



MANUAL FOR COMMISSION AND  
COMMITTEE APPOINTEES

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Information, Rules, and Procedures

# MANUAL FOR COMMISSION AND COMMITTEE APPOINTEES

## Town of Mead, Colorado

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Prepared May 2019 By:



6530 S. Yosemite Street • Suite 200  
Greenwood Village, CO 80111  
Phone 303.459.2725

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\*Only applies to Planning Commission.

# Overview: Town Governance & Creation of Committees

The Town of Mead was incorporated in 1908 as a statutory town under the laws of the State of Colorado. Unlike a home rule municipality, governed primarily by its own charter, a statutory municipality is governed under state statute. Town residents elect the mayor and members of the governing body, the Board of Trustees. The Board of Trustees has the ultimate legal and financial authority to establish and articulate policy for the Town. The Mead Municipal Code (“Code”) fleshes out local regulations, which are subject to state law. The Board of Trustees appoints the Town Clerk and Town Manager, as well as the Town Treasurer, Town Attorney, and other individuals to fill appointed roles, pursuant to the Code.

State statute also gives the Board authority to create the Planning Commission, whose purpose is specifically related to land use as described further below. In addition, Chapter 3 of the Code provides for the appointment of boards, commissions, and committees (referred to as “**Chapter 3 Committees**” in this Manual) at the discretion of the Board of Trustees, to serve in an advisory capacity. The Board may create boards, commissions and committees to conduct research, evaluate issues and make recommendations to the Board of Trustees. *Code § 3-1-10.*

In addition to the Planning Commission and Chapter 3 Committees, the Board of Trustees may create *ad hoc* committees on an as-needed basis. *Ad hoc* refers to committees convened for a particular purpose, and once the purpose is fulfilled and a final report is made to the Board of Trustees, the committee is considered discharged. As of May 2019, the Town of Mead has one *ad hoc* committee.

## Existing Commissions and Committees & Scope of Authority

### **Planning Commission:**

- Prepares and maintains Town’s Master Plan and Three-Mile Annexation Plan (Comprehensive Plan);
- Implements the Land Use Code;
- Makes recommendations to Board of Trustees as to approval or denial of land use applications based on Code criteria and conducts hearings regarding same; and
- Conducts hearings regarding land use code amendments and makes recommendations to the Board of Trustees regarding same.

*Code § 2-7-20.*

## **Chapter 3 Committees:**

### **Community Events Committee**

- Advises Board of Trustees and staff on matters relating to planning, development and operation of community events, including agreements that impact community event activities and facilities; and
- Provides advice on specific questions or topics referred to the Committee by the Board of Trustees.

*Code § 3-3-30.*

### **Finance Committee**

Broadly, reviews and makes recommendations to Board of Trustees regarding Town budget, long-range financial plan, investments and financial management as requested by the Board of Trustees, including:

- Reviews annual budget and makes recommendations to the Board of Trustees;
- Reviews and makes recommendations regarding annual auditor's report;
- Reviews and monitors Town's cash management;
- Reviews and monitors Town's investment results and recommends policies; and
- Assists in the selection of investment facilitators and managers.

*Code §§ 3-5-20 and 3-5-30.*

### **Parks, Recreation Facilities & Open Space (PROS) Committee**

Advises the Board of Trustees and makes recommendations regarding Town-owned and/or Town-maintained parks, trails, recreation facilities and open space, including:

- Makes recommendations to Board of Trustees as to acquisition, management, control, development and planning of Town facilities;
- Prepares, reviews, revises and updates Town facilities plan for short-term and long-term acquisition, development and maintenance;
- Coordinates Town facilities matters with public and private agencies, including contracts;
- Considers Town facilities policies and makes recommendations to Board of Trustees;
- Addresses any specific issues and questions raised by the Board of Trustees in relation to Town facilities;
- Makes recommendations as to allocation of funds in relation to Town facilities; and
- Serves as the Arts Commission as requested by the Board of Trustees.

*Code §§ 3-2-20 and 3-2-30.*

## **Ad Hoc Committees:**

### **Revenue Generation & Expense Management Visioning Committee**

Makes recommendations to the Board of Trustees regarding revenue generation opportunities, generally, and more specifically:

- Encourages new ideas and explores possibilities for revenue generation and expense management with Town stakeholders; and
- Creates a shared sense of direction and framework for community discussions regarding revenue generation and expense management.

*Resolution No. 15-R-2019: Resolution of the Town of Mead Forming the Revenue Generation & Expense Management Visioning Committee.*

## Membership & Term

The Planning Commission and Chapter 3 Committees have generally the same parameters for membership:

- All members are appointed by the Board of Trustees.
- There are five regular members, with the possibility of one alternate, for a maximum total of six members.
- Members must reside in the Town for at least twelve consecutive months prior to appointment.
- Members must attend at least two meetings of the commission or committee prior to appointment.
- The term for Planning Commissioners and Finance Committee members is four years.
- The term for members of Chapter 3 Committee other than the Finance Committee is three years.
- Terms are staggered so that at most three commissioners or committee members are being replaced in any given year.
- The Finance Committee has additional qualifications: two members must be financial professionals and one must have significant business management experience.

*Code §§ 2-7-30, 3-1-20, 3-1-30, 3-1-40, 3-5-40, 3-5-50.*

### **Removal from Office**

Removal from office may result from three consecutive unexcused absences from meetings, or failure to maintain qualifications. Planning Commissioners may also be removed by the Board of Trustees for cause, as provided in state statute, such as neglect of duty or malfeasance. *C.R.S. § 31-23-203.*

## Meetings

### **General Information Regarding Meetings**

Committees and Commissions must have a regular meeting schedule and should meet at least once per month. Meetings may be cancelled due to a lack of a quorum or lack of adequate business to discuss. In addition to regular monthly meetings, special meetings may be called on an as-needed basis.

- A *quorum*, or majority of members, is required to conduct business. For five-member committees and commissions, at least three members must therefore be in attendance for purposes of any votes or decision-making.

- Alternates members are counted toward the quorum in the absence of regular members for Chapter 3 Committees, but not for the Planning Commission.
  - Without a quorum smaller groups may still convene a regular meeting for purposes of discussion.
- At the first meeting every year, members must elect a Chairperson and Vice Chairperson/Chairman Pro Tem.
    - The Chairperson presides over all meetings, and
    - The Vice Chairperson/Chairman Pro Tem presides over meetings in the Chairperson's absence.
- Meeting minutes are taken as action minutes.
    - Action minutes provide a general overview of actions and topics of discussion at the meeting.
    - A final version of the minutes is approved at the following meeting.
    - The staff liaison retains the minutes in accordance with the Town records retention policy.
- Agendas set out the order of business for a particular meeting and provide notice to the public of what will be discussed (see ***Open Meetings Law*** below).
    - The agenda may be amended by majority consensus, but because the agenda provides notice to the public, the agenda should only be amended to accommodate time-sensitive or emergency matters.
- The Planning Commission adopts rules and procedures pursuant to the Code, and the adopted Procedures and Rules of Order incorporate Rosenberg's Rules of Order regarding parliamentary procedure.
- Chapter 3 Committees are to abide by Bob's Rules of Order pursuant to the Code (see **Appendix A**).
    - The Rules of Order govern any decision-making by a committee, including voting and motions.
- Committees and the Planning Commission coordinate with a staff liaison for purposes of setting agendas and meeting schedules (see **Appendix B** for staff liaison contact information). The staff liaisons role is to:
    - Schedule meeting
    - Coordinate agenda
    - Retain approved minutes
    - Act as custodian of records
    - Serve as resource
    - Facilitate recommendations to the Board of Trustees

*Code §§ 2-7-40, 3-1-40, 3-1-50.*

## Open Meetings

Planning Commission meetings and meetings of Chapter 3 Committees must be open to the public and are subject to Colorado's Open Meetings Law ("OML") (C.R.S. 24-6-401 *et seq.*). Commission and committee members should remember the following about open meetings:

- A "meeting" is when three (3) or more commission or committee members gather for the purpose of discussing public business or taking a formal action. "Public business" refers to discussions and actions related to the making of public policy.
- Group emails, text messages, or other electronic communication *can* be considered a "meeting" (see **Appendix C** for e-mail dos and don'ts).
- A chance meeting or social gathering where discussion of public business is not the primary purpose does not count as a "meeting."
- All meetings must be properly noticed, and members of the public must be allowed to attend.
  - The staff liaison arranges for posting of notices and agendas in places designated annually by the Board of Trustees.
- There are no criminal sanctions for violations of the OML, but any action taken at a meeting held in violation of the OML is void.
- Executive sessions, held for limited purposes of obtaining legal advice on a specific matter, are the exception to the open meetings rule.
  - Planning Commission and Chapter 3 Committees rarely, if ever, convene executive sessions. Please consult with the Town Attorney in advance of any executive session.



## **Public Hearings (applies to Planning Commission only)**

The Planning Commission holds public hearings to consider land use applications and amendments to the Code. Public hearings are distinct from public meetings and are considered quasi-judicial proceedings. During a public hearing, the Commission acts as a panel of judges deciding a case. A public hearing is usually one item on a public meeting agenda, in addition to other business of the Commission. Hearing procedures are set out in the Procedures and Rules of Order adopted by the Planning Commission.

### **Due Process Considerations**

At a minimum, quasi-judicial proceedings require due process, which includes:

- Adequate notice to all concerned;
- A full opportunity to be heard by any person who could be aggrieved (i.e. adversely affected) by the outcome of a decision; and
- A decision that demonstrates adherence to the criteria or standards of the Code, is based on the record, and reflects the reasons underlying the result.

### **Making Findings and Establishing a Record**

To properly establish a record, evidence is presented at the public hearing. Generally as an AIS/staff report, staff and/or applicant presentations, public comment and discussions (see **Appendix D** for a list of common types of evidence that may be considered). An applicant must prove by a preponderance of the evidence that all of the requirements of the Code or other applicable law or regulation are met, and the Commission must be able to show from the evidence presented at the hearing that each of the requirements has been met (or not) when making findings.

### **Ex Parte Communications**

*Ex parte* limitations apply to any issue scheduled for public hearing. *Ex parte* communication is a communication made to a Commission member, by any individual, outside of a public hearing. These communications are prohibited and can invalidate a Planning Commission decision because they can adversely affect due process and the right of the applicant to have a fair hearing (i.e. the applicant has no opportunity to respond to the communication).

## Practice Pointers

- Be prepared: review the staff report, application and supporting documents, ask questions and consider relevant materials and evidence during the public hearing.
- Staff will present review criteria in AIS/staff report. Decisions should show adherence to the review criteria set forth in the Code.
- Consider all of the testimony and evidence presented at the hearing and draw conclusions from the evidence presented and relevant Code criteria.
- Don't let the number of people for or against an application determine your decision. For example, do not be unduly influenced by neighbors/residents voicing their displeasure over a certain development when the application complies with all of the applicable review criteria.
- Rely upon the review criteria and the Code, when stating findings and conclusions in the decision.
- On rare occasion, it may be necessary to continue a hearing and direct staff and/or the applicant to provide additional information at a later date. A motion to continue to a date certain would be appropriate.
- If approached or contacted by someone, including an applicant, about a pending application for public hearing, urge the person to present their comments at the public hearing in writing or in-person. Do not discuss the application outside of the public hearing. Disclose any *ex parte* contacts to the Commission at the beginning of a public hearing. In extreme cases, recusal (withdrawing from the hearing and vote) may be appropriate.

## Ethics and Conflicts of Interest

### Applicability of Ethics Laws

State laws regarding ethics, standards of conduct, and conflicts of interest apply to appointed members of committees and commissions.

- Article 18 of Title 24 of the Colorado Revised Statutes provides ethics for local government officials, defined as “elected or appointed official of a local government.” C.R.S. § 24-18-102.
- Public office positions are held in “public trust,” which means officials are elected/appointed to promote public welfare and not for personal benefit.

State statutes contain standards of conduct governing conflicts of interest, role of local government officials as public fiduciaries, and undue influence on decision-making due to economic interests specifically.

The gift ban of the Colorado Constitution, Article XXIX, described further below, also applies to Town elected and appointed officials. This Article also gives authority for enforcement of all ethics standards, including statutory, to the Independent Ethics Commission

### **Disclosure of Conflict of Interest**

Essentially, a conflict of interest arises when an official action of a committee/commission will or could provide a direct or indirect economic benefit to a committee/commission member or the member's business. In the event of an actual or perceived conflict of interest, members should take the following actions:

- Disclose the conflict or potential conflict to the committee/commission during the meeting, before the vote takes place.
- If the conflict rises to the level where a member is not capable of making an impartial decision, the member should recuse himself or herself from voting and leave the room while the vote takes place.
  - It is best practice that when a member recuses him or herself due to a conflict of interest, that member leaves the room so as not to intentionally or unintentionally influence the remaining voting members.
  - The member may return once the matter has been acted on.

### **Prohibited Conduct**

The following types of behavior are specifically prohibited:

- **No acceptance of gratuities:** May not accept, directly or indirectly, any money, gift, gratuity or other consideration or favor of any kind for performance of an act, or refraining from performance of an act; or that might reasonably be interpreted as an attempt to influence member's action, or reward past action.
- **No use of confidential information:** May not disclose confidential information or use or disclose information obtained in official capacity with intent to result in financial gain.
- **No use of Town time, facilities:** May not use Town resources for personal gain or for private gain to any private person or entity, except as authorized by lease or contract.

**Thank you for your service to the Town of Mead! Please contact your staff liaison with any questions or concerns.**

**I affirm that I have read and understand this Town of Mead Manual for Commission and Committee Appointees and any applicable appendixes.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

*To be returned to Town Clerk upon signature.*

## Appendix A\* - Bob's Rules of Order

### THE ABBREVIATED ROBERT'S RULES OF ORDER

- A. A motion must be made and seconded by a Board Member before discussion can begin on any proposal for action.
- B. A main motion may be amended, tabled or either adopted, rejected or referred back to a committee for study or action.
  - 1. An amendment to the motion can be debated, amended itself, and finally adopted or rejected by a majority vote. If it is adopted, it becomes part of the main motion. If it is rejected, the debate returns to the main motion.
  - 2. A motion to table requires a majority vote. If a main motion is tabled, it cannot be brought up again at that meeting.
  - 3. The main motion (as amended) can be adopted or rejected by a majority vote. Once the main motion has been voted upon, there can be no further discussion of it at that meeting.
  - 4. A motion may be referred to a committee for further review if a majority of Board Members determines that further research is required on that issue.
- C. Debate on a motion (or motion as amended) shall end and the meeting shall proceed to a vote when any of the following occurs:
  - 1. The meeting facilitator has determined that the allocated time for the issue has expired.
  - 2. The meeting facilitator believes that sufficient debate has taken place on the motion and asks the Board Members if they are ready to vote. If there is no objection, then voting on the motion shall begin. If a Board Member objects to ending the debate, an immediate vote is taken on ending the debate. If the majority vote wishes to end debate, then the meeting proceeds to voting on the motion. If less than a majority vote, then discussion continues until the allocated time expires.
  - 3. A voting member "calls the question." A vote is then taken on ending the debate. If a majority vote wishes to end debate, then the meeting proceeds to the voting phase of the process. If less than a majority vote, then discussion continues until the allocated time expires.
- D. A motion and second by Board Members to adjourn a meeting can be made at any time. There is an immediate vote, with no debate allowed. If a majority vote wishes to adjourn, then the meeting is adjourned. If less than a majority vote wishes to adjourn, then the meeting continues.
- E. The facilitator will grant non-Board attendees a reasonable period of time to speak. Non-Board attendees agree to address the meeting in a courteous and professional manner. Non-Board attendees that speak out of turn may be found "out of order" by the facilitator and removed from the meeting.

\*Not applicable Planning Commission, which has adopted Rosenberg's Rules of Order

## Appendix B – Staff Liaison Contact Information

Planning Commission

Chris Kennedy  
Planning Director  
[ckennedy@townofmead.org](mailto:ckennedy@townofmead.org)  
970-805-4182

Community Events Committee

Lorelei Nelson  
Public Information Officer  
[lnelson@townofmead.org](mailto:lnelson@townofmead.org)  
970-805-4187

Finance Committee

Mary Strutt  
Town Treasurer  
[mstrutt@townofmead.org](mailto:mstrutt@townofmead.org)  
970-805-4182

Revenue Generation & Expense Management Visioning Committee (2019 *Ad Hoc*)

Mary Strutt  
Town Clerk  
[mstrutt@townofmead.org](mailto:mstrutt@townofmead.org)  
970-805-4182

## Appendix C – Electronic Communication Guidelines for Appointed Officials

The use of e-mail by appointed (and elected) officials to discuss public business raises issues under both the Colorado Open Meetings Law (“OML”), C.R.S. § 24-6-401 et seq., and the Colorado Open Records Act (“CORA”), C.R.S. § 24-72-201 et seq. The OML recognizes that discussions by e-mail can trigger notice and openness requirements. Specifically, the OML provides that any meeting of a quorum or three or more members of a local public body (whichever is less) at which public business is discussed or at which formal action may occur must be open to the public. Also, the meeting must be preceded by proper notice if a quorum will be present or any action will be taken. A meeting can include a discussion that occurs by phone or e-mail.

Additionally, CORA recognizes that public records can include e-mails of elected and appointed officials where the communications involve City/Town business or public funds and are made, maintained or kept by the City/Town as part of its operations. Under CORA e-mails may be public records even if they do not trigger open meetings rules. Based on these rules, the following are e-mail “dos and don’ts.” These apply to any online and/or digital communication.

### E-mail – Okay to Do

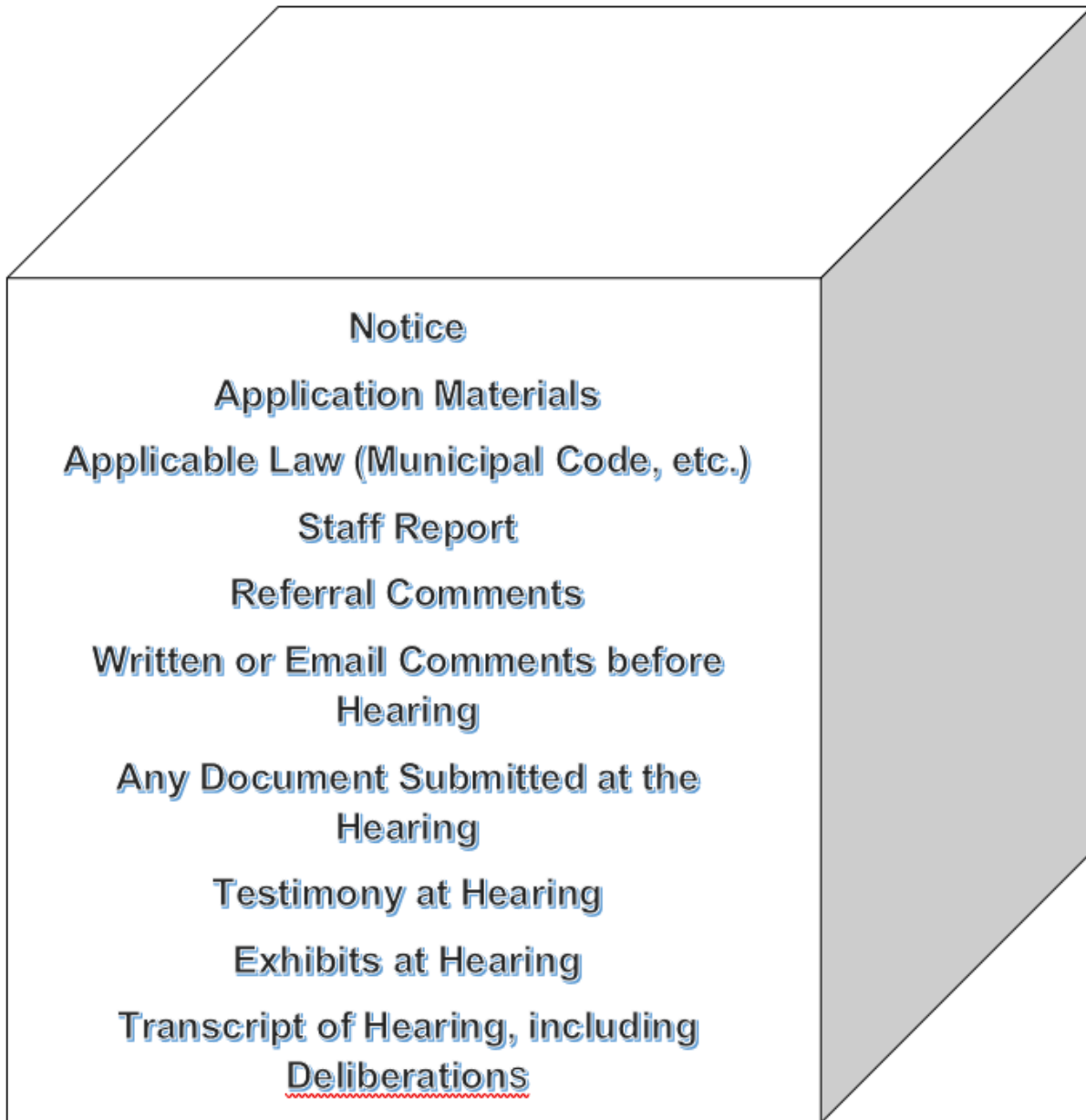
- Have a one-on-one discussion with another commission/committee member.
- Respond to constituent e-mails consistent with “role discipline.”
- Correspond directly with City/Town staff.
- Copy other commission/committee members or staff on an e-mail as long as it is “fyi” and not “morphed” into a platform for commission/committee policy discussions.
- E-mail to other commission/committee members “fyi” information, such as updates on carrying out decisions made at prior public meetings, or on topics of current interest.
- If applicable, use Town-assigned e-mail address and device when possible.
- **But, in all situations above, never use e-mail to discuss quasi-judicial matters (Planning Commission).**

### E-mail – Don’ts

- Do not use e-mail (or similar technology) to discuss policy among more than two members, whether simultaneous and/or serial or not.
- Do not use e-mail as a substitute for open public meeting discourse.
- Do not use e-mail as a substitute for taking any official action.
- Do not use e-mail to discuss or disseminate information on any pending quasi-judicial matter.
- Do not “reply to all” on e-mails sent to more than two commission/committee members, excepting only e-mails that clearly have no policy purpose (e.g., “fyi” e-mails).

- Do not send messages that discuss both personal matter and public business.

## Appendix D\* - What's in the Quasi-Judicial Box?



\*Only applicable to Planning Commission, which conducts quasi-judicial hearings.