)

Fruita Tourism Advisory Council

By-Laws

I. CREATION

The following by-laws are being created for adoption by the Fruita Tourism Advisory Council as per Resolution 1996-03 passed by the Fruita City Council on February 12, 1996.

II. PURPOSE

- A. The Fruita Tourism Advisory Council shall guide the development of tourism industry in the community and assist in the implementation of the Fruita Tourism Marketing and Development Plan.
- B. The Fruita Tourism Advisory Council shall continue a positive relationship between the Fruita Area Chamber of Commerce and the City of Fruita.
- C. The Fruita Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund to market and promote the community.

III. MEMBERSHIP

- A. The Fruita Tourism Advisory Council shall consist of seven (7) members appointed by City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the Director of the Fruita Chamber of Commerce, the City Council, and other interested parties.
- B. The length of service for all members shall be three (3) years unless:
 - 1. Any member has three (3) consecutive unexcused absences, then he/she shall automatically be considered to have resigned.
 - 2. Members shall be expected to be active in ongoing projects as may be engaged in at any time and to complete assignments in a timely manner.
 - 3. All members of the Fruita Tourism Advisory Council shall serve on a voluntary basis with NO compensation for doing so.
 - 4. In the event the suggested appointments cannot be filled, the designated boards will fill the appointments at their discretion.

Fruita Tourism Advisory Council

By-Laws

5. Ex-officio members shall consist of a member of the Staff of the City of Fruita and other members appointed by the City Council.
 6. Other interested members of the community may participate as volunteer members.
- C. Officers shall consist of a Chairman, Vice Chairman, and a Secretary selected by the Fruita Tourism Advisory Council.
1. Officers shall serve for a period of one (1) year. Officers will be selected at the March meeting each year.
 2. Officers shall perform duties appropriate to their titles.
 - A. Chairman: Leads meetings, works with staff on agenda development, coordinates with City staff on projects, and involvement in public relations.
 - B. Vice Chairman: Fills in for chairman, assists as needed with projects and public relations.
 - C. Secretary: Takes and prepares minutes in a timely manner.

IV. MEETINGS

The Fruita Tourism Advisory Council shall meet regularly on a monthly basis.

1. The fourth Thursday of the month is designated unless changed by a majority consensus, either temporarily or permanently.
2. Special meetings may be called with twenty-four (24) hour notice to the members.
3. All meetings are open to the public.

V. QUORUM

- A. Most members of the Fruita Tourism Advisory Council shall constitute a quorum.

Fruita Tourism Advisory Council

By-Laws

VI. PARLIAMENTARY PROCEDURE

- A. Robert's Rules of Order will be followed in the conducting of business.
- B. The Fruita Tourism Advisory Council shall keep minutes and a record of its meetings and transactions.

VII. AMENDMENTS

- A. The Fruita Tourism Advisory Council shall prescribe its own rules and regulations which shall be consistent with the Fruita Municipal Code and The Fruita City Charter. Copies of such rules shall be kept on file at the office of the City Clerk where they shall be available for public inspection.
- B. The by-laws listed herein, except for those established by the City Charter, may be amended in the following manner:
 - 1. A new amendment, or an amendment change may be presented at a given meeting and discussed.
 - 2. Said amendment change will be considered for vote at the succeeding meeting.

PASSED AND ADOPTED THIS ____ DAY OF APRIL, 2018 BY THE FRUITA
TOURISM ADVISORY COUNCIL.

Sally D'Agostino, Chairperson

Joel Kincaid, Mayor

RESOLUTION NO. 2008-66

A RESOLUTION ESTABLISHING THE FRUITA ARTS AND CULTURE BOARD

WHEREAS, the Fruita City Council recognizes that the arts are vital to Fruita's quality of life, important in attracting visitors and tourists, are a valuable source of commerce and industry and are desired by businesses considering relocation; and

WHEREAS, the Fruita City Council desires to nurture the arts and cultural activities in the community and to make these more readily available to residents; and

WHEREAS, the community's resources to support the arts and cultural activities are limited; and

WHEREAS, the Fruita City Council believes the wise use of the limited community resources requires the coordination and networking of the many art and cultural activities and residents and artists in Fruita.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL, THAT:

SECTION 1.

The Fruita Arts and Culture Board ("Board") is hereby created.

SECTION 2.

The Board, no later than one year from its creation and annually thereafter, shall work to submit a report to the Fruita City Council and community on the state of the arts in Fruita. The report should work to define and identify arts and cultural organizations in the community, identify the services each organization provides, assess the needs of each organization, determine the community's needs in the arts and develop a plan to address those needs.

SECTION 3.

In accordance with the Fruita City Charter, the Board shall serve in an advisory capacity to the Fruita City Council. The Board will serve as the principal coordinating body for advancement of the arts in Fruita.

SECTION 4.

The Board will work closely with all community groups to maximize the limited resources available to the arts.

SECTION 5.

The Board will consist of up to nine (9) members appointed in accordance with the Fruita City Charter. Initial terms of Board members will be as follows: three (3) members to be appointed to two (2) year terms, three (3) members to be appointed to three (3) year terms and three (3) members to be appointed to a one (1) year terms. Upon expiration of the initial terms, all

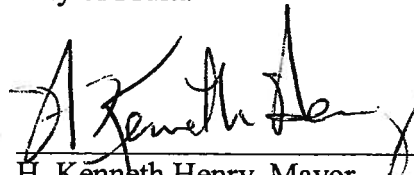
subsequent tenures will be three (3) years. Vacancies will be filled in accordance with the Charter.

SECTION 6.

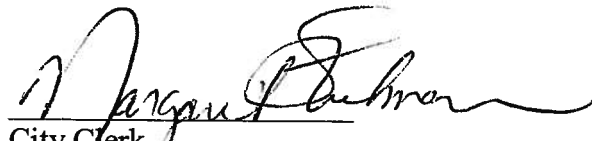
Within three months of its first appointment, the Board shall propose by-laws to be submitted to the Fruita City Council for its approval.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 16th DAY OF SEPTEMBER, 2008

City of Fruita


H. Kenneth Henry, Mayor

ATTEST:


City Clerk

FRUITA ARTS AND CULTURE BOARD BY-LAWS

ARTICLE I: NAME

The name of this Board shall be the Fruita Arts and Culture Board.

ARTICLE II: STATEMENT OF MISSION

The Fruita Arts and Culture Board is a board appointed by the Fruita City Council whose mission is to create and enhance art and culture in the City of Fruita. The Board is dedicated to developing and improving the quality, quantity, affordability, and accessibility of arts and culture for the citizens of Fruita and ensures such programs can thrive and grow.

ARTICLE III: GOALS

- A. Complete, implement, and periodically revise a community strategic cultural development plan.
- B. Encourage and facilitate cooperation, collaboration, and partnerships with and between the arts community, local government, local schools and business community.
- C. Provide information and education to local artists and arts agencies to enhance funding, management, and marketing skills.
- D. Provide advice to the Fruita City Council concerning the establishment of community arts priorities and criteria for expenditure of public resources.
- E. Increase both private and public resources for the arts.
- F. Host art and cultural exhibits festivals.

ARTICLE IV: SERVICES

The Board shall work to expand and assist with programs currently offered by the City of Fruita, its various boards and the Chamber of Commerce, such as art and performance classes, talent shows, maintaining exhibits around the community using public and private, inside and outside venues such as City Hall, schools, commercial centers, businesses, festivals, etc.

ARTICLE V: MEMBERSHIP

- A. The Board shall consist of nine (9) members.
- B. Composition and Selection:
 - 1. All members shall be appointed by the Fruita City Council.

2. Members shall serve without compensation, except for those expenses incurred in connection with the work of the Board as approved by the City Manager or his/her designee.
3. Members shall be selected without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status, or physical handicap.
4. The Board shall include at least five (5) members of acknowledged accomplishment as either amateurs or professionals in one or more of the following fields: architecture, art criticism, art education, art history, choreography, dance, communicative arts, crafts, folk and ethnic arts, literature, media arts, music, opera, painting photography, sculpture, theater (including community theater), and urban design.
5. If requested by City Council, a nominating committee shall be appointed from among the Board members to recommend and/or review candidates for Board membership.

C. Term

Beginning in 2008, the terms of the Board Members shall be three (3) years. The terms shall be staggered so that one-third of the members shall be appointed each year. No Board member shall be appointed for more than two (2) consecutive full terms.

D. Vacancies

In the event of death, resignation, or removal of any member, his/her successor shall be appointed in the manner prescribed in Section 2 above, for the duration of the unexpired term.

E. Removal

1. The Board may petition, by formal two-thirds vote of the membership, to remove any Boarder who is failing to fulfill the duties and responsibilities of office, provided the individual is notified of such action and is given the opportunity to address the Board prior to tendering of such petition for removal to the Council for consideration.
2. Four (4) unexcused absences from regularly scheduled meetings of the Board within any twelve (12) month period shall result in a recommendation to the City Council for removal of the member.

ARTICLE VI: OFFICERS

A. Chairperson

1. The Board shall elect by written ballot one member to serve as Chairperson for a term of one year.

2. The Chairperson shall:

- (a). Preside at meetings of the Board.
- (b). Serve as ex-officio member of all committees.
- (c). Appoint members to represent the Board to the City Council.
- (d). Arrange for production and presentation of the Annual Report to the City Council.
- (e). Meet with the City Manager and Council concerning implementation of Board recommendations.
- (f). No Board member elected Chairperson shall serve more than two (2) consecutive terms in that office.

B. Vice-Chairperson

- 1. The Board shall elect by written ballot one member to serve as Vice-Chairperson for a term of one year.
- 2. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chair.
- 3. The Vice-Chairperson shall be assigned other specific duties by the Chairperson as required to assure efficient operation of administrative functions of the Board.

C. Secretary

- 1. The Secretary shall be chosen by Board action.
- 2. The duties of the Secretary shall be determined by the Chairperson and Board members, as deemed appropriate; generally, the Secretary shall coordinate administrative matters for the Board.
- 3. The duties of the Secretary may be rotated among the Board members.

ARTICLE VII: MEETINGS

A. Number

The Board shall meet at least ten (10) times a year. Special meetings may be called at any time by the Chairperson for any reason.

B. Notice

Notice of each meeting of the Board shall be given no less than five (5) days prior to the date of the meeting to each Boarder personally, by mail, email or posted on the City web site.

C. Place

Meetings shall be held at such place or place designated within Fruita as the Board considers appropriate and must be handicapped accessible.

D. Quorum

A majority of Board Members of record shall constitute a quorum. In the absence of a quorum at any meeting, a majority of the Board Members present may adjourn the meeting for up to thirty (30) days without further notice. The Board Members present at a duly constituted meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough Board Members to leave less than a quorum.

E. Special Meetings

Any three (3) Board Members may convene a meeting with due notification as set forth in §VII,B.

F. Voting

Each Board member shall be entitled to vote. Proxy voting will be permitted only on specific issues and but be writing. When a quorum is present at any meeting, the affirmative vote of a majority of those present shall decide any question brought before such meetings unless a different vote is required by ordinance or these by-laws, in which case such express provision shall control.

G. Rules of Procedure

All regular and special meetings of the Board and its committees shall be open to the public, and shall be conducted in accordance with *Roberts Rules of Order*, except where in conflict with these by-laws, in which case such express provision shall control.

ARTICLE VIII: COMMITTEES

The Board shall establish committees, including task forces and special projects, as deemed necessary or appropriate, and shall prescribe the duties, functions, and duration of each.

ARTICLE IX: AMENDMENT

The by-laws of the Board shall be subject to alteration, amendments, or repeal, and new by-laws may be adopted by the affirmative vote of a majority of the members of the Board. Such changes shall be presented in writing to, and ratified and approved by the City Council. If the proposed by-law amendments are ratified and approved by the City Council, those amendments shall be available and distributed to the membership ten (10) days before the meeting at which the change will be considered. By-law amendments which are not ratified and approved by Council shall be void and to no effect.

RESOLUTION NO. 2012-28
A RESOLUTION ESTABLISHING THE FRUITA
DOWNTOWN ADVISORY BOARD

WHEREAS, the Fruita City Council recognizes that the downtown is vital to Fruita's quality of life, important in attracting visitors and tourists, and a valuable source of commerce and industry, and;

WHEREAS, one of the City Council's top goals is to develop the full potential of a strong downtown, and;

WHEREAS, the initial step in this effort requires working with business owners, property owners, and the community to develop plans and visions to address issues related to downtown, and;

WHEREAS, continued efforts by property owners, business owners, and the community will be needed to implement plans that will help revitalize downtown and help it achieve its full potential, and;

WHEREAS, an advisory board made up of community members having a stake in Fruita's downtown is needed to coordinate these plans and continue efforts to achieve this goal, and;

WHEREAS, the Fruita City Council believes the wise use of the limited community resources requires the coordination and networking of the many downtown business owners, property owners, and residents in Fruita.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL, THAT:

SECTION 1.

The Fruita Downtown Advisory Board ("Board") is hereby created.

SECTION 2.

The Board, no later than one (1) year from its creation and as necessary thereafter, shall submit a report to the Fruita City Council and community on the status of Fruita's downtown.

SECTION 3.

In accordance with the Fruita City Charter, the Board shall serve in an advisory capacity to the Fruita City Council. The Board will serve as the principal coordinating body for advancement of the downtown in Fruita. Eventually, the City Council will encourage this board to become an independent organization, separate, distinct, and independent from the city government. Until independence can be achieved, the city will support this Board in the same manner as other boards and commissions.

SECTION 4.

The Board will work closely with all community groups to maximize the resources available to downtown.

SECTION 5.

The Board will consist of approximately (12) members appointed in accordance with the Fruita City Charter. Initial terms of Board members will be as follows: six (6) members to be appointed to two (2) year terms, and six (6) members to be appointed to three (3) year terms. Upon expiration of the initial terms, all subsequent tenures will be three (3) years. Vacancies will be filled in accordance with the Charter.

SECTION 6.

Within three (3) months of its first appointment, the Board shall propose by-laws to be submitted to the Fruita City Council for its approval.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS ____DAY OF _____,2012

City of Fruita

Lori Buck, Mayor

ATTEST:

City Clerk

FRUITA DOWNTOWN ADVISORY BOARD BY-LAWS

ARTICLE I: NAME

The name of this Board shall be the Fruita Downtown Advisory Board.

ARTICLE II: STATEMENT OF MISSION

The Fruita Downtown Advisory Board is a board appointed by the Fruita City Council whose mission is to work with property owners, business owners, and the community to implement plans that will help revitalize downtown and help it achieve its full potential. The Board is dedicated to developing the full potential of a strong downtown that will thrive and grow.

ARTICLE III: GOALS

- A. The Board, no later than one (1) year from its creation and as necessary thereafter, shall submit a report to the Fruita City Council and community on the status of Fruita's downtown.
- B. The Board will encourage and facilitate cooperation, collaboration, networking, and partnerships with and between property owners, business owners, community members, and local government to develop plans and visions to address issues related to downtown.
- C. The Board will work to implement plans that will help revitalize downtown and help it achieve its full potential.
- D. The Board will work closely with all community groups to maximize the resources available to downtown.
- E. The Board shall serve in an advisory capacity to the Fruita City Council. The Board will serve as the principal coordinating body for advancement of the downtown in Fruita. Eventually, the City Council will encourage this board to become an independent organization, separate, distinct, and independent from the city government. Until independence can be achieved, the city will support this Board in the same manner as other boards and commissions.

ARTICLE IV: MEMBERSHIP

- A. The Board shall consist of approximately twelve (12) members.
- B. Composition and Selection:
 - 1. All members shall be appointed by the Fruita City Council.
 - 2. Members shall serve without compensation, except for those expenses incurred in connection with the work of the Board as approved by the City Manager or his/her designee.

3. Members shall be selected without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status, or physical handicap.
4. If requested by City Council, a nominating committee shall be appointed from among the Board members to recommend and/or review candidates for Board membership.

C. Term

Beginning in 2012, initial terms of Board members will be as follows: six (6) members to be appointed to two (2) year terms, and six (6) members to be appointed to three (3) year terms. Upon expiration of the initial terms, all subsequent tenures will be three (3) years. Vacancies will be filled in accordance with the Charter.

D. Vacancies

In the event of death, resignation, or removal of any member, his/her successor shall be appointed in the manner prescribed in Article IV, Section B.1 above, for the duration of the unexpired term.

E. Removal

1. The Board may petition, by formal two-thirds vote of the membership, to remove any Board member who is failing to fulfill the duties and responsibilities of office, provided the individual is notified of such action and is given the opportunity to address the Board prior to tendering of such petition for removal to the Council for consideration.
2. Four (4) unexcused absences from regularly scheduled meetings of the Board within any twelve (12) month period shall result in a recommendation to the City Council for removal of the member.

ARTICLE V: OFFICERS

A. Chairperson

1. The Board shall elect one member to serve as Chairperson for a term of one year.
2. The Chairperson shall:
 - (a). Preside at meetings of the Board.
 - (b). Serve as ex-officio member of all committees.
 - (c). Appoint members to represent the Board to the City Council.
 - (d). Meet with the City Manager and Council concerning implementation of Board recommendations.

B. Co-Chairperson

1. The Board shall elect one member to serve as Co-Chairperson for a term of one year.

2. In the absence of the Chairperson, the Co-Chairperson shall assume the duties of the Chair.
3. The Co-Chairperson shall be assigned other specific duties by the Chairperson as required to assure efficient operation of administrative functions of the Board.

C. Secretary

1. The Secretary shall be chosen by Board action.
2. The duties of the Secretary shall be determined by the Chairperson and Board members, as deemed appropriate; generally, the Secretary shall coordinate administrative matters for the Board.
3. The duties of the Secretary may be rotated among the Board members.

ARTICLE VI: MEETINGS

A. Number

The Downtown Advisory Board shall meet at least monthly or as frequently as the Board deems necessary. All meetings (including e-mails and web posts) are open to the public

B. Special Meetings

Special meetings may be called with twenty-four (24) hour notice to Board members.

C. Place

Meetings shall be held at such place or place designated within Fruita as the Board considers appropriate and must be handicapped accessible.

D. Quorum

A majority of Board Members of record shall constitute a quorum. In the absence of a quorum at any meeting, a majority of the Board Members present may adjourn the meeting for up to thirty (30) days without further notice. The Board Members present at a duly constituted meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough Board Members to leave less than a quorum.

E. Rules of Procedure

All regular and special meetings of the Board and its committees shall be open to the public, and shall be conducted in accordance with *Roberts Rules of Order*, except where in conflict with these by-laws, in which case such express provision shall control.

ARTICLE VII: COMMITTEES

The Board shall establish committees, including task forces and special projects, as deemed necessary or appropriate, and shall prescribe the duties, functions, and duration of each.

ARTICLE IX: AMENDMENT

The by-laws of the Board shall be subject to alteration, amendments, or repeal, and new by-laws may be adopted by the affirmative vote of a majority of the members of the Board. Such changes shall be presented in writing to, and ratified and approved by the City Council. If the proposed by-law amendments are ratified and approved by the City Council, those amendments shall be available and distributed to the membership ten (10) days before the meeting at which the change will be considered. By-law amendments which are not ratified and approved by Council shall be void and to no effect.

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: TURE NYCUM, PARKS AND RECREATION DIRECTOR
DATE: SEPTEMBER 25, 2018
RE: RESOLUTION 2018 -XX – REPEALING RESOLUTION 2003-06 AND ESTABLISHING THE LIVABILITY COMMISSION IN PLACE OF THE SENIOR TASK FORCE

BACKGROUND

In 2006, the Senior Task Force was re-established by the Fruita City Council to provide advice on senior related issues and concerns in the Fruita Community. In addition, and out of a desire for a full-service community/recreation/senior center by the senior community, a primary focus for the Senior Task Force was to provide input and work towards the creation of such a facility.

In 2011 with the opening of the Fruita Community Center, the Senior Task Forces primary focus was complete. A 50,000 square recreation center was opened which includes a dedicated space for the Fruita Senior Center. To this date, programming for the senior community has substantially grown with the creation of the Fruita Community Center and Senior Center. With the primary focus of the Senior Task Force fulfilled, the activity of the Senior Task Force has diminished over the years, other than a few recommendations to add additional amenities to the Senior Center. Membership of the Senior Task Force has also waned which is currently sitting at six (6) of eleven (11) possible members.

In 2017, members of the community approached City leadership and staff about an AARP initiative called Age-Friendly Communities. The age-Friendly Communities initiative provides communities a structure to have community discussions as well as develop plans around addressing the eight (8) domains of livability, which are: Outdoor Spaces and Buildings; Transportation; Housing; Social Participation; Respect and Social Inclusion; Civic Participation and Employment; Communication and Information; and, Community Support and Health Services. In late 2017 the City of Fruita applied to be designated as an Age-Friendly Community by AARP and received that designation in early 2018.

The City of Fruita has also been discussing the need to update, consolidate and organize several planning documents that comprise the Master Plan for the community. It was felt that the Age-Friendly process of gathering community input through outreach, developing an action plan and implementing continual improvements would provide an initial framework to update the overall Master Plan for Fruita.

Given the inactivity of the Senior Task Force and the desire by the City to update the Master

Plan it was decided that the Senior Task Force could be transformed into a Livability Commission to help steer the development of an action plan and subsequent updates to the Master Plan. The Senior Task Force has been involved in the discussion to dissolve the task Force and create the Livability Commission in its place and at their August 2018 meeting approved a motion to recommend a set of by-laws for the Livability Commission replacing the Senior Task Force.

FISCAL IMPACT

As this is an advisory commission, there is no fiscal impact to the City of Fruita other than staff liaison time. There may, however, be recommendations that come from the Livability Commission to implement programs, studies or other activities that do require financial support from the City of Fruita.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The creation of the Livability Commission directly supports two of three City Council goals: Quality of Place and Lifestyle. The Commission will seek community input on the eight (8) domains of livability as defined by AARP Age-Friendly Communities initiative.

OPTIONS AVAILABLE TO THE COUNCIL

- Approve the resolution and by-laws as written.
- Amend either the resolution, by-laws or both and approve as amended
- Provide comments and feedback and ask the Senior Task Force to revise and re-submit the resolution and by-laws for approval.
- Don't approve the resolution and by-laws and maintain the Senior Task Force as is.

RESOLUTION 2018-37

A RESOLUTION OF THE FRUITA CITY COUNCIL REPEALING RESOLUTION 2003-06, REGARDING THE APPOINTMENT OF THE SENIOR TASK FORCE, AND ESTABLISHING THE LIVABILITY COMMISSION IN ITS PLACE

WHEREAS, the Senior Task Force was created to represent the senior citizens of the Fruita Community with the primary purpose of supporting and fulfilling the need of a community/recreation/senior center in the community; and

WHEREAS, with the opening of the Fruita Community Center in 2001 which also includes a Senior Center, the primary purpose of the Senior Task Force has been fulfilled; and

WHEREAS, the Senior Task Force has had declining participation after the establishment of the Fruita Community Center and in recent years; and

WHEREAS, in early 2018, the City of Fruita was designated as an Age-Friendly Community by AARP and encouraged to promote and improve the health and quality of life of its citizens through the eight (8) domains of livability (Outdoor Spaces and Buildings; Transportation; Housing; Social Participation; Respect and Social Inclusion; Civic Participation and Employment; Community and Information; and, Community Support and Health Services); and

WHEREAS, the current membership of the Senior Task Force has made a recommendation to the Fruita City Council that the Senior Task Force be dissolved and a new Livability Commission be established; and

WHEREAS, the Livability Commission will be tasked with continually gathering community input and making recommendations to City Council that pertain to the 8 Domains of Livability (as listed in Article III of the Livability Commission By-Laws) that support healthy aging and improve the Quality of Life, Economic Health and Lifestyle of the Fruita community; and

WHEREAS, the Fruita City Council wishes to repeal Resolution 2003-06 and establish the Livability Commission and adopt the By-Laws attached as Exhibit A.

NOW, THEREFORE IT BE RESOLVED BY THE FRUITA COUNCIL THAT A LIVABILITY COMMISSION BE ESTABLISHED IN PLACE OF THE SENIOR TASK FORCE:

Section 1: The Senior Task Force created pursuant to Resolution 2003-06 is hereby dissolved.

Section 2: The Livability Commission is hereby created.

- Section 3: The Livability Commission shall serve in an advisory capacity to the Fruita City Council.
- Section 4: The Livability Commission will work closely with groups and other agencies to explore ways to make Fruita a Livable Community and to promote and support healthy aging in the Fruita Community.
- Section 5: The Livability Commission will operate pursuant to the By-Laws which are attached as Exhibit A.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 2nd DAY OF OCTOBER 2018.**

ATTEST:

CITY OF FRUITA

Margaret Steelman, City Clerk

Joel Kincaid, Mayor

1. Outdoor Spaces
and Buildings

2. Transportation

3. Housing

4. Social
Participation

The **AARP** Network of Age-Friendly Communities

and work within

The 8 Domains of Livability

help communities become great for people of all ages

5. Respect and
Social Inclusion

6. Civic Participation
and Employment

7. Communication
and Information

8. Community
and Health Services

Learn more at [AARP.org/agefriendly](https://www.aarp.org/agefriendly)



AARP Network of Age-Friendly Communities Program Cycle



STEP 1: ENTERING THE NETWORK

The purpose of the AARP Age Friendly Communities is to serve as a catalyst to educate, encourage, promote, and recognize improvements that make cities, towns, and counties more supportive not only of their older residents but for residents of all ages. Our intent is to provide American cities, towns, counties with the resources they need to become more age-friendly, tapping into national and global research, models, and best practices.

AARP's Value Added

- Providing an understanding or definition of the issue/need for change (framing the issue);
- Providing an understanding of economic and social benefit of a more livable community;
- Resources on AARP.org/livable – Future Livability index (all phases)
- Success Criteria
- Streamlined admission into Network

STEP 2: PLANNING PHASE (Year 1-2)

This step has four elements:

- Establishment of mechanisms to involve older people throughout the Age-Friendly city cycle
- A baseline assessment of the age-friendliness of the city.
- Development of a 3-year city wide plan of action based on assessment findings
- Identification of indicators to monitor progress

AARP's Value Added

- Decision making and organizational guidance
- Access to network of communities /Best Practices
- Assessment and survey Tools, identification of key community indicators
- Volunteer network to support/organize aspects of effort

STEP 3: IMPLEMENTATION & EVALUATION (Year 3-5)

On completion of the planning phase, and no later than two years after joining the Network, cities will submit their action plan to WHO for review and endorsement. Upon endorsement by WHO, cities will then have a three-year period of implementation.

At the end of the period of implementation, cities will be required to submit a progress report to WHO outlining progress against indicators developed in Phase 1.

AARP's Value Added

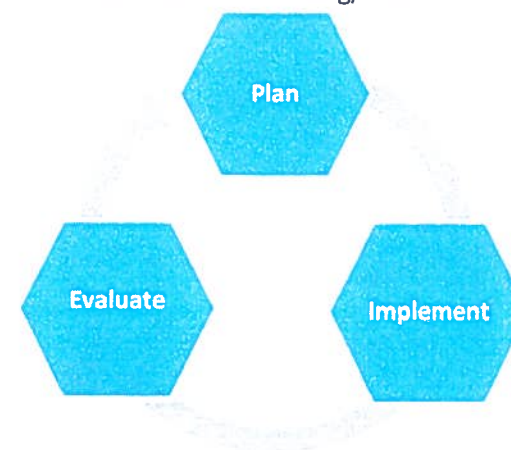
- Evaluation tools
- Organized training and networking events
- Resources on AARP.org/livable
- Access to network of communities /Best Practices
- Volunteer network to support/organize aspects of effort

STEP 4: CONTINUOUS IMPROVEMENTS (Year 5+)

Upon completion of phase 3, cities will be able to continue their membership to the Network by entering into further implementation cycles.

AARP's Value Added

- Access to network of communities /Best Practices
- Volunteer network to support/organize aspects of effort
- Resources on AARP.org/livable



A continuous cycle of improvement



FRUITA
COLORADO
PARKS & RECREATION

Bylaws

Livability Commission

ARTICLE I. CREATION AND NAME:

Per Resolution 2018-37 by the Fruita City Council the following by-laws are being adopted to convert the Senior Task Force to the Livability Commission.

ARTICLE II. STATEMENT OF MISSION:

Serving in an advisory capacity to Fruita City Council, the mission of the Livability Commission is to continually gather community input and make recommendations to the City Council pertaining to the eight domains of livability (as listed in Article III: Duties and Responsibilities) that support healthy aging and improve the quality of life, economic health and lifestyle of the Fruita community members.

ARTICLE III. DUITIES AND RESPONSIBILITIES:

To provide a representative group in the City of Fruita to ascertain and assess the needs of the Fruita Community members by identifying gaps, duplications, and competency issues in services required to support the well-being of our community members;

- A. Explore ways to make the City of Fruita a Livable Community in the following 8 Livability domain areas:
 - 1. Transportation
 - 2. Housing
 - 3. Outdoor Spaces and Buildings
 - 4. Social Participation
 - 5. Respect and Social Inclusion
 - 6. Civic Participation and Employment
 - 7. Communication and Information
 - 8. Community Support and Health Services
- B. To encourage cooperation and coordination among agencies and groups working on behalf of the Fruita Community. To draw upon the expertise or advice of any group or organization that has an interest in the well-being of the Fruita, including without limitation: Family Health West, Grand Valley Transportation, Mesa County Health and Planning Departments, Mesa County School District 51, and the City of Fruita itself.
- C. To provide a forum for stakeholder input on strategies and service delivery issues affecting community members and to make recommendations in respect thereof to the Council.

ARTICLE IV. MEMBERSHIP:

The Commission shall consist of no less than seven (7) and no more than twenty-one (21) members. All members of the Commission (commissioners) shall be appointed to three year terms by the Mayor with approval of the City Council. First appointments shall be for staggered terms of one, two and three years.

Appointments to the Commission shall mirror, as much as possible, the demographics of the population of Fruita's city and rural limits. These include ethnicity, gender, race, age, sexual orientation, political viewpoints and affiliations, and geographic location.

- A. Any person desiring to be appointed to the Commission is encouraged to attend at least one regularly scheduled meeting of the Commission and then submit a copy of his/her application to the City of Fruita.
- B. A commissioner may resign his/her membership at any time by providing written or email notice to the City of Fruita or the Chair of the Commission.
- C. Commissioners shall serve without compensation, except for those expenses incurred in connection with the work of the Commission as approved by the City Manager or their designee.
- D. A commissioner may be removed by the City Council pursuant to the Article 6.07 of the Fruita City Charter.
- E. Livability Commission Ex-Officio members will include a City Council Liaison, and City of Fruita Staff Member(s) as appointed by the City Manager.
- F. Nepotism
 - a. Relatives of City Council cannot serve on boards and commissions.
 - b. City employees and their Relatives cannot serve on boards and commissions.
 - c. Relatives of Boards and Commissions members cannot serve on the same board or commission.
 - i. Relatives are defined as:
 - 1. Any person related by blood or marriage who is a member of the official's household, under the same roof, or
 - 2. Any parent, stepparent, grandparent, spouse, child, grandchild, brother, sister, or
 - 3. Any child, parent, stepparent, or grandparent of the official's spouse
 - ii. This provision shall apply to all appointments made after August 1, 2020
- G. Term Limits
 - a. Term limits shall be two consecutive terms for all boards with the exception of the Board of Adjustments. The balance of an unexpired term served by a person to fill a vacancy shall not be counted as a term for the purpose of term limits. This provision shall apply to all appointments made after August 1, 2020. Appointments made prior to this date shall not be included in the two consecutive terms.
- H. Membership on Multiple Boards

- a. Appointment of an individual to serve concurrently on more than board is discouraged. This limitation does not apply to committees deemed to be temporary in nature or that have a general purpose which encourages input from representatives of various boards. This provision shall apply to all appointments made after August 1, 2020.

ARTICLE V. OFFICERS:

Officers of the Commission shall consist of a Chair, Vice-chair, and Secretary. Only appointed members of the Commission are eligible to hold office.

- A. The Chair and Vice-chair shall be elected for one-year terms of office by members of the Commission. The Chair and the Vice-chair each may be elected for one (1) successive term to their same offices.
- B. In the event that a commissioner fills the position of Chair or Vice-chair due to a mid-term vacancy, the commissioner will still be eligible to serve up to two full one-year terms in the same office.

In the event of a mid-term vacancy in the office of Chair, the Vice-chair shall assume and finish out the remainder of the term of the office of Chair.

ARTICLE V. COMMISSION MEETINGS AND QUORUM:

- A. The Commission shall meet at least ten (10) times a year. Special meetings of the Commission may be called at such times and places as may be determined necessary by the Chair or the Commission itself.
- B. All meeting of the Commission shall be open to the public in accordance with the state open meetings law.
- C. A record of each meeting shall be kept and a copy filed with the City Clerk's office.
- D. Only appointed commissioners may vote on issues before the Commission. Each commissioner is allocated one vote for each issue to be voted upon. All decisions of the Commission shall be made by majority vote of those commissioners present in person. Votes can be made by proxy by providing advance notice to the Chair and the proxy holder.
- E. Agendas for all Commission meetings shall be sent, if possible, to all commissioners in advance of the meetings.
- F. Regular meetings of the Commission shall be at a time and place established by the Commission.
- G. A quorum shall be necessary to conduct official business of the Commission. A quorum shall consist of more than 50 percent, rounded up to the next whole number, of the appointed membership of the committee.
- H. If the Chair and Vice Chair are unable to attend a scheduled meeting or must leave a meeting for any reason, the Committee members in attendance shall select an acting Chair to perform the duties of the Chair.

The Commission may from time to time establish such sub-committees, ad-hoc committees or working groups as it considers advisable to fulfill its mandate.

a. The by-laws listed herein, with the exception of the established by the City Charter, may be amended in the following manner:

- i. A new amendment or an amendment change may be presented at a given meeting and discussed.
- ii. Said amendment change will be considered for vote at the succeeding meeting.

These bylaws were passed and adopted this _____(day) of _____(month/year) by the City of Fruita City Council.

Joel Kincaid, Mayor

Attest:

City Clerk