

# Town Board Handbook Town of Kersey



Adopted: March 13<sup>th</sup>, 2018

## **THE TOWN OF KERSEY**

Welcome to the Town of Kersey! We're happy you've made the decision to seek public office and congratulations on your successful campaign. The following information is a general guide to help you navigate many of the duties and responsibilities which accompanies public office. At any time, please ask for additional explanation or assistance!

### **A STATUTORY MUNICIPALITY**

The Town of Kersey was incorporated in the year 1908. Kersey is a statutory community and as such, many of the rules and regulations the Town follows are derived from Colorado State statutes or laws. Through ordinances and resolutions voted upon and adopted over many years, the Town has developed a municipal code as authorized by state law. Additionally, the power to conduct regular meetings, collect and spend revenues, and adopt an annual budget are all things provided for under the Town's statutory authority.

### **KERSEY MUNICIPAL CODE**

The Kersey Municipal Code is a codification of the ordinances that have been passed by the Town in its capacity as a statutory community. The Kersey Municipal Code sets out the structure of Kersey's local government, the powers and duties of its departments, boards and officers, and the basic principles for its operation.

The Kersey Municipal Code is divided into various sections indexed by subject matter.

There is a hard copy of the current Kersey Municipal Code in the Town Clerk's office at Town Hall and an electronic version is available on the Town's website, [www.Kerseygov.com](http://www.Kerseygov.com).

### **BOARD-MANAGER FORM OF GOVERNMENT**

The Town of Kersey is governed by the principles of the Board-Manager form of government. It is a form of government which became popular in the early part of this century. Many eastern cities have a "Strong Mayor" or "Commission" form of government, which place elected officials in direct charge of the administrative functions of the Town. This means the elected officials are responsible for not only the policy-making functions of the organization, but also the day-to-day administration of the Town.

The Board-Manager form of government is the more common organization in the western United States and is used in over 3,000 communities throughout the country. The Board-Manager system requires Town Board Members be responsible for policy decision and for appointing the Town Manager, Town Attorney and Municipal Judge.

The Town Manager is responsible for the day-to-day management of the organization and gives direction to the Town Staff members, who are his or her employees. Under Kersey's operational policies, neither the Town Board nor its members give direction to Town Staff members except through the Town Manager.

The philosophy behind the Board-Manager form of government is to create an administrative organization which is separate from the political process, and which is run by professional staff members who are trained in municipal government administration. This places the Town Manager in the role of being the Chief Executive Officer and responsible to the Town Board for the actions of staff in each of the Town's departments.

## TOWN BOARD ROLE

### TOWN BOARD'S ROLE AS POLICY MAKERS

A frequent subject of discussion among elected officials and staff members is the distinction between the policy-making function of a Town government and the administrative function. The Board- Manager form of government seeks to differentiate the two roles. Defining the Policy Maker role requires taking a "big picture" view of the mission of the organization and the Town Board's goal.

As a Town Board member, you *will* be required to wear many hats. These hats will likely include the role of lawmaker, financier, employer, constructive critic, intergovernmental relations, and public relation representative. You are the board of directors of this municipal corporation.

The Board is responsible for adopting law, regulations, ordinances, and resolutions which establish *policy* for the city and the organization. Staff is then charged with the responsibility of carrying out and implementing the adopted policy of the board. In carrying out this responsibility, staff develop procedures for the implementation of policy.

Policies are the framework which guide the large and small decisions made by the Town on an on-going basis. Policies flow from definitions of the mission of the community, the Town Board and the organization. Policies are formulated for the broad issues that affect the community, in both the short and *long* term. Town Board adopts, in a facilitated retreat format with staff, clear goals that focus on key policy areas to be worked on during the coming year.

This policy direction is then translated by the Town Manager and staff into actions and projects to accomplish the Town Board's goal and mission. Updates are provided to the Town Board for their meeting packets. Work sessions are also scheduled as needed between the elected officials and staff to assure that information and expectations are understandable by all.

*" What do I do if a citizen asks how a particular policy or program .is implemented?"* The best thing to do is to refer the citizen to the appropriate departmental staff person. Staff may periodically change procedure to stream-line operations or to better meet and serve the public and therefore, to ensure that citizens receive accurate information, it is appropriate to refer them to staff. As an alternative, it is quite appropriate to say that you can find that information and report back. You are not expected to know all of the Town operations or procedures.

#### **Board members:**

- Should prepare for meetings and workshops by reviewing packet materials in advance. Should respect the Chair and all points of procedure according to Robert's Rules of Order.
- Should focus discussion of agenda items to being effective and efficient. Although the board Chair is mainly responsible for seeing that this happens, individual board members have an important role to play.
- Should act as a unified body. The best way to consider a final vote is to bury any hatchets you may have with other board members and *move on* to the next issue. As a matter of

ethical practice, board members should accept decisions made by a majority vote.

- Should remember it is your responsibility as a board member to support the majority decision of the board, in all circumstances.
- Should contribute to the positive atmosphere at board meetings. Courtesy to other board members, attentive listening and calm discussions all promote harmony on a board.
- Should stay on focused *on the issue at hand*. If meetings become off-track, the quickest way to get out of this situation is for the Chair or another board member to redirect the member.
- Should as a unified body serve as a representative of the community. The board must take credit and blame as a team.
- Should recognize that members of the board have equal rights to voice their opinions on matters of concern to the board. Each member also has a responsibility to do an equal amount of work, to follow policies developed by the board as a whole, and to also accept his/her fair share of criticism. It is destructive for a member who disagrees with a majority vote to cause community unrest and dissension concerning the issue.

### **Effective Board Communications**

To find out if you are contributing to effective and productive discussions, work through the following checklist:

As a board member, do I ...

- Make an effort to prepare for meetings by reading the agenda and supporting materials.
- Take part in all discussions on issues that come before the board for action.
- Keep my discussion focused on the issue at hand and limit my comments to a reasonable amount of time.
- Understand the basics of parliamentary procedure.
- Get along with other board members by being flexible and practicing the art of compromise. Above all, be polite.
- Listen to the comments of other board members.
- Work toward consensus on issues.
- Focus on the ultimate mission of the organization and the needs of those whom it serves, rather than those of any special interest group or personal agenda.

### **TOWN BOARD APPOINTEES**

A major responsibility of the Town Board is its working relationship with its three appointed officers: the Town Manager, the Town Attorney, and the Municipal Judge.

The Town Board regularly reviews the performance of its appointees and sets their compensation. The Town Manager and Town Attorney serve at the pleasure of the Town Board. The Municipal Judge is appointed by the Town Board and by state statute may only be removed during that term for bad conduct in violation of the empowering statute.

### **CITIZEN BOARDS AND COMMISSIONS AS ADVISORS**

The Town currently has several Advisory Boards and Commissions, which include the Planning Commission, Board of Adjustment/Appeals, and Tree Board. These boards have various responsibilities and are made up of citizen volunteers. As the Town continues to grow, additional advisory boards may be added. With the exception of the Planning Commission and the Board of Adjustment/Appeals, the role of these boards and commissions is to act exclusively as advisors to the Town Board. The Advisory Boards and Commissions assist the Town Board in its policy-making role by reviewing issues or proposals and by providing recommendations to the Town Board about actions that the Board may be considering.

The Planning Commission and Board of Adjustment/Appeals have certain specific roles granted to them under state law. With regard to the Board of Adjustment/Appeals, decisions of that board are final and not subject to review by the Town Board. The Planning Commission is vested with certain decision-making responsibilities regarding the development of a Master Plan for the community.

Town Board Members may receive liaison assignments from the Mayor to serve on citizen Advisory Boards and Commissions.

**Town Board Liaison:**

- Should prepare for meetings and workshops by reviewing packet materials in advance.
- Should contribute to the positive atmosphere at board meetings. Courtesy to other board members, attentive listening and calm discussions all promote harmony on a board.
- Should communicate Town Board decisions and projects to the Advisory Board.
- Should communicate Advisory Board actions to Town Board.

**ROLE OF MAYOR AND MAYOR PRO TEM**

In addition to their roles as Town Board Members, the Mayor and Mayor Pro-Tern have additional responsibilities.

The Mayor acts as Chair for Board meetings, acts as the head of Town government for ceremonial functions, and signs legal documents, which require the Mayor's signature.

The Mayor Pro-Tem's responsibilities are to act as the Mayor in case of absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro-Tem will fill that vacancy.

**Board Chairman:**

- Should prepare for meetings and workshops by reviewing packet materials in advance.
- Should preside at all regular and special meetings of the Board, or designate Chair to preside.
- Should decide all points of procedure according to Robert's Rules of Order.
- Should designate date, time, and location of monthly meetings.
- Should determine if a quorum is present and call meeting to order.

- Should bring business before the meeting according to the order of business.
- Should recognize members who seek and are entitled to the floor.
- Should put all legitimate motions before the group.
- Should enforce the rules of debate, and grant all members to speak subject to rules and limits of debate.
- Should conduct the votes on all questions and determine and announce the results.
- Should rule improper motions out of order.
- Should decide questions of order or ask the members to decide when you're in doubt.
- Should respond to parliamentary inquiries or points of information (no designated parliamentarian).
- Should conclude the meeting by declaring it adjourned when voted by the members, when the appointed hour for adjournment arrives, or when there is an emergency and safety demands it.
- Should follow and cause to be followed appropriate policies and procedures of the Town of Kersey, Town policies, and Robert's Rules of Order.
- Should, along with the Board, expect assistance, cooperation, and professional leadership from the director/staff liaison.

## MEDIA RELATIONS

As a Board member, you will likely be approached by members of the media for comments on various matters. It is important to remember that any comment you make should reflect the overall views of the Board.

Board members may be contacted by the media for background and quotes.

**The best advice for dealing with the media is never go "off the record".** Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word, but one bad experience can be catastrophic. Words that are not said cannot be quoted.

**The Mayor is the official spokesperson for the official Town position.** The Mayor is designated to present and speak of the official Town position for a given issue. If an individual Board member is contacted by the media the Board member should be clear about whether their comments represent the *official* Town position, or a personal viewpoint.

**Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sarcasm or word play. It is never appropriate to use personal slurs or foul language when talking to the media.

Some simple guidelines for dealing with the media include:

- **Making the right impression** - Be courteous, calm and collected. Be aware of body language, and do not assume defensive poses. Make eye contact. Avoid the temptation to be discourteous when asked difficult questions; it could make a lasting negative impression.
- **Always tell the truth-** Stick to the facts; don't speculate, or comment on issues where you don't have all the background information. If you don't know the answer, simply say so. Don't *under* or *overestimate* what the reporter already knows. Provide facts necessary to

write the story, without revealing more information than is needed.

- **Keep it simple** Clear, concise answers leave little room for errors or distortions.
- **Don't say "no comment"** The question will not go away simply because you don't respond. Responses like *"it would be premature for me to comment on the issue"* or *"I would like to gather more information before commenting"* would be more appropriate.
- **Respect deadlines** -Return phone calls promptly, even if only to ask for time to gather facts regarding their questions. Keep appointments and follow-up in a timely fashion.
- **Deliver your message** -If there are still important points to be made, make them. This is your opportunity to inform the public about issues important to the community.
- **Avoid humor**, Jokes can be interpreted differently than they were intended. Sometimes they backfire.
- **Correct errors and misleading information-** Don't hesitate to set the record straight. Tactfully let the reporter know about erroneous information. Unless the report contains gross inaccuracies, don't demand a correction or retraction. Letters to the editor often drag out a bad situation over a number of days know when to leave well enough alone.

## ETHICS

Government representatives must adhere to the highest ethical standards. Chapter Two of The Kersey Municipal Code defines standards of conduct for Town officials, public body members and employees. Become familiar with these guidelines. *It is important that the public has confidence in the integrity of its government.*

Many Town Managers are members of the International City/County Managers Association (ICMA). The ICMA Code of Ethics follows:

**Tenet 1.** Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

**Tenet 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

**Tenet 3.** Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

**Tenet 4.** Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

**Tenet 6.** Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

**Tenet 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participating in the election of the members of the employing legislative body.

**Tenet 8.** Make it a duty continually to improve the member's professional ability and develop the competence of associates in the use of management techniques.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service. **Tenet 10.** Resist any encroachment on professional responsibilities, believing that a member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

**Tenet 12.** Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

## **TOWN STAFF ROLES**

Kersey Town Staff members are supervised by the Town Manager who is a direct appointee of the Town Board. Town Staff members are responsible for the day-to-day functioning of the Town's overall service area. Members of the staff are trained in a wide variety of disciplines, including financial, engineering, construction trades, law enforcement and administrative support. Specific contact between members of the Town Board and Town Staff members is through the Town Manager.

### **TOWN MANAGER**

The Town Manager is appointed by and serves at the pleasure of the Town Board. This position requires an employment agreement that outlines the conditions under which the Town Manager works for the Town Board, and the Town Manager's compensation and benefits.

The Town Manager is responsible for the day-to-day management of the organization and the supervision of all Town Staff members. The Town Manager is ultimately responsible for the hiring, disciplining, directing and evaluating of Town Staff members, though many of those responsibilities are delegated to the various department heads.

The Town Manager serves as the primary clearing house for all requests from the Town Board. As a matter of course, the Town Board works with the Town Manager to establish priorities and goals for the organization. This direction takes place both at Town Board meetings, work sessions and other meetings as needed.

## **TOWN BOARD SUPPORT**

A request from a Town Board Member for information or services should be made through the Office of the Town Manager, or Town Clerk if the Town Manager is not available. A request can be initiated in person, by phone, or by e-mail. Staff will track the information and the Town Manager or Town Clerk will get a response back to the Town Board Member in a timely manner.

Requests may include:

- Follow-up and tracking of service requests (i.e., citizen complaints, etc.);
- Open and route Board mail;
- Coordinate the preparation of response letters on behalf of the Town Board
- Track Board invitations;
- Prepare Board information packets for delivery on the Friday before each Town Board meeting;
- Assist with processing Board paperwork; and
- Generally coordinate the logistics of all activities in which the Town Board participates.

### **Director/Staff Liaison:**

- Should prepare for meetings and workshops by reviewing packet materials in advance.
- Should serve as the principle adviser to the board on all matters pertaining to Town administrative issues.
- Should be responsible for seeing that the policies and directives of the Town are followed.
- Should be responsible for seeing that the policies and directives of the board are implemented.
- Should be expected to recommend changes in policies whenever it seems necessary.

Without exception, the director/staff liaison should put into effect the policies and plans adopted by the board, once approved by Town Board.

## **TOWN ATTORNEY**

The Town Attorney is appointed by and serves at the pleasure of the Town Board. The Town Attorney's office provides contract legal services to the Town Board and the various Town operating departments as well as representing the Town in civil cases and in Municipal Court. The Town Attorney also serves in an advisory capacity by interpreting federal, state, and local laws and statutes as they pertain to the conduct of Town business and services.

### **Requesting Legal Opinions**

The Town Attorney's office works closely with Town staff to provide legal input with regard to service requests. Additionally, if a Town Board Member has a question that deals primarily with a Town related legal issue, that question can be submitted to the Town Manager, either in person, by telephone, or by electronic mail. If a particular question from an individual Town Board Member will require substantial legal research, the Town Attorney may provide a preliminary opinion and seek Town Board direction as to whether further research is

warranted.

## **MUNICIPAL COURT**

The Municipal Court is responsible for administering the operations of the judicial branch of Town government according to the ordinances adopted by the Town Board. The Municipal Judge is appointed by the Town Board. Cases adjudicated in Municipal Court involve misdemeanors, traffic violations, and other code violations. Generally, cases are brought to the Kersey Municipal Court by the Kersey Police Department and, in some cases, by other Town departments such as the Planning Department where building code violations are alleged.

## **TOWN BOARD ACTIONS**

### **TYPES OF TOWN BOARD MEETINGS**

There are several types of meetings that Town Board Members participate in on a regular basis. Each type of meeting is established to accomplish certain tasks that are important in the Board's role as policy makers.

#### **Regular Board Meetings**

The Town Board meets in regular session the second and fourth Tuesdays of each month at 7:00 p.m. These are the "business" meetings of the Town Board at which ordinances and resolutions are considered. Citizen participation is included in these meetings.

#### **Public Hearings**

Public Hearings take place during Regular Board Meetings, to seek input from the public on topics of interest to citizens, including, but not limited to Liquor Licenses, Annexations, Zoning, Conditional Use Grants. The following is an example of how to conduct a Public Hearing:

1. Mayor opens Public Hearing
2. Staff reports findings
3. Applicant presents position on issue
4. Mayor calls for input from audience, requesting that comments be limited to five minutes in length
5. Mayor calls for discussion/questions from Board
6. Mayor calls for motion to close Public Hearing

#### **Town Board Work Sessions**

These meetings, which are informal working sessions, are normally held at 6:00 p.m. before a regular Town Board meeting or on non-regular meeting Tuesday evenings. At these meetings, Town Board Members discuss upcoming issues with staff, review agenda issues, conduct in-depth study of an issue, or conduct other discussions. The public may attend work sessions but must first be recognized by the Mayor to participate in the discussion.

#### **Special Board Meetings**

A special meeting can be called on by the Town Manager or on the written request of two Town Board Members to conduct official business. A special meeting may be held only after written notice is posted at least 24 hours prior to the meeting stating the time, place, and

purpose of the meeting.

### **Executive Sessions**

Executive sessions are closed meetings called by a two-thirds vote of the quorum present of the Town Board during a regular or special board meeting. The purpose of executive sessions is to consider personnel matters, legal matters, and certain contractual matters. No formal action may be taken in an executive session.

### **Board/Staff Meetings**

The Mayor meets, as needed, with the Town Manager to discuss upcoming agendas and other issues. These meetings are held in the Manager's office at Town Hall.

### **STRUCTURE OF THE BOARD AGENDA**

Regular meetings of the Board have an agenda that is used consistently at each meeting. This agenda is developed by the Town Manager and is provided to citizens who attend the meetings via the Town Clerk so they know what to expect during the meeting. The agenda is posted at the Town Hall and is available on the Friday afternoon prior to the meeting. Agendas and related materials are delivered to Town Board Members by electronic mail on the Thursday evening prior to the 2nd and 4<sup>th</sup> Tuesdays of each month.

The following method is used by the Board for receiving and considering agenda items at its meeting:

- a. Town staff presentation
  1. Description and analysis
  2. Recommendations
  3. Board questions
- b. Citizen input
- c. Board discussion
- d. Board decision

The order of the published agenda will be maintained unless changed by a vote or agreement of the Board.

### **Proclamations and Presentations**

Ceremonial items such as proclamations and presentations are often scheduled at the beginning of a regular Board meeting. Proclamations and presentations are scheduled on the agenda through the Town Clerk's Office. Proclamations are brought forward at the discretion of the Mayor and are not normally considered if they promote a commercial endeavor.

### **Citizen Participation**

A portion of each regular Board meeting is devoted to citizen participation for items not scheduled on the agenda. This section of the meeting is scheduled near the beginning of the meeting and the Mayor may establish individual time limits if a large number of citizens wish to speak.

Before addressing the Town Board, each individual citizen must be recognized by the Chair, come to the microphone at the front of the Chamber, and state his or her name for the

record.

## **The Consent Calendar**

In the Consent portion of the agenda, a number of agenda items are adopted with one motion without discussion. Items in this section of the agenda are usually routine or not expected to be controversial. The Consent Calendar portion of the meeting is intended to allow the Town Board to spend its time and energy on the more complex or controversial items on a lengthy agenda. Any Town Board Member may request that an item be withdrawn from the Consent Calendar for separate discussion as an action item. If an item is "pulled" from the Consent Calendar, it will be heard at the end of the action agenda. Any item on which a Town Board Member is known to have a conflict of interest will not be placed on the Consent Calendar.

## **Board Action**

Following the Consent Calendar, the remainder of the agenda is devoted to items needing individual consideration. Each discussion item is considered and voted on separately.

## **Communications**

This portion of the agenda allows for time so communications from both the Board and staff can be heard.

## **INITIATING ITEMS FOR THE BOARD AGENDA**

The Town Manager has the responsibility of preparing the agenda for all regular and special meetings of the Town Board. Town staff also prepares an agenda item summary and background material for most agenda items.

Town Board Members should use the following to initiate ordinances or resolutions for the consideration of the Board.

### **1. INITIATING WORK ON AN ORDINANCE OR RESOLUTION.**

The source of ideas for new and revised policies may come from Board goals, individual Town Board Members, citizens, boards and commissions, service clubs and organizations, ad hoc task forces, community groups, neighborhood association, Town staff, etc. The following procedures should be followed in determining whether staff resources should be devoted to the initiation of an ordinance or resolution in response to such proposals.

- a) **Board goals.** Upon Board's adoption of its goals, and without further direction from the Board, work on specific ordinances and resolutions implementing the goals and projects established by the Board will commence by Town staff as directed by the Town Manager.
- b) **Other Board initiated ordinances and resolutions.** Work on other ordinances or resolutions can be initiated by the support of three Town Board Members at a regular Board meeting or work session; provided, however, that if any Town Board Member desires that formal action of the Board be taken with regard to

such request, such formal action shall occur at a regular Board meeting and shall require the approval of a majority of the Town Board Members present and voting.

- c) ***Recommendations from Town Board and Commissions.*** If a Town Advisory Board or Commission would like the Town Board to consider adopting a policy or revising eliminating an existing policy, the Advisory Board should contact its Town Board liaison or another Town Board Member and discuss the request. The Town Board liaison or other Town Board Member would then forward the request to the entire Town Board at a regular meeting or work session. The Board liaison may forward with the request his or her comments and/or recommendations with regard to the request. Town Board Members shall then provide direction on whether or not staff should proceed with initiating work on an ordinance or resolution with regard to the request, in accordance with subparagraph (b) above.
- d) ***Staff initiated ordinances and resolutions.*** Staff requests and suggestions for other ordinances and resolutions will be reviewed by the Town Manager and presented to the Town Board as deemed appropriate.
- e) ***Staff follow-up.*** The Town Board will be informed periodically of work proceeding on any ordinance or resolution. Such communications will be particularly important for work that is initiated by an Advisory Board or the Town Manager that is outside the context of full Board gathering.

## 2. DEVELOPMENT OF THE SUBSTANCE OF, AND OPTIONS FOR, AN ORDINANCE OR RESOLUTION.

Once direction has been given to initiate work on a Board ordinance or resolution, preparation of the substance and, if warranted, optional approaches will begin by the Town Attorney and appropriate staff. Guidance may be offered by, or solicited from, Town Board Members as the ordinance or resolution is being developed. If the Town Attorney or Town Manager needs clarification, additional direction or resolution of conflicting approaches to the content in the course of preparing an ordinance or resolution, direction is to be provided by The Town Board or by the Mayor.

If either the Town Attorney or Town Manager is unable to obtain clear direction, or a conflict develops, work by staff on a pending ordinance or resolution will be suspended until such clarification and resolution is provided by The Town Board. The Town Board will be notified, in writing, when staff work on a pending ordinance or resolution has ceased.

## CONDUCT OF BOARD MEETINGS

### Seating Order

The Mayor is seated in the center, with the Mayor Pro Tern seated at his right. Seating order is then determined by the Town Board Members and then stays in place.

### Rules of Order

The purpose of rules of order is to serve as a general guide to various legislative activities and compiles policies relative to actions of the Town Board.

The Town Board generally follows *Roberts Rules of Order* as adopted by Chapter Two of the Kersey Municipal Code. By Colorado law, the Mayor not only chairs the meeting but also participates in the making of motions, discussions, and voting. The following is a simplified version of *Roberts Rules of Order* included for your convenience.

### **ROBERT'S RULES OF ORDER (simplified)**

Robert's Rules of Order have long been used to assure the orderly and efficient conduct of business before Kersey's boards and commissions. Although not intended as an exhaustive review of procedure, the following is a brief overview of how board and commission meetings should be conducted in observance of Robert's Rules.

**The Chair.** The Chair is responsible for regulating the flow of business during a meeting. The Chair announces the Agenda and its components, recognizes board members and others for presentations, and assures the business of the board is clearly noted in the minutes by the Secretary/Clerk. The Chair manages the "floor", the formal privilege to address the board. Board members should respect the Chair's assignment of the floor and yield the floor until recognized by the Chair for this purpose.

**Board business.** The Chair works down the Agenda once the Agenda is approved by the board. Each Agenda item should be addressed by motion in order to assure that no Agenda items are passed over without some form of action. At the conclusion of all Agenda items, adjournment occurs upon motion and the board is no longer in session.

**Motions.** A motion is the tool by which business is properly brought before the board. The presentation of reports or comment from visitors does not place an item of business before the board. Board discussion of a business item should occur only after a motion is made, seconded and repeated ("stated") by the Chair. Any discussion without these formalities is technically out of order. The Chair should insist that, before any discussion takes place, a motion is made, seconded and repeated for the record.

A motion may be modified by its maker before it is seconded or, if the second requests that the motion be stated differently, the motion may be modified with the maker's consent upon its second. However, once the Chair has stated the motion, the motion technically becomes the property of the board, not its maker. If after discussion the board wants to further modify the motion, a motion to amend must be made, seconded and the question then stated as amended before the board votes on it. If a motion to amend is not seconded, the main motion stands for action as stated.

A motion or a second does not indicate support for the question, but only indicates that the maker believes the question should be taken up by the board for discussion and decision.

### **Voting Actions**

The Mayor, who chairs the Board meeting, calls for a vote at the conclusion of the Board discussion of the motion on the floor.

## **Absence of Mayor**

Occasionally, the Mayor may be absent from a Board meeting. The Mayor Pro-Tem will generally chair these meetings, or another Town Board Member may be asked to do so if the Mayor Pro-Tem is unavailable.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinances**

Ordinances are generally legislative acts that establish permanent policy of broad application affecting the citizens of the Town. Each ordinance is presented to the Town Board at least once: The Town Board shall vote to amend, adopt or reject the ordinance; if the ordinance is adopted by the Town Board upon its initial introduction, either as presented or as amended, it shall be published as it was adopted and become effective thirty days after publication. Prior to taking final action on the ordinance, the Town Board shall permit public comment on the ordinance, and then vote to amend, finally adopt, or reject the ordinance.

An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one reading, and shall not require publication prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full.

The final adoption of any ordinance for appropriation of money shall require a majority vote of all Town Board Members in office at the time. Unless otherwise specifically provided by statute or ordinance, all other actions to adopt ordinances shall require the concurrence of a majority of those board members present if a quorum exists. Ordinary ordinances take effect thirty days after their publication.

All permanent ordinances are codified in the Kersey Municipal Code.

### **Resolutions**

A resolution usually denotes an action that is administrative in nature or that gives policy direction in a less formal manner than an ordinance. Resolutions often deal with matters of a more temporary nature, such as statements of opinion or policy not requiring an ordinance, the approval of contracts or agreements, modification of fees, or providing administrative direction regarding particular items of business. Resolutions require a majority vote of the Town Board Members present if a quorum exists and take effect immediately upon approval by the Town Board.

### **Quasi-Judicial Proceedings**

The following information is for the Board's review regarding outside contacts with hearing participants, whether for or against a particular issue that is coming before the Town Board for hearing, whether it be a liquor license application, a re-zoning hearing, subdivision plat, or any other similar matter.

In hearing these types of cases, the Town Board sits as a quasi-judicial body, and the Town Board is restricted to making its findings of facts on evidence presented to them at the hearing. No member of the Town Board should receive or solicit comments from any persons regarding a

matter pending before the Town Board prior to the formal hearing itself. No evidence outside the record presented at the hearing should be considered by the Town Board in arriving at its decision such as conversations with either the applicant or any individual who may be opposed to the application. Some of these persons who are opposed to an application, as an example, may also be constituents or voters of the Town of Kersey; however, if an applicant is denied an application and wishes to appeal the decision to the District Court, any outside contacts prior to the hearing with opponents could be raised as an issue before the District Court.

The ideal situation would be that at a quasi-judicial hearing, you know no information and have received no contacts regarding the matter at hearing, and your decision is based solely on what information you receive at the hearing and nothing else. Regarding contacts from your constituents, sometimes you will need to inform them that the Town Attorney has advised you not to make specific contacts with either party regarding this issue that is pending before the Town Board and advise them to present all their information regarding their objections at the hearing before the Town Board.

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*Site Visits for Quasi-Judicial Hearings*

For Public Hearings regarding zoning, subdivision approval, annexation members of the Town Board may visit the site prior to the hearing that is scheduled provided that no contact is made between the Town Board member and either a proponent or opponent of the matter up for review. A site visit is all that should be made. Town Board members should not in advance visit the site relating to any liquor licensing hearing, re-zoning, or building height modification, as doing so may cause the member to make a decision based on something not presented during the public hearing

***RULES FOR QUASI JUDICIAL HEARINGS***

1. Adequate notice of the hearing must be given. This should be done by publication and posting as much as 30 days but not less than ten (10) days prior to such hearing.
2. All parties have the right to present evidence in support of their positions and to cross examine and to refute other parties' presentations.
3. The decision makers must base their decision only on evidence presented at the hearing, and the decision must conform to the evidence presented at the hearing. Motion (taking action) may briefly state those facts which are persuasive and may also state the conclusion drawn from these facts and the application of those conclusions to the criteria set forth in the ordinance or statute.
4. The decision makers must be impartial and the hearing must be conducted in a fair manner.
5. No evidence outside the record may be considered by the decision makers in arriving at the decision (such as statements made before or after the hearing, as well as other information received by the decision makers, such as conversations with affected parties outside the bearing)
6. There are no technical rules by which to consider the relative values of evidence presented at the hearing; however, the evidence upon which a decision is based must be competent

(presented by one who has proper interest in a matter) and must relate to the subject matter of the hearing. The evidence must also be reliable and believable by reasonable persons.

7. Members of the decision-making body may individually inspect the premises which are the subject of the hearing prior to or during the hearing; however, this inspection should constitute only the familiarization, and no comment pertaining to the matter should be solicited. The body may visit the premises as a unit after giving notice to all parties, and the parties may be present to answer questions.
8. No member of the decision-making body should participate in the decision unless he or she has been present for the entire proceeding or has reviewed all of the evidence presented.

### **Liability Issues**

Municipalities are continually faced with liability issues. To help mitigate this fact, municipalities purchase general liability insurance and have some protections under the governmental immunity act and common law immunity. As a Town Board member, you are considered an agent of the Town and are generally afforded the protections listed above.

There are certain situations in which Board members may not be covered under the governmental immunity act or common law immunity. Board members may not be covered from liability and could be held personally responsible if an act or omission resulting in a claim did not occur during the performance of your municipal duties or if the act is viewed as "willful" or "wanton" conduct. Willful and wanton conduct can be described as conduct "purposefully committed which the actor must have realized as dangerous, done heedlessly and recklessly, without regard to consequences, or of the rights and safety of others, particularly the plaintiff."

Generally, your actions as a Board member will afford you personal liability for normal course of action and conduct.

### **Public Records**

As members of the Town Board, you will be subject to information that will range from "confidential" to "sensitive" to "public information".

Much of the information you receive is public information. However, there are times when certain information you receive is "confidential". This information will usually be labeled as such and should be treated accordingly. State statute governs public and non-public information. An example of such information could be information labeled "Attorney/Client Privileged" information. Confidential information can be discussed in "executive sessions" providing the procedures for executive session are followed.

Some information that you may receive could be sensitive information, but not necessarily confidential. Such information could be draft documents or study items that in "draft" form may not necessarily benefit the overall public by openly sharing this information. The reason for this is that the "final" version of the document could vary significantly from the "draft" version and could therefore create confusion if share prematurely with the general public.

As Town Board members, you are covered from exposure or liability with the corporate veil of the Town during our normal course of business. However, if anyone of us acts outside of these boundaries, you could face personal exposure and liability.

## **GENERAL BOARD INFORMATION**

### **TOWN BOARD PACKETS**

Information is provided to the Board on every Friday evening before Tuesday Board meetings and work sessions. These packets include information for Board meetings, correspondence received by mail or hand delivered from citizens, invitations, memos from staff, notices of conferences, press releases, etc. Packets will be sent electronically to Town Board Members to their individual Town of Kersey emailaddresses.

### **TOWN BOARD APPLE iPad/MICROSOFT SURFACE TABLETS**

Each Town elected official will receive a tablet for his or her official use which will be returned to the Town when the term of office is concluded. The tablets are primarily intended for Town business but can be used for other purposes as needed. Data kept on Town-owned computers may be considered "kept and maintained" by the Town under the Colorado Open Records Act and could be subject to an open records request.

### **USE OF TOWN BOARD TABLETS DURING MEETINGS**

Town elected officials will have access to the Town's computer system while in the Town Board Chambers. Town-issued tablets may be used during public meetings for review and display of documents, note taking, internet-based research of questions raised and any other lawful purpose not inconsistent with the duties of public officials. The tablets shall not be used for transmitting and/or receiving data, including but not limited to e-mail, to or from any person during any meetings convened for the conduct of public business. If there is a specific request to transmit specific documents or images via electronic mail by the Town Clerk, Town official or staff, this restriction may be removed.

### **BOARD INVITATIONS**

Invitations are normally received in the Town Manager's office for the Mayor and Town Board Members by three methods: mail, telephone calls, or personal messages. If the invitation comes in too close to the time of the event for the Board to be notified via the packet, an electronic message will be sent giving the specifics of the invitation, including RSVP deadlines. If you prefer, the Town Clerk will respond on your behalf to any invitation.

Invitations addressed to the Mayor can be relayed in person, by a phone call or via electronic mail. If the Mayor accepts, the Town Clerk will RSVP and get any relevant details, i.e. length and content of speech, contact person, meal arrangements, etc. If the Mayor declines, the Town Clerk will offer the invitation to the Mayor Pro-Tern. If the Mayor Pro-Tern declines, the Town Clerk will offer the invitation to a Town Board Member by area of interest.

### **BOARD MAIL**

Some Board mail will be sent to Town Hall. If you receive a letter at your home or place of business which would be of interest to the full Board, please bring it to the Town Clerk's Office. The Town Clerk will distribute it to other Town Board Members.

The Town Clerk's office opens all Board mail, unless notified by a Town Board Member to leave

it sealed. The mail may be addressed to "Mayor" or "Town Board." The Town Clerk examines each piece of mail and determines whether to forward it to the addressee only, or share the mail with all Town Board Members and the appropriate staff.

## **TOWN BOARD MEMBER SCHEDULES**

It is beneficial for staff to have general information about Town Board Member work schedules, business trips, vacations, etc. The Town Clerk is often asked to assist staff and the public in contacting Town Board Members. This is easier to do if staff knows when you plan to be out of town. The details of your personal travel will be used discreetly.

## **CONFERENCES, SEMINARS OR SPECIAL MEETINGS**

As a Town Board Member, you will have occasion to attend conferences and seminars. If you see or hear about an event that you would like to attend, bring the registration sheet to the Town Clerk and it will be processed for registration and payment. If you pay for an event yourself, either by cash or credit card, drop off your receipt with the Town Clerk for reimbursement. You may have a guest attend with you, but the Town will only pay for your share of the expenses.

Conferences and seminars provide information and training on policy development, municipal issues, citizen involvement, etc. Examples of conferences and seminars you might attend include:

Colorado Municipal League Legislative Workshops  
Colorado Municipal League Annual Meeting

## **TRAVEL ARRANGEMENTS**

When attending an out of town conference or meeting, the Town Clerk's office will make travel arrangements for you in advance of the trip. Please let the Town Clerk know as soon as possible when you wish to attend an out of town conference and we will work with you to establish convenient travel dates, accommodation preferences, etc.

Hotel, conference registration, car rental or taxis, mileage or shuttle expenses, and meal expenses will be paid by the Town. Documentation needed for out of town travel and in-town meals must include the receipt as well as the place or location, the business purpose and the time or date. The Town Finance Department may provide daily per diem dependent upon destination of travel.

You may have a guest travel with you, but the Town will only pay for your share of the expenses.

## **MILEAGE REIMBURSEMENT**

Town Board Members are entitled to reimbursement for mileage at the IRS prevailing rate while conducting Town business. You may submit mileage reimbursement to the Town Clerk Department.

## **BOARD PAY**

Town Board Members are compensated on a per meeting basis. Checks are electronically deposited to Town Board Members' personal bank accounts. New Town Board Members will be asked to provide information to the Town's payroll office such as a Social Security Number,

proof of citizenship (i.e., a Social Security Card, driver's license, birth certificate and/or other proof of citizenship), and a W-4 tax withholding form. W-2 tax forms will be provided to Town Board Members in January of each year for income tax filing purposes.

## **COMMUNICATION METHODS**

The most common communication methods utilized by staff are telephone and electronic mail. The Town Manager is available by phone (home and cell phone), including after regular business hours. The Town Manager, Department Heads and all staff members have website addresses that include the individual's first name initial, complete last name followed by Kerseygov.com - (i.e. [tkersey@kerseygov.com](mailto:tkersey@kerseygov.com)).

## **TOWN WEB PAGE**

The Town operates its own web page for the benefit of our citizens. It can be found at [www.Kerseygov.com](http://www.Kerseygov.com)

### **Suggestions for Successful Public Service Colorado Municipal League**

The following items are taken from the Colorado Municipal League Handbook for Municipal Elected Officials.

Governing is clearly more of an art than a science. There are no ultimate answers on how to govern; different approaches are to be expected, and probably desired. However, there do seem to be some fundamentals. The suggestions that follow range from practical, common-sense fundamentals to those more philosophic and theoretical. These tips for successful and effective public service are intended to assist you. While most suggestions relate to individual officers, others apply to the governing body as a whole. These two applications, however, are interdependent- the capacity of a governing body to govern effectively is dependent on the collective capacities of at least a majority of its membership. These suggestions are not in any priority order, and not all are universally accepted. All of them, however, are worth consideration by anyone who would serve the public through an elective local office.

1. Learn all you can about your Town, its history, its operation, its financing.
2. Devote sufficient time to your office and to learning the problems of your community.
3. Don't bum yourself out on the little things but recognize that they are often important to the public. Save some energy and time for the important matters.
4. Governing a Town requires team effort ---practically and legally.
5. Don't let differences of opinion within the governing body degenerate into conflicts.
6. Be wary of personal experiences coloring your public decisions.
7. Take your budget preparation job seriously, it determines what your Town does or does not do for the coming year and will influence what happens in future years.
8. Establish policy statements. Written policy statements let the public, and the Town staff, know where they stand.
9. Make decisions on the basis of public policy and be consistent; avoid favoritism.
10. Be proactive - filling potholes are one approach to governing; developing plans to prevent them is more important.
11. Don't be misled by the demands of special interest groups. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
12. Don't rush to judgment. Avoid "crisis management."

13. Don't be afraid of change. Don't be content to just follow the routine of your predecessors. Charge your appointed officers and employees with being responsible for new ideas and better ways. Listen to what they have to say.
14. Don't give quick answers when you are not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing to be wrong.
15. Don't make promises you can't deliver! Most decisions and actions require approval of the governing body, and this takes a majority vote.
16. Remember that you have legal authority as a governing body member only when the governing body is in legal session.
17. Don't spring surprises on your fellow governing body members or you Town staff. If a matter is worth bringing up for discussion, it's worth being on the agenda.
18. Participate in official meetings with the dignity and decorum fitting those who hold a position of public trust. Personal dress and courteous behavior at meetings help create an environment for making sound public decisions.
19. Conduct your official public meetings with some formality and follow the rules of procedure. Have an agenda and follow it.
20. Don't be afraid to ask questions. It is one of the ways we learn.
21. Vote yes or no on motions - don't abstain except when you have a conflict of interest.
22. Once a majority decision of the governing body has been made, respect that official position and defend it if needed, even if you personally disagreed.
23. Respect the letter and intent of the open meetings law, but also keep private and confidential matters to yourself. Don't gossip.
24. Retain competent, key employees, pay them well, trust their professional judgment and recognize their authority and responsibilities.
25. Don't bypass the system! Avoid persona involvement in the day-to-day operations of the municipality.
26. Don't pass the buck.
27. Don't always take no for an answer. Be positive!
28. Learn to evaluate recommendations and alternatives. Encourage imaginative solutions.
29. Avoid taking short-term gains at the expense of long-term losses. Be concerned with the long-term future of the Town.
30. In determining the public interest, balance the possible harm to a few versus the good of many – everyone can't be a winner.
31. Remember that Towns are for people. Be concerned with the total development- physical, economic, and social of your community.
32. Don't act as if the Town operates in a vacuum. Towns must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county and school officials.
33. Know your neighbors. Get to know the officials of neighboring and similar size Towns. Visit other cities, particularly those with a reputation of being well run.
34. Learn to listen - really listen - to your fellow governing body members and the public. Hear what they are trying to say, not just the words spoken.
35. Keep your constituents informed and encourage citizen participation.
36. Be friendly and deal effectively with the media.
37. Expect, and respect citizen complaints. Make sure that your governing body members and your Town have a way to deal effectively with them. Have a follow-up system.
38. Think before you speak - the public is always listening.
39. Avoid rumors.
40. Appoint capable advisory committees and follow their advice.
41. Never allow conflicts of interest to arise between your duties and your private interests.
42. Pace yourself --set goals and priorities.

43. Seek help when you need it.
44. Focus on the future - try to leave your Town better than when you were elected.
45. Check your progress - review your goals and vision.
46. Be a leader AND a team member.
47. Review processes and procedures --evaluate strengths and areas for improvement.
48. Be enthusiastic.
49. Enjoy your role in government - don't take yourself or you position too seriously.
50. Celebrate - let the public share your success

### Ethics and Conflicts of Interest for Municipal Officials and Employees

As a statutory town, Kersey is governed by certain state statutes which relate to ethics and conflicts of interest for municipal officials and employees. It is very important for Town Board Members to review and be familiar with these provisions.

As questions arise, Town Board Members are encouraged to contact the Town Attorney to request an interpretation of the statutory provisions as they may apply to a particular fact situation. Additionally, the Colorado Municipal League regularly conducts seminars and workshops for elected officials, a portion of which is dedicated to ethics and conflicts of interest. In fact, a portion of the outline which follows is taken from a presentation made by Geoffrey Wilson, General Counsel for the Colorado Municipal League, at a workshop in January 1994. Typically, these seminars and workshops are very valuable, and Town Board Members are encouraged to make time to attend.

- I. Ethics and conflicts of interest for municipal officials and employees are covered by three areas of the Colorado statutes. Each of these areas is summarized and can be found at the section of the *Colorado Revised Statutes* indicated.
  - A. Colorado "Code of Ethics" for Public Officials and Employees, § 24-18-101, et seq., C.R.S., discusses **rules of conduct** for local government officials and employees and contains **limitations concerning interests in contracts**. Violation of the rules is a violation of the public trust and may result in prosecution. The rules are as follows:
    1. A local government official or employee shall not disclose or use confidential information, acquired in the course of his or her official duties, in order to substantially further his personal financial interest. A *financial interest* is an interest held by an individual in the form of an interest in a business, a creditor interest in an insolvent business, employment or prospective employment, an ownership interest in real or personal property, a loan or other debtor interest, or a director or officer in a business.

It is important to note that this section only applies to *confidential information* and that the definition of *financial interest* only addresses the specific interests identified above

2. A local government official or employee shall not accept a gift of substantial value, or substantial economic benefit equal to a gift of substantial value, when such gift or economic benefit would

improperly influence a reasonable person in the discharge of his or her public duties, or which a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him or her for an official action taken.

The economic benefit referred to in this section includes an actual gift as well as a loan at a substantially reduced interest rate and compensation which is received for private services rendered at a rate substantially exceeding the fair market value of such services.

The statute specifically identifies several items that are not considered as gifts. Generally, those items include campaign contributions reported under the Colorado Campaign Reform Act, honoraria, and items of perishable or nonpermanent value such as meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events.

3. A local government official or employee shall not engage in a substantial financial transaction for his or her private business purposes with a person whom he or she inspects or supervises in the course of his or her official duties.
4. A local government official or employee shall not perform an official act directly and substantially affecting, to his or her economic benefit, a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative or agent. It is the obligation of any member of a governing body who has a personal or private interest in any matter pending before the governing body to disclose such interest to the governing body and to refrain from voting thereon or attempting to influence the decisions of other members of the governing body in voting on the matter. There is an exception to this rule which allows the member of a governing body to vote where the member's participation is necessary to obtain a quorum. In this event certain disclosure procedures must be followed which include a written disclosure to the Secretary of State concerning the amount and nature of the financial interest.
5. A local government official or employee may not have an interest in any contract made by him or her in his or her official capacity or by any body, agency or board of which he or she is a member or employee. The applicable statute sets out a number of exceptions to this restriction including interest in a contract where adequate disclosure has been made. **This is a complicated area of the statute and should issues arise in this area, Town Board Members should contact the Town Attorney for clarification.**

- B. Restrictions on voting in cases where members of municipal governing bodies have a personal or private interest, § 31-4-404(2) and (3), C.R.S.

In addition to the Code of Ethics provisions discussed above, there is a separate section of the Colorado statute which addresses **conflicts in voting**. These statutory provisions are very similar to the Code of Ethics requirements and generally provide that any member who has a personal or private interest in any matter proposed or pending before the governing body shall disclose the interest, shall not vote, and shall not attempt to influence the votes of other members. Again, similar to the Code of Ethics, there is an exception where a member's participation is necessary to obtain a quorum and disclosure is made in writing to the Secretary of State pursuant to the Colorado Code of Ethics prior to the vote.

- C. Disclosure requirements for public officials as to conflicts of interest are addressed at§ 18-8-308, C.R.S. (in Colorado Criminal Code) and§ 24-6-203, et seq., C.R.S. (Public Official Disclosure Law).

The Colorado Criminal Code contains **disclosure requirements** which, in addition to the Public Official Disclosure Law (addressed in Appendix 2), apply to local government officials and employees. The relevant section of the Colorado Criminal Code makes it a misdemeanor to fail to disclose a conflict of interest. For purposes of the Criminal Code, a *conflict of interest* is defined as a situation where a public servant owns or controls a substantial interest in any nongovernmental entity which is participating in a transaction with the governing body served by the public servant. The Criminal Code requires disclosure to the Secretary of State in a similar manner to the Colorado Code of Ethics but has a specific time requirement that is set at seventy-two (72) hours prior to the action to be taken by the public servant.

## II. Summary

- A. As you can see from the foregoing, Colorado law regarding ethics and conflicts of interest for municipal officials and employees is something of a patchwork and is, at best, ambiguous and, at worst, contradictory. **Whenever a Town Board Member has any question, however small, about a potential ethical or conflict of interest situation, the best rule of thumb to follow is to seek the advice and counsel of the Town Attorney.**
- B. The following informal list of "do's and don'ts" may be helpful as guidelines with regard to matters of ethics and conflict of interest:
1. **DON'T** use confidential information for personal benefit.
  2. **DON'T** accept gifts or any economic benefit as a reward or inducement in connection with your job as a Town Board Member.
  3. **DON'T** engage in transactions with Town employees.
  4. **DON'T** perform any official act which might benefit you or your business.

5. **DON'T** perform any official act with regard to a contract in which you may have a personal or business interest.
6. **DO** make complete disclosure of any potential conflict of interest prior to taking any official action.
7. **DO** contact the Town Attorney if you have any questions whatsoever concerning matters of ethics or conflict of interest.

### **Public Official Disclosure Law**

In addition to the disclosures required by the Colorado Code of Ethics and the Colorado Criminal Code (addressed in Appendix 1) there are additional disclosure requirements in the Colorado statutes which extend beyond matters of ethics and conflicts of interest. Those additional requirements are contained in the Public Official Disclosure Law found at § 24-6-203, *Colorado Revised Statutes*.

In summary, the Public Official Disclosure Law requires Town Board Members to file an annual report on or before January 15 of each year specifying any gifts or other gratuities which they may have received within the preceding calendar year in connection with their public service. This report must be made to the Secretary of State on forms which can be obtained from the Town Clerk. If a Town Board Member has not received any gift or gratuity in connection with his or her public service in the preceding year, it is not necessary to file such a report.

Gifts or gratuities contained within the Public Official Disclosure Law which require a report include the following:

1. Any money in excess of \$53
2. Any gift of real or personal property with a value of more than \$53
3. Any loan of \$53 or more
4. Any payment for a speech, appearance or publication
5. Tickets to any sporting, recreational, educational, or cultural event for any single event with a value of \$53 or more
6. Payment of or reimbursement for certain actual and necessary expenses for travel and lodging for attendance at a convention or other meeting where the Town Board Member is scheduled to participate, unless the payment or reimbursement is made from public funds
7. Any gift of a meal at a fund-raising event of a political party

The following items are not included within the Public Official Disclosure Law and need not be reported:

1. A contribution which has otherwise been reported under the Fair Campaign Practices Act

2. Items of perishable or nonpermanent value other than tickets and meals as previously identified
3. An award which does not involve money and is publicly presented by an organization in recognition of public service
4. Payment or reimbursement for actual and necessary expenses when such expenditure comes from public funds
5. Payment of salary

The watchword for Town Board Members in complying with the Public Official Disclosure Law is to take care to identify all gifts or gratuities which are received *in connection with* public service, thereafter to identify whether the gift or gratuity is covered by the Law, and then to be sure to file an annual report as required by the Law.

If you have any questions concerning the Public Official Disclosure Law or its interpretation, you should feel free to contact the Town Attorney for a legal opinion.