

**By-Laws**  
**of**  
**THE EAST OTERO CONSERVATION DISTRICT**

**Section 1. Organization.** Within ten (10) days after the formal organization of this District the Board of Supervisors, hereinafter called the Board, shall meet at some convenient place within or adjacent to the District and shall proceed:

- a) To elect from its members a president, vice-president, secretary, and treasurer, provided that if, in the opinion of the Board, it is wise to do so, the office of secretary and treasurer may be combined; and provided further, that this section shall be subject to the provisions of Section 12 of these by-laws. A majority vote of the Board shall be necessary to indicate a choice of an officer.
- b) To adapt a seal in accordance with the provisions of Section 8, subsection j, of the Colorado Soil Conservation Act.
- c) To select some place within or adjacent to the District which shall thereafter, until further action of the Board, be the principal place of business of the District.

**Section 2. Board of Supervisors.** The number of members on the Board shall be five (5) and will be elected as provided for in Section 35-70-105 of the Conservation District Act.

A concerted effort shall be made by the Board to secure potential supervisors from all different areas of the district.

Any resident county extension agent whose jurisdiction lies wholly or in part in the established conservation district shall be an ex-officio member of the Board, serving in an advisory capacity, but without the right to vote.

**Section 3. Appeals.** If the owner of any lands within the district desire, he/she may appeal any decision of the Board to the State Conservation Board. The procedures for the appeal are outlined in Section 35-70-110 of the State Conservation Act.

**Section 4. Powers and Duties of Officers.** The president shall preside at all meetings of the Board and of the land owners within the District. He/she shall be the executive officer of the District and shall sign for the District and the Board, all contracts, agreements, or other papers necessary to the conduct of the affairs of the District, when duly authorized so to do by the Board. He shall have such other duties and powers as usually associated with the executive officer of a public corporation including to cast a vote in case of a tie.

The Vice-President shall take the place of the President in his/her absence.

The Secretary shall be the custodian of the seal of the District and of all papers, documents, and records of the District and the Board. These minutes shall be available for inspection by any owner of land in the District at reasonable times. He/she shall attest the signature of the President to all contracts, agreements, and other papers necessary to the conduct of the affairs of the District, except for the disbursement of funds.

The Treasurer shall be the custodian of the funds of the District and shall at all times be charged with their safe-keeping. He/she shall affix his signature to all vouchers, warrants, checks, or other instruments of the disbursement of funds of the District. He/she shall keep at all

times an accurate and complete record of the financial transactions of the District and of funds remaining in his/her hands, and such record shall be available for inspection by any land owner of the District at reasonable time.

In the absence of the Treasurer, the President shall have all powers and authority of the Treasurer.

**Section 5. Meetings of the Board and Quorum.** Regular meetings of the Board shall be held once each month at a location chosen by the Board. At each meeting of the Board, the members present shall fix the day and hour of the next regular meeting, and the Secretary and/or the District employee shall notify each member in writing, telephone, fax, e-mail or personal message, not less than three (3) days before the date of such meeting. Special meetings of the Board may be called at any time by the President or by any other member of the Board on twenty-four (24) hours' notice in writing, telephone, fax, e-mail, or personal message. The notice of the meeting must be posted in a public place within the boundaries of the district not less than twenty-four (24) hours prior to holding the meeting. The presence of three (3) members of the Board shall be necessary to constitute a quorum.

**Section 6. Meetings Landowners.** Annual meeting of the landowners of the District shall be held at a convenient place within or near the District boundaries at such time and place as shall be determined by the Board. Special meetings of the landowners of the District may be called by the Board when deemed necessary, or by a petition signed by twenty (20) landowners. The Secretary shall give notice of such regular or special meetings by a notice published in a newspaper of general circulation within the District not more than thirty (30) days not less than ten (10) in advance of the meeting.

At all regular meetings the land owners shall receive the reports of the officers of the District and shall transact such other business as may come before the meeting.

At any special meeting of the landowners, only such matters shall be considered as have been included in the notice given.

At any regular or special meeting of the landowners of the District, a majority of those present in person or by proxy shall prevail. The Board shall make all arrangements for and conduct meetings of landowners.

**Section 7. Voters by Agents.** At any meeting of the land owners of the District a corporation owning land within the existing district is entitled to vote if such corporation duly authorizes an agent to vote in the election in its behalf.

A landowner who is qualified voter or qualified elector as defined in Section 32-1-103(5)(a) may authorize a family member who is registered voter and a renter or manager of the land to vote in an election in its behalf.

**Section 8. Qualification of Voters.** Any person having an interest may be heard at any special or regular meeting of landowners of the District, but only qualified voters, as defined by Section 35-70-104 of the Colorado Conservation Act, or their authorized agents, shall be permitted to vote.

**Section 9. Rules and Order of Business.** At all meetings of land owners within the District, Roberts' Rules of Order shall govern the conduct of business, and the Board shall establish the order of business.

**Section 10. Taxation.** Taxes or assessments within the District may be levied in accordance with Section 35-70-109 in the Colorado Conservation Act.

**Section 11. Vacancies.** Vacancies on the Board shall be filled as provided in Section 35-70-107 of the Colorado Conservation Act. The Board shall fill vacancies in the office of President, Vice-President, Secretary, and Treasurer.

**Section 12. Removal of Supervisors and Officers.** Any member of the Board may be removed from office by the recall procedure outlined in Sections 32-1-906 and 32-1-907 of the Colorado Revised Statutes.

Any office of the Board may be removed from such office at any time by a majority of all the members of the Board.

Any board member may be removed from any committee or other appointment by majority vote of the Board.

Removal of a Board member will be based on three (3) consecutive unexcused absences outlined in Section 32-1-105.

**Section 13. Employment of Assistance.** If in the opinion of the Board, it shall be necessary for the best interests of the District to employ a qualified person as district manager, it shall have the power to do so.

The employee(s) of the district shall not be a member of the Board or the Board member's immediate family.

The Board shall also have power to employ such legal, technical, or other assistance as may be necessary to conduct the affairs of the District. In no event shall the employment of any assistance authorized in this section obligate the District beyond the amount of its available funds or reasonable revenue expectancy.

**Section 14. Amendment of By-Laws.** The By-Laws of the conservation district may be altered, amended or repealed, or additions made thereto, at any regular or regularly called special meeting of the District. (CRS 35-70-109 (3)).

Any amendment of the By-Laws shall comply with the following requirements:

- A. A petition whose text sets forth the proposed amendments in full, signed by not less than three (3) percent or fifty (50) of the qualified voters of the district, whichever is less, must be filed with the Board of Supervisors.
- B. The complete text of the proposed amendment must be published in the notice of the meeting which it is to be considered. Such notice must be published at least once in a newspaper of general circulation within each county in which property included within the district is located not less than ten (10) days prior to said meeting.
- C. Those qualified voters present in person at which the proposed amendments is to be considered shall constitute a quorum for the consideration of the proposed amendment.
- D. The affirmative vote of two-thirds majority thereof shall be required to adopt the proposed amendment.

**APPROVED** by the East Otero Conservation District Board action Dated: January 13, 2003

*Dennis W. Caldwell*

**President**

*Raymond Pieper*

**Vice-President**

*Jared Gardner*

**Treasurer**

*A. Ross Nielsen*

**Secretary**

*Eric Hanagan*

**Member**