

## **RESOLUTION No. 2023-06-01**

### **REACTIVATING THE CITY OF FORT MORGAN WATER PLANNING AND ADVISORY BOARD, APPOINTING BOARD MEMBERS, AND APPROVING BYLAWS**

**WHEREAS**, pursuant to Section 2-9-210, the City Council possesses the mandate to inaugurate boards and commissions as necessitated, each of which is tasked with proposing bylaws and amendments for the approval of the City Council and City Attorney; and

**WHEREAS**, the Water Planning and Advisory Board has been inactive following a period of temporary suspension; and,

**WHEREAS**, during the interim since the suspension of the Water Planning and Advisory Board, the City Council has perceived a discernible need for specialized advice concerning water-centric issues; and,

**WHEREAS**, the City Council has recognized the potential advantages of reviving the Water Planning and Advisory Board to provide consistent, expert input on water management and conservation; and

**WHEREAS**, the reinstatement of the Water Planning and Advisory Board is anticipated to amplify the efficiency and transparency of decision-making processes related to water management and conservation; and,

**WHEREAS**, the City Council plans to reactivate the Water Planning and Advisory Board as further detailed in the bylaws attached as "Exhibit A" to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**Section 1:** The Water Planning and Advisory Board is hereby re-established with the following appointed members:

Bill Baker

Alberta Simmons

Heath Kuntz

Jack Odor, appointed as Chairman

Jim Powers

The term for all members commences on June 6, 2023. The Board members, with their wealth of knowledge and experience, are charged with furthering the goals and objectives of the Water Planning and Advisory Board.

**Section 2:** The Water Planning and Advisory Board Bylaws are hereby amended and adopted as shown in the attached "Exhibit A."

INTRODUCED, PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of June 2023, the vote upon roll call being as follows:

Ayes: Mayor Deal, Councilmembers Anderson, Kaper, Parks, Schossow and Urdiales

Nays: None

Absent/Absent: Councilmember Garcia Absent, excused



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY:

  
Lyn Deal, Mayor

ATTEST:

  
John Brennan, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

### CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect, and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 6<sup>th</sup> day of June, 2023.

  
John Brennan, City Clerk



CITY OF FORT MORGAN  
BY MOTION  
JUNE 6, 2023

## **WATER PLANNING AND ADVISORY BOARD BYLAWS**

### **ARTICLE I NAME**

- Section 1. This Board shall be called the Water Planning and Advisory Board (hereinafter "Board").

### **ARTICLE II OBJECTIVES**

- Section 1. To consult with City Council and Staff on matters of water policy, as presented to the Board by City Council. The Board may, on its own initiative, identify issues to be referred to City Council. Issues or questions concerning water policy may be referred to the Board from time to time for the Board's recommendation to City Council. Any such recommendation shall be in writing and shall be delivered to the City Clerk. Any such referral to the Board shall comply with the provisions of Sec. 8, Article VII of the *Charter of the City of Fort Morgan, Colorado* (2008, Amended at 11/6/2007 Election):

Article VII of the Charter states, "[e]very franchise, right or privilege, which has been or which may hereafter be granted, conveying any right, permission or privilege to the use of the water belonging to the city, or its water system, shall always be subject to the most comprehensive oversight, management and control in every particular by the city; and such control is retained by the city in order that nothing shall ever be done by any grantee or assignee of any such franchise, right or privilege which shall in any way interfere with the successful operation of the waterworks of the city, or which shall divert, impair or render the same inadequate for the complete performance of the trust for the people under which such waterworks are held by the city, or which shall tend so to do."

- Section 2. To study, investigate and advise City Council on issues or questions that may be referred to the Board, from time to time by the full Council after a formal vote to make such referral.

When more than one issue or question is referred to the Board, City Council shall determine the priority of each issue or question for the Board's consideration.

### **ARTICLE III MEMBERSHIP**

- Section 1. The Board shall consist of a minimum of five (5) and a maximum of nine (9) members, a majority of the members shall be residents of the City of Fort Morgan and possess some experience with water rights, or water systems. The City Clerk shall advertise for open positions and forward the application to the City Council Representative who will make recommendation of appointments to City Council.
- Section 2. The term of office of the original appointed members of the Board shall end on January 13, 2025. The terms of the Board members shall be as follows:
- (1) Due to the unique objectives related to the work of the Board, the term of appointment for each Board member shall be until he/she is unable to serve and or upon vacancy of the board member's appointment.
- Section 3. In the event of the resignation of any Board member, or his/her death, inability to serve, or absence without acceptable reasons from three (3) consecutive meetings, a vacancy shall be declared. Vacancies occurring on this Board shall be filled for the unexpired term pursuant to Section 1 of this Article III.
- Section 4. A Councilmember, appointed by the Mayor, and the City Manager or his designee, shall serve as ex-officio members of the Water Planning and Advisory Board.

### **ARTICLE IV MEETINGS**

- Section 1. Meetings shall be held as needed and as called by the chairman. The Board shall establish regularly scheduled meetings at the 1<sup>st</sup> meeting in January of each year. Agendas for such meetings shall be mailed to each member of the Board at least five (5) days before the date of the meeting. In order for an item to be placed on the Agenda, the chairman of the Board or the City Manager or his designee must be contacted.
- Section 2. Meetings shall convene at 10:00 a.m., unless otherwise ordered.
- Section 3. The meeting held in January of each even-numbered year (on the first Wednesday after the second Tuesday) shall be known as the



Organizational Meeting. A purpose of this meeting shall be the election of officers, the presentation of any reports or recommendation, and other business that may need to come before such meeting.

Section 4. A simple majority shall constitute a quorum at any meeting.

Section 5. All meetings shall be open to the public and shall be properly noticed by the City Clerk.

## **ARTICLE V OFFICERS**

Section 1. The officers of the Board shall be a chairman, vice-chairman and a secretary who shall be elected at the organizational meeting in January to serve for two (2) years or until their successors shall be elected and qualified.

## **ARTICLE VI DUTIES OF OFFICERS**

Section 1. The chairman shall preside at all meetings of the Board; represent the Board before City Council; act on behalf of the Board in emergencies and shall maintain the dignity and efficiency of the Board in all possible ways. In the chairman's absence, the vice-chairman shall assume the duties of the chairman. In the absence of both the chairman and vice-chairman, the secretary shall assume the duties of the chairman. The chairman, or his/her designee, shall report to City Council at a scheduled public meeting, as requested by City Council, to make reports to City Council on the activities of the Board.

Section 2. The secretary shall work with City staff to keep a record of the proceedings of the Board. He or she shall read all official communications to the Board, write correspondence as directed and keep on file all important correspondence. The secretary shall forward an official copy of the Minutes of each meeting to the City Clerk in a timely manner.

## **ARTICLE VII ELECTION OF OFFICERS**

Section 1. All officers shall be elected after receiving nominations from the floor. A majority vote of a quorum shall constitute an election. Elections shall be held for each respective office when there is a vacancy in that office.

**ARTICLE VIII  
DUTIES OF MEMBERS**

- Section 1. It shall be the duty of each member of the Board to take an active part in the Board's activities and to act in whatever capacity he or she may be directed by the Board.
- Section 2. All members shall serve without remuneration.
- Section 3. All members shall complete a training program within six (6) months of their appointment. Training shall be provided by the City Manager and the City Attorney.

**ARTICLE IX  
AMENDMENTS**

- Section 1. Amendments to these Bylaws may be proposed at any meeting of the Board for the approval of those present and voting, provided notice of the proposed amendment has been given in writing to all members of the Board at least seven (7) days prior to said meeting. The Board's recommendation concerning any amendment of these Bylaws shall be referred to City Council. To be effective, any such amendments shall first be approved by City Council.

**ARTICLE X  
TERMINATION**

- Section 1. The Board shall serve at the pleasure of City Council and may be abolished at any time by City Council. Should City Council not act to appoint or re-appoint the members of the Board at the expiration of their terms of office, this Board shall cease to exist.

Certified By: