



**OPEN SPACE ADVISORY COMMITTEE
THURSDAY, JUNE 6, 2024
AGENDA**

Thursday, June 6, 2024 **5:30 PM** **100 Third St. Castle Rock, CO 80104**
Conference Rooms A&B
Instructions for virtually joining the meeting
can be found at:
<https://www.douglas.co.us/board-county-commissioners/boards-commissions/open-space-advisory-committee/>

The purpose of the Douglas County Open Space Advisory Committee is to advise and make recommendations to the Douglas County Board of County Commissioners (Board) and municipal officials regarding disbursement of funds from the Parks, Trails, Historic Resources, Open Space Sales and Use Tax Fund, and to select open space land to be proposed for acquisition, maintenance, or preservation, to establish priorities, and to make recommendations to the Board on lands involving conservation easements acquired with such funds.

CALL TO ORDER – 5:30 PM

- I. Roll Call**
- II. COSAC Disclosures**
- III. Adoption of Agenda**
- IV. Approval of Minutes – May 2, 2024**
- V. Administrative Announcements**
 - a. COSAC Bylaws – Mary Ann Monzani, Open Space Program Coordinator**
 - b. Other**
- VI. Public comment (Provisions for additional public comment will be made as deemed appropriate by Chair)**

NEW BUSINESS

- VII. Use of Operations & Maintenance Budget to Maintain Open Space Trailheads – Open Space Staff Presentation**

- VIII. COSAC Discussion for the Good of the Order**

**EXECUTIVE SESSION
ADJOURN REGULAR MEETING**

The Next Regular Meeting Will be Held on Thursday, July 11, 2024 @ 5:30 p.m.

**OPEN SPACE ADVISORY COMMITTEE
REGULAR MEETING
THURSDAY, MAY 2, 2024
MINUTES**

Call to Order

I. RECURRING ITEMS

ROLL CALL

Jennifer Drybread, Committee Member – Present
Jim Guerra, Committee Member – Present
Patti Hostetler, Vice Chair – Present
Brian O’Malley, Committee Member - Present
Mike Parr, Committee Member – Present
Jay Sage, Chair – Present
Kathie Shandro, Committee Member – Present
Elizabeth Snow, Committee Member – Present

II. Disclosure for Items on the Agenda

None

III. Motion to Approve Amended Agenda

RESULT: Approved
MOVER: O’Malley
SECONDER: Drybread
AYES: Drybread, Hostetler, Guerra, O’Malley, Parr, Sage, Shandro, Snow

IV. Motion to Approve Minutes from April 4, 2024

RESULT: Approved
MOVER: Shandro
SECONDER: O’Malley
AYES: Drybread, Hostetler, O’Malley, Sage, Snow
ABSTAIN: Guerra, Parr, Shandro

NEW BUSINESS

V. Colorado State Forest Service (CSFS) Forest Management Overview – Spencer Weston, CSFS Supervisory Forester

Spencer Weston, Colorado State Forest Service, (CSFS), Supervisory Forester provided an overview of forest management practices and why such practices are important on Open Space properties. Mr. Weston along with Open Space staff discussed various forest management projects previously performed and those planned on Open Space properties.

He further described the role that CSFS plays in its partnership with Douglas County to ensure forest health. Mr. Weston answered questions from COSAC members. COSAC members, Open Space staff, and Mr. Weston engaged in a collective discussion concerning various topics related to forest health and management practices.

VI. Public Comment

Mr. Steve Boand commented on the recent acquisition of Lost Canyon Ranch with respect to water and the preservation/protection of water sources as part of the management plan for Lost Canyon Ranch. Mr. Boand commended the work that went into management plan to protect the resource.

VII. Administrative Announcements

Ms. Amy Knopp, Manager of the Rueter-Hess Reservoir provided members of COSAC and staff updates on various topics related to Parks, Trails and Building Grounds and the Rueter-Hess Reservoir.

Dan Dertz, Director of Open Space and Natural Resources provided updated on various topics related to current and future projects. Mr. Dertz along with staff provided an update on various trainings, programs, and conferences that are being attended by team members and other staff within Douglas County.

Ms. Mary Ann Monzani, Open Space Program Coordinator, announced that the COSAC By-Laws review was tabled from the April meeting so that all members could be present for discussion. COSAC members discussed various aspects of the by-laws that were adopted in April of 2023 and brought forth suggested amendments. Those suggested amendments were discussed by members of COSAC resulting in a motion to amend the COSAC By-Laws

Motion to amend section C – Budget Review and replace the word “may” with “shall” and strike the word “only”, and to add the Resolution No. under Section D

RESULT: Approved

MOVER: Shandro

SECONDER: O’Malley

AYES: Drybread, Hostetler, Guerra, O’Malley, Parr, Sage, Shandro, Snow

Ms. Monzani stated that the approved amendments to the COSAC By-Laws will be updated, and the revised copy will be distributed to COSAC next month.

Chairman Jay Sage announced that the Election of Officers was tabled last month to allow for all COSAC members to participate in the nomination and election process. Members of COSAC discussed interest and proposed the following nominations:

Nomination of Jay Sage as COSAC Chairman and Patti Hostetler to serve as the COSAC Vice-Chairman

RESULT: Approved

MOVER: Shandro

SECONDER: Guerra

AYES: Drybread, Hostetler, Guerra, O’Malley, Parr, Sage, Shandro, Snow

VIII. COSAC Discussion for Good of the Order

COSAC members and staff discussed various topics including:

- Confirmation of historic dates/times related to Columbine Open Space
- Concern and issues related to dogs-off-lease
- Future update to the Rules and Regulations
- Volunteer communication through online software
- Reporting on maintenance costs for specific Open Space properties
- Other Open Space Operations & Maintenance costs
- Property owner interest in conservation

EXECUTIVE SESSION

COSAC entered executive session pursuant to C.R.S. § 24-6-402(4)(a),(b) and discussed the potential acquisition of specific real property in Douglas County for preservation as open space. The discussion included the costs, benefits, and relative merits of potential property acquisitions, existing protections and encumbrances, limitations upon use, wildlife, natural resources, terrain, surrounding properties, and how the property relates to the objectives of COSAC and Douglas County. COSAC also received legal advice from an assistant county attorney regarding executive sessions and compliance with the Colorado Open Meetings Law.

Motion for COSAC to enter into an executive session.

RESULT: Approved

MOVER: Shandro

SECONDER: O'Malley

AYES: Drybread, Guerra, Hostetler, O'Malley, Parr, Sage, Shandro, Snow

ADJOURN REGULAR MEETING

After adjourning the executive session, COSAC members came back to the regular COSAC meeting. COSAC Chair, Jay Sage stated that COSAC was now finished with the executive session pursuant to C.R.S. § 24-6-402(4)(a),(b) for the purposes of discussing the potential acquisition of specific properties and legal advice, stated that no decisions were made in the executive session, and asked for a motion for adjournment.

Motion to adjourn the regular COSAC meeting.

RESULT: Approved

MOVER: Shandro

SECONDER: Hostetler

AYES: Drybread, Guerra, Hostetler, O'Malley, Parr, Sage, Shandro, Snow

Amendments to COSAC Bylaws

DATE: MAY 30, 2024
TO: COUNTY OPEN SPACE ADVISORY COMMITTEE (COSAC)
FROM: DAN DERTZ, DIRECTOR OF OPEN SPACE AND NATURAL RESOURCES
CC: MARY ANN MONZANI, OPEN SPACE PROGRAM COORDINATOR
SUBJECT: **AMENDMENTS TO COSAC BYLAWS**

SUMMARY

Contained in the COSAC Bylaws is Article XI - Amendments. This article allows amendments to the Bylaws when done at a regular meeting of COSAC and approved by two-thirds vote of the Committee members. On May 2, 2024, the following motion was made to amend the COSAC Bylaws:

Motion to amend section C – Budget Review and replace the word “may” with “shall” and strike the word “only”, and to add the Resolution No. under Section D

RESULT: Approved

MOVER: Shandro

SECONDER: O’Malley

AYES: Drybread, Hostetler, Guerra, O’Malley, Parr, Sage, Shandro, Snow

DISCUSSION & RECOMMENDATION

Staff is requesting COSAC to review the attached updated Bylaws and be prepared to adopt the amendments as presented.

ATTACHMENTS

Amended COSAC Bylaws

DOUGLAS COUNTY OPEN SPACE ADVISORY COMMITTEE BYLAWS

Article I – Name

County Open Space Advisory Committee (COSAC)

Article II – Mission Statement

To ensure and enhance a positive quality of life in Douglas County through the preservation and stewardship of open space lands, natural resources and trails.

Article III – Role

The Douglas County Open Space Advisory Committee (“COSAC”) is established to advise and make recommendations to the Douglas County Board of County Commissioners (Board) and municipal officials regarding disbursement of funds from the Parks, Trails, Historic Resources, Open Space Fund, and the selection of open space land to be acquired, maintained, or preserved, and for the establishment of priorities therefor, pursuant to Resolution No.R-022-085, which includes making recommendations to the Board on lands involving conservation easements acquired with such funds.

COSAC shall review open space and trail property interests annually and report to the Board that the properties and trails are adequately protected by a recorded conservation easement or other protective measures. If properties are not protected, COSAC will make a recommendation to the Board for corrective action. COSAC shall report the status of the County open space and trail assets to the Board as part of Section 23 of Resolution No. R-022-085.

COSAC shall report the status of the County assets purchased with the Parks, trails, Historic Resources, and Open Space Fund (Fund) monies to the Board as part of an annual review. The annual review shall include a review of ownership status, conservation easements, monitoring reports, and other items of interest. The annual report shall also include a review of and summarize revenues and expenditures accruing to the Fund during the proceeding two years and proposed expenditures to be made during the next two succeeding years, with a view to establishing priorities for the County’s open space program. The annual report shall be presented and reviewed at a joint meeting of the Board, COSAC, Historic Preservation Board, and the Parks Advisory Board and made available to the public.

Article IV - Responsibilities

Section A Implementing Resolution

The Committee shall primarily be responsible for implementing the provisions of Resolution No. R-022-085.

Section B Review Responsibility

The Committee shall review, and when deemed necessary, make recommendations concerning improvements to open space lands, trails, and parks in accordance with open space lands, trails, and parks policies adopted by the Board of County Commissioners, pursuant to Resolution No. R-022-085.

Section C Budget Review

The Committee shall review the Open Space and Natural Resources Division annual budget as set forth in the Open Space Policies and Procedures as it relates to the proposed expenditure of funds from the Open Space Lands, Trails, and Parks Fund.

Section D Open Space and Trails Rules, Policies, and Procedures

The Committee shall work with the Open Space and Natural Resources Division staff to advise the Board of County Commissioners on the establishment and modification of open space and trails rules, policies, and procedures to implement Resolution R-022-085 and other applicable resolution and to assure that all proceeds from the sales and use tax shall be used for the purposes set forth therein, pursuant to Section 21 of Resolution No. R-994-062

Article V - Membership

Section A Committee Members

The members of the Committee shall be appointed by the Board of County Commissioners according to the requirements of Resolution No., which provides that the Committee be comprised of five (5) representatives of municipal government selected from lists of nominees submitted by the municipalities located wholly within Douglas County, three (3) representatives of the County, one from each Commissioner district, and three (3) members appointed at large

Section B Tenure

Committee members serve at the pleasure of the Board of County Commissioners in accordance with the current Board of County Commissioners Policy Manual.

Section C Vacancies

Vacancies on the Committee are created by resignation, expiration of appointed terms, or removal from the Committee by the Board of County

Commissioners.

Section D Unexpired Term

If a member of the Committee resigns or is removed from service on the Committee for any reason, a successor will be appointed, according to Section A herein, as soon as possible by the Board of County Commissioners to fill the unexpired term.

Section E Attendance

Members are required to notify the Department of Open Space and Natural Resources if they are unable to attend a regular or special meeting in order for the absence to be excused. Two (2) or more unexcused absences within a calendar year may be cause for dismissal from the Committee by the Board of County Commissioners.

Section F Compensation

A Committee member shall not accept any compensation, gift, or service which would violate the provisions of Article XXIX of the Colorado Constitution, as amended, attached hereto as **Exhibit A**.

Article VI – Officers

Section A Election

The officers of the Committee shall consist of a Chairperson and a Vice-Chairperson who shall be elected at the annual meeting, which will be held in April of each year. Each officer shall hold office for twelve (12) months or until a successor has been duly elected. The Department of Open Space and Natural Resources Director shall designate a staff member to serve as recording secretary to the Committee.

Section B Duties

The duties and powers of the officers are as follows:

1. Chairperson
 - A. Conduct and preside at all meetings of the Committee,
 - B. Maintain contact with the Director,
 - C. Call special meetings in accordance with the Bylaws,
 - D. Sign documents, correspondence, and resolutions of the Committee,
 - E. Maintain contact, when appropriate, with the Board of County Commissioners and Committee members,
 - F. Set up subcommittees as needed and appoint members thereof,
- and

G. Perform other duties designated by the Committee.

2. Vice-Chairperson

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all duties of the Chairperson.

Article VII – Subcommittees

Creation

Subcommittees, standing or special, shall be created by the Chairperson and approved by a majority of the members present. Subcommittees may be created as deemed necessary to carry on the work of the Committee. Subcommittees shall make recommendations to the Committee at a regular or special meeting.

Article VIII - Meetings

Section A Public Attendance

All meetings of the Committee, except executive sessions, shall be open to the public.

Section B Regular Meeting

The regular monthly meeting schedule shall be determined at the annual meeting by a majority of the Committee members.

Section C Special Meetings

Special meetings may be called by the Chairperson, the Director of the Open Space and Natural Resources Division, the Board of County Commissioners, or by two (2) Committee members acting jointly. Notice of such special meetings shall be provided according to provisions of Article VIII, Section J below.

The Committee will vote, pursuant to Article IX, on a citizen's request for a special meeting. A majority of the Committee must approve a special meeting before it shall be called.

Section D Sub-Committees

Any scheduled or ad-hoc sub-committee meeting which includes three (3) or more members of the Committee shall be noticed according to provisions of Article VIII, Section J below.

Section E Annual Meetings

The regular meeting in April shall be the annual meeting for the purpose of the election of officers.

Any rescheduling of the annual meeting shall require a majority vote of the Committee.

Section F Annual Report and Biennial Review

The Committee shall review and report, at least once annually with the Board of County Commissioners, the status of the Open Space Program as it relates to Resolution No. R-022-085.

Section G Recommendation or Actions

The Committee shall make one of the following recommendations or take one of the following actions:

1. Approval of the proposal without recommended conditions
2. Conditional approval of the proposal indicating recommended conditions
3. Denial of the proposal indicating the reasons for denial
4. Continuance of the request to a date and time certain
5. Table the request for an undetermined period of time
6. Tie vote – No recommendation

Section H Action

No formal action or decisions can be made at any gathering other than a properly noticed public regular or special meeting as provided above.

Section I Notice

Notice of regular and special meetings of the Committee and scheduled or ad hoc meetings of sub-committees of the Committee, shall be posted in advance of such meetings according to minimum statutory notice requirements, such postings to be placed at designated locations or as otherwise required by State statute.

Committee members shall be notified of special meetings.

Article IX - Voting

Section A Quorum

A simple majority of the current membership of the Committee will constitute a quorum. No official business can be conducted without a quorum present. The action of a majority of the members present at any meeting of the Committee at which a quorum is present will be the act of the

Committee.

Section B Conflict of Interest

Holding a position in which a person:

1. has financial interest in the matter;
2. will be directly affected by the decision in the matter;
3. believes he or she has a conflict of interest as defined by an applicable law; or
4. will gain an advantage to relatives, groups or associations with whom affiliated.

A Committee member who believes he or she has an interest in any matter before the Committee that would not enable the member to render an unbiased or impartial decision should immediately withdraw from participation and voting on the matter.

A Committee member having a conflict of interest should declare that interest publicly, abstain from voting on the matter, withdraw from participation in any deliberations on the matter, and leave the room or area in which deliberations are to occur. Additionally, the Committee member shall not discuss the matter privately with any other Committee member.

Section C Tie Vote

In the event of a tie vote, the motion being voted on shall be passed on to the Board of County Commissioners with no recommendation.

Section D Abstention

Abstentions will be allowed only for just cause with majority approval of the Committee members present.

Section E Site Visit

Committee members who vote on the acquisition of any property interest are strongly encouraged to visit the property, where possible, prior to voting.

Article X - Parliamentary Authority

Section A Governing Rules

The rules contained in Roberts Rules of Order Newly Revised shall generally govern the Committee in all matters to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules or order the Committee may adopt. However, strict adherence to such rules is not mandated.

Section B Policies and Procedures

The Committee shall operate according to Resolution No. R-022-085, and all applicable subsequent resolutions.

Article XI Amendments

These Bylaws may be amended at a regularly scheduled meeting by a two-thirds (2/3) vote of the Committee members.

Article XII - Severability

If any section, subsection, sentence, clause, or phrase of these Bylaws is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these Bylaws.

Exhibit A

Colo. Const. Art. XXIX, Section 1 (2010)

Section 1. Purposes and findings

(1) The people of the state of Colorado hereby find and declare that:

(a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;

(b) They shall carry out their duties for the benefit of the people of the state;

(c) They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;

(d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and

(e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

(2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

Colo. Const. Art. XXIX, Section 2 (2010)

Section 2. Definitions

As used in this article, unless the context otherwise requires:

(1) "Government employee" means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.

(2) "Local government" means county or municipality.

(3) "Local government official" means an elected or appointed official of a local government but does not include an employee of a local government.

(4) "Person" means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

(5) "Professional lobbyist" means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(6) "Public officer" means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

Colo. Const. Art. XXIX, Section 3 (2010)

Section 3. Gift ban

(1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

(2) No public officer, member of the general assembly, local government official, or government employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$ 50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.

(3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

(a) A campaign contribution as defined by law;

(b) An unsolicited item of trivial value less than fifty dollars (\$ 50), such as a pen, calendar, plant, book, note pad or other similar item;

(c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

- (d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;
- (f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
- (g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.
- (h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.
- (4) Notwithstanding any provisions of this section to the contrary, and excepting campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.
- (5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.
- (6) The fifty-dollar (\$ 50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.