

RESOLUTION NO. 2020-61

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

**RESTATED RESOLUTION PROVIDING FOR THE ADMINISTRATION OF MASS
TRANSPORTATION SYSTEMS**

WHEREAS, pursuant to § 30-11-101(1) (f), C.R.S., and other applicable authority, Summit County is authorized to develop, operate and maintain mass transportation systems; and

WHEREAS, the Board of County Commissioners of Summit County adopted Resolution No. 14-04 on January 28, 2014, a "Restated Resolution Providing for the Administration of the Summit Stage", which established a twelve (12) member advisory board ("Stage Board") to assist the Board of County Commissioners in its administration of the mass transportation systems; and

WHEREAS, the Board of County Commissioners desires to expand the Stage Board membership to a total of fourteen (14) members for the purpose of granting the Town of Blue River as well as each planning district membership and designated seats on the Stage Board; and

WHEREAS, the Board of County Commissioners desires to amend voting privileges and term length as pertains to the County Commission Representative of the Stage Board for the purposes of eliminating redundant votes and aligning term lengths.

WHEREAS, the Board of County Commissioners finds it to be necessary and in the best interests of the health, safety and welfare of the residents of and visitors to Summit County, Colorado to rescind and restate Resolution No. 14-04 for the purposes of expanding Stage Board membership to a total of fourteen (14) members, naming the Town of Blue River and each planning basin as members of the Stage Board and amending the voting privileges and term length of the Commission Representative.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT:**

1. Existing or parts of existing ordinances or resolutions covering the same matters as embraced in this resolution, including but not limited to Summit County, Colorado Resolution Number 14-04, are hereby repealed and all ordinances or resolutions or parts of ordinances or resolutions inconsistent with the provisions of this resolution are hereby repealed.
2. The proposed "Restated Resolution Providing for the Administration of Mass Transportation Systems" set forth herein is hereby approved and adopted to provide for the administration of the mass transit system in Summit County, Colorado known as the Summit Stage.
3. Summit County, Colorado, pursuant to its powers granted in § 30-11-101(1) (f), C.R.S. and elsewhere, shall, by and through its Board of County Commissioners, continue to operate, administer, and manage the public transportation system known as the Summit Stage.

4. The Summit Stage Advisory Board (the "Stage Board") is hereby reestablished and shall consist of fourteen (14) members observing the terms, voting privileges, election of officers and other procedural standards as set forth and attached hereto as Exhibit "A" Stage Board Bylaws.
5. All meetings of the Stage Board shall be public meetings which comply with all open meeting laws which apply to Summit County. Scheduling, notice of meetings and other public meeting protocols are set forth and attached hereto as Exhibit "A" Stage Board Bylaws.
6. The Stage Board shall have the following powers and duties:
 - a. To adopt such bylaws as it deems appropriate, which are consistent with this Resolution and approved by the County Attorney.
 - b. To oversee the operation of the Summit Stage and to make recommendations to the Board of County Commissioners as needed or requested for improving or modifying Summit Stage operational plans, policies or procedures, realizing that the Summit Stage is a public transportation system.
 - c. To work with Transit staff on the annual budget process in order to make a recommendation to the BOCC on the upcoming calendar year budget in accordance with the BOCC's annual budget process. The Stage Board may also review other revenue sources such as fares and advertising and make recommendations on inclusion in these other revenue sources in the upcoming calendar year budget.
 - d. To recommend to the Board of County Commissioners service plans that propose adjustments to mass transit services at least ninety (90) days prior to the proposed date of implementation. The service plans will provide information on anticipated costs, ridership, routing, schedules and personnel needs.
 - e. To report at least once annually to the Board of County Commissioners, on or before October first of each year, regarding the efforts which have been made to implement new or existing operating plans as the Board of County Commissioners may have adopted to meet long and short-term mass transportation goals.
 - f. To provide for Stage Board subcommittees to review those issues assigned it by the Stage Board. However, the recommendations of any subcommittee shall not be deemed a decision/recommendation of the Stage Board unless approved by vote of the Stage Board.
 - g. To do any and all things necessary to accomplish its duties as described herein.
7. Summit County Government (the "County") shall continue to purchase or lease buses, other vehicles, and such other facilities for the use of the Summit Stage. The County in consultation with the Stage Board shall operate, finance and maintain the Summit Stage. The County shall hire, dismiss and pay the Summit Stage employees, including the Director of the Summit Stage in accordance with the County's personnel and employment policies. The Director of the Summit Stage shall be supervised by the County Manager's Office. The Stage Board shall be consulted on performance standards and assessments of the Director of the Summit Stage.

8. The Board of County Commissioners recognizes that the Stage Board is an essential factor in the successful operation of the Summit Stage. The County, in administering the Summit Stage, will strive to insure optimum and cost effective performance. The County will consider the implementation of all reasonable recommendations that it receives from the Stage Board.
9. The County shall give the Stage Board and all Parties represented on the Stage Board not less than thirty (30) days prior written notice of any regular or special meeting of the Board of County Commissioners where action on Stage Board recommendations will be taken or considered or if the County intends to consider a modification of this Resolution.
10. The County shall maintain insurance coverage at least up to the judgment limitation contained in the Governmental Immunity Act, C.R.S. 24-10-114(1), to protect against third-party claims and possible liability arising out of its operation of the Summit Stage. The County shall make monthly reports to the Stage Board on the financial condition of the Summit Stage and on the County's compliance with, or variances from, the approved budget.
11. The County shall credit and deposit all revenues generated from the County sales tax and from the operation of the Summit Stage, whether from advertising, fares, or revenues generated in any other manner {e.g., the sales of property) including interest earned, to the Summit Stage fund. No expenditures or transfers may be made from such fund except for the Summit Stage in accordance with its properly approved budgets. All property acquired for the Summit Stage may be disposed of in such reasonable manner as the County, with the advice of the Stage Board, may determine; and proceeds of such disposals shall be credited to the Summit Stage fund.
12. Each of the provisions herein is deemed severable. Should any provision of this Resolution be found to be illegal, unenforceable, or unconstitutional by a court of competent jurisdiction, such findings shall not impair the remaining portions of this Resolution.

ADOPTED THIS 13TH DAY OF OCTOBER, 2020.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Karn Stiegelmeier, Chair

ATTEST:

Kathleen Neel, Clerk & Recorder

EXHIBIT "A"
RESOLUTION NO. 2020-61
THE BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

STAGE BOARD BYLAWS

Adopted by: Stage Board Date of Adoption: September 30, 2020

Section 1: Establishment of Stage Board. The Summit Stage Advisory Board (Stage Board) was established by the Board of County Commissioners (BOCC) of Summit County, Colorado pursuant to Summit County Resolution No. 91- 26, adopted on May 13, 1991 as restated by Resolutions No. 04-24, No. 14-04 and 20-61.

Section 2: Purpose. The general purpose of the Stage Board is to make recommendations to the BOCC regarding the operation of the Summit Stage Mass Transportation System (Summit Stage) with respect to the following powers and duties as set forth by Resolution No. 20-61:

- I. To adopt such bylaws as it deems appropriate, which are consistent with this Resolution and approved by the BOCC Attorney.
- II. To oversee the operation of the Summit Stage and to make recommendations to the Board of County Commissioners as needed or requested for improving or modifying Summit Stage operational, plans, policies or procedures, realizing that the Summit Stage is a public transportation system.
- III. To recommend to the BOCC annually a public transportation budget for the succeeding calendar year in accordance with the BOCC's annual budget process. The Stage Board may also make recommendations on other revenue sources such as fares, advertising policies and contracting with nonprofit organizations.
- IV. To recommend to the BOCC Summit Stage service plans that propose adjustments to mass transit services. These service plans shall be recommended to the BOCC at least sixty (90) days prior to the proposed date of implementation. The service plans will provide information on anticipated costs, ridership, routing, schedules, personnel needs, and budget amendments that may be required.
- V. To report at least once annually to the BOCC, on or before October first of each year, regarding the efforts which have been made to implement new or existing operating plans as the BOCC may have adopted to meet long and short-term mass transportation goals.

- VI. To provide for Stage Board subcommittees to review those issues assigned it by the Stage Board. However, the recommendations of any subcommittee shall not be deemed a decision/recommendation of the Stage Board unless approved by vote of the Stage Board.
- VII. To do any and all things necessary to accomplish its duties as described herein.

Section 3: Stage Board Membership. The Stage Board membership is comprised of fourteen (14) members. One of which is a BOCC representative.

- I. Member Designation and Voting Privileges - One (1) member will be appointed by the BOCC as their representative and will not have voting privileges during Stage Board meetings. Five (5) members will be appointed by each of the following towns as their respective representatives; Town of Blue River, Town of Breckenridge, Town of Dillon, Town of Frisco and Town of Silverthorne all of which have voting privileges during Stage Board meetings. Four (4) members will be appointed by each of the following resorts as their respective representatives; Arapahoe Basin Resort, Breckenridge Resort, Copper Mountain Resort and Keystone Resort all of which will have voting privileges during Stage Board meetings. Four (4) members will be selected and recommended by the Stage Board and approved by the BOCC to represent each of the following planning basins; Lower Blue Planning Basin, Snake River Planning Basin, Ten Mile Planning Basin and Upper Blue Planning Basin all of which will have voting privileges during Stage Board meetings.
- II. Alternates - One (1) alternate Stage Board member may be appointed by the applicable governing body of each of the above-listed entities except that there shall be no alternate members appointed to the planning basins. Alternate Stage Board members will be given the opportunity to vote during Stage Board meetings when the respective entity's regular voting member is absent.
- III. Terms - Stage Board members, regular and alternates, shall serve two-year terms which shall commence upon the expiration of their respective predecessors' terms with the exception of the BOCC Representative whose term shall be determined by the BOCC in accordance with Commission terms or other terms at the discretion of the BOCC. The current Stage Board members' representatives and the date of expiration of their current terms of service are provided in Table 1 below.

<i>TABLE 1 Summit Stage Board Members Revised 09/03/2020</i>				
	Members	Term Start/End	Alternates	Term Start/End
Summit County				
Commissioner (non-voting)	<i>Elisabeth Lawrence</i>	<i>2016/2020</i>	<i>Bentley Henderson</i>	<i>2016/2020</i>
Planning Basins				
Lower Blue Planning Basin	<i>Steve Swanson</i>	<i>2020/2022</i>		
Snake River Planning Basin	<i>Vacant</i>			
Ten Mile Planning Basin	<i>Liz Burnham</i>	<i>2020/2022</i>		
Upper Blue Planning Basin	<i>Vacant</i>			
Towns				
Town of Breckenridge	<i>Jennifer Pullen</i>	<i>2019/2021</i>		
Town of Dillon	<i>Kyle Hendricks</i>	<i>2019/2021</i>	<i>Dan Burroughs</i>	<i>2019/2021</i>
Town of Frisco	<i>Kent Willis, Chair</i>	<i>2020/2022</i>		
Town of Silverthorne	<i>Tom Daugherty</i>	<i>2019/2021</i>		
Town of Blue River	<i>Ted Pilling</i>	<i>2020/2022</i>		
Ski Resorts				
Arapahoe Basin Resort	<i>Patrick O'Sullivan</i>	<i>2020/2022</i>		
Breckenridge Resort	<i>Matt Hulsey</i>	<i>2020/2022</i>		
Copper Mountain Resort	<i>Cindi Gillespie</i>	<i>2019/2021</i>		
Keystone Resort	<i>Vacant</i>			
<i>All members expire/renew in the month of May</i>				

- IV. **Replacement of Members** - If any member resigns, is removed by the appointing organization, or is unable to complete the term, the applicable appointing organization will appoint a replacement member for the remainder of the replaced member's term.
- V. **Replacement of Alternate Members** - If any alternate member resigns, is removed by the appointing organization, or is unable to complete the term, the applicable appointing organization will appoint a replacement member for the remainder of the replaced member's term.
- VI. **Replacement of Planning Basin Representatives** – Members designated as Planning Basin Representatives shall be nominated and appointed according to the following procedures:
- a. When a member vacancy occurs because a current planning basin member does not want to be re-appointed, resigns, or is removed as provided herein or when terms are expiring, the Summit Stage Director shall notify the BOCC and advertise the vacancy and selection process at least one time in a newspaper of general circulation in Summit County.
 - b. The Stage Board shall thoroughly review all applicants for such vacancy at a regular or special meeting. The Stage Board shall forward a recommendation on the appointment to the BOCC. The BOCC may interview any or all applicants prior to making an appointment.
 - c. The BOCC shall make an appointment as soon as practicable after the close of the application period and shall strive to make the appointment no later than 30 days after a recommendation from the Stage Board.

- VII. Compensation of Members - Stage Board members shall serve without pay.
- VIII. Attendance and Removal of Members - The Summit Stage Director shall record attendance at Stage Board meetings. In the event that neither the regular nor alternate member of an appointing organization is present for two (2) consecutive meetings, the Director shall provide notice to the Stage Board. Within fifteen (15) days of receiving notice, the chairperson shall provide a first written notice of chronic absence to the absent member(s), the applicable appointing organization and the BOCC. In the event that neither the regular nor alternate member of an appointing organization is present for two (2) consecutive meetings of the Stage Board for a second time within twelve (12) months of the date of the first written notice of chronic absence, the Director shall provide notice to the Stage Board. Within fifteen (15) days of receiving notice, the chairperson shall provide a second written notice of chronic absence to the absent member(s), the applicable appointing organization and the BOCC, and request the appointment of replacement member(s) to the Stage Board.

Section 4: Election of Officers. The Stage Board shall elect a chairperson and a vice chairperson by a formal motion. The chairperson and vice chairperson shall serve two-year terms or the remainder of a membership term if less than two years and may be reelected for additional terms. If the chairperson is absent, the vice chairperson shall assume the duties of the chairperson. If the chairperson and vice chairperson are both absent, by motion, the board shall appoint an interim chairperson for the subject meeting.

Section 5: Formation of Subcommittees. The Stage Board may form subcommittees to examine particular issues, to conduct research and develop recommendations on matters of concern to the board, or to assist the board in carrying out its duties. Subcommittees shall be comprised of regular board members. Work requested of any subcommittee shall be performed by its members and by the Summit Stage Director and shall not involve support from any other BOCC staff unless such support is approved by the BOCC. A subcommittee may include no more than five (5) members of the Stage Board. The recommendations of any subcommittee shall not be deemed a recommendation of the Stage Board unless approved by vote of the Stage Board.

Section 6: Conduct of Stage Board Meetings. All regular and special meetings of the Stage Board shall be open to the public pursuant to C.R.S. 24-6- 401 et seq., except as provided by law. The Stage Board may meet in Executive Session as allowed by law.

- I. Schedule of Meetings - The Stage Board shall hold regular monthly meetings at a place either physically or electronically and a time determined by the Stage Board. Any meeting date falling on a holiday, or any meeting cancelled because a quorum could not be assembled, shall be rescheduled by the Summit Stage Director on behalf of the Stage Board. A regular Stage Board meeting shall be cancelled if no business is scheduled for discussion. Special meetings of the Stage Board can be scheduled by the Summit Stage Director at the request of the Stage Board or the BOCC. In

- scheduling special meetings, the Summit Stage Director shall make every effort to provide at least seven (7) days' notice to Stage Board members.
- II. Notice of Meetings - The Summit Stage Director shall post notice of Stage Board regular meetings in a designated public place in Summit County, Colorado no less than twenty-four (24) hours prior to the holding of the meeting, or in a newspaper or electronic media of general circulation in the County, with such notice listed no less than the Friday prior to the meeting. The posting or publication shall include specific agenda information where possible.
 - III. Quorum and Vote - Seven (7) or more members to the Stage Board shall constitute a quorum. Alternate members may be counted towards determining a quorum, and allowed to vote on agenda items, only in the absence of the applicable regular representative. A quorum is not necessary for the board to conduct work sessions, continue agenda items, or to talk about discussion items. Action on any agenda items shall require the affirmative vote of at least seven (7) members or alternates of the Stage Board. Although all members and their respective alternates may vote, the BOCC member may not vote during Stage Board meetings.
 - IV. Executive Sessions - All regular and special meetings of the Stage Board shall be open to the public, except that, upon vote of a majority of the members present, an executive session may be held pursuant to the Colorado Sunshine Act of 1972, CRS 24-6-401 et sq., as amended.
 - V. Meeting Minutes - The Stage Board shall keep written minutes of each of its regular and special meetings. The minutes shall be prepared by Summit Stage staff and presented to the Stage Board for approval. The approved meeting minutes shall be maintained as public records at the Summit Stage. The minutes of a meeting during which an executive session is held shall reflect the topic of the discussion. Information presented to the Stage Board in carrying out its responsibilities, minutes of its meetings, and any other material resulting from the conduct of its activities shall be kept on file at the Summit Stage and shall be available for inspection by the public upon reasonable request, except as provided by law.

Section 7: Additional Procedural, Standards of Conduct and/or Ethics Rules. The Stage Board may adopt such procedural, standards of conduct and/or ethics rules as it deems appropriate and in conformance with the language and intent of these bylaws and resolution 20-61 to govern the conduct of its business. Should the BOCC adopt separate rules of procedure, ethics or standards of conduct for the Stage Board, each member shall abide by such rules or standards.

Section 8: Amendments to Bylaws. The Stage Board may recommend amendments to these bylaws. An amendment must be approved by the County Attorney to become effective.

Section 9: Severability. If any part of these bylaws is for any reason held invalid, such invalidity shall not affect the remainder of these bylaws.

Section 10: Effective Date. These bylaws shall be effective upon adoption by the Stage Board and approval by the County Attorney.