



PLANNING COMMISSION AGENDA

Wednesday, March 19, 2025 at 5:30 PM

MEETING LOCATION

1201 Broad Street, Meeting House, Milliken, CO 80543

Zoom Meeting Details

To Join via Zoom

<https://us02web.zoom.us/j/89770464682?pwd=qgExT4LaBYUCyMWBPgzbvGbPCnAMQj.1>

Meeting ID: 897 7046 4682

Passcode: 684486

One tap mobile

+17193594580,,89770464682#,,, *684486# US

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1. Discussion Topics

a. Review Updates to the Board of Trustees, Commissions & Committees Policies and Procedures Manual

Caree Rinebarger, Town Clerk

ACCOMMODATION NOTICE

The Town of Milliken complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the Town of Milliken. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the Town of Milliken, please contact the Town Clerk, Carey Rinebarger at (970) 660-5045 within 3 to 5 days before the scheduled meeting date in order to allow the Town to better accommodate your request.

NOTE

Headings in this agenda are for organizational purposes only. The board of trustees may take formal action on any matter reasonably related to any item listed under any section of this agenda. Town of Marble v. Darien, 181 P.3d 1148 (Colo. 2008); Benson v. McCormick, 578 P.2d 651 (1978).

Contact: Carey Rinebarger, Town Clerk (CRinebarger@town.milliken.co.us | 970-587-4331)

Agendas will be published a minimum of 24-hours in advance of the meeting start time.



BOARD OF TRUSTEES, COMMISSIONS & COMMITTEES

POLICIES & PROCEDURES MANUAL

TOWN OF MILLIKEN

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1 Introduction

1.1 Purpose

This document is intended to establish guidelines for standards of conduct relative to the action of the Milliken Board of Trustees and any committees formed by such board and any and all commissions, boards, authorities, and other governing or advisory body established under the Milliken Municipal Code or by formal action of the Board of Trustees or required by Colorado law (“Governing Bodies”). Portions of this document address the Board of Trustees specifically; however, the intent is that the Subordinate Governing Bodies (defined below) follow the same patterns where this document does not provide them with specific guidance.

1.2 Definitions.

As used in this document, the following terms shall have the meanings indicated unless otherwise expressly stated:

- a. “Board” means the Milliken Board of Trustees.
- b. “Confidential Information” means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public record or public knowledge.
- c. “Person” has the meaning set forth in section 7-90-102(49), C.R.S.
- d. “Presiding Officer” means the individual presiding over any meeting of a Governing Body. With respect to the Board, this would typically be either the Mayor or the Mayor Pro Tem.
- e. “Public Official” means any member of a Governing Body, including any alternate member.
- f. “Subordinate Governing Bodies” means those Governing Bodies other than the Milliken Board of Trustees, which include without limitation the Planning Commission, Milliken Great Outdoors, the Milliken Community Justice Council, the Milliken Water, Wastewater and Drainage Utility Advisory Commission, the Milliken Housing Authority, the Tree Committee, the Trails & Open Space Committee, and the Beautification Committee. The Board of Trustees serves as both the Milliken Liquor Licensing Authority and the Milliken Board of Adjustment, so these would not generally be considered Subordinate Governing Bodies.

2 Suspension & Amendment of these Rules

2.1 Suspension

Any provision of these rules not governed by the Milliken Municipal Code, or Federal or State law, may be temporarily suspended by a majority vote of all members of the Board.

2.2 Amendment

These rules may be amended or new rules adopted by a majority vote of all members of the Board.

3 Roles, Responsibilities & Time Commitment

3.1 Mayor

- g. The Mayor shall preside over the meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance.
- h. Insofar as required by statute, and for ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be the Presiding Officer of the Board of Trustees and shall be a voting member of the Board.
- i. The Mayor shall execute and authenticate by his or her signature such instruments as the Board of Trustees or any statutes or ordinances shall require.
- j. Except as may be required by statute, the Mayor shall exercise only such powers as the Board of Trustees shall specifically confer upon him or her.

3.2 Mayor Pro Tem

Performs the duties of the Mayor if the Mayor is absent or disabled.

3.3 Board of Trustees

- a. All members of the Board of Trustees should work to inspire public confidence in Milliken's Town government.
- b. All members of the Board of Trustees, including the Mayor and Mayor Pro-Tem, have equal votes. No Trustee has more power than any other Trustee, and all should be treated with equal respect.
- c. No member of the Board of Trustees shall be appointed Town Administrator during the term for which the member was elected or appointed nor within one (1) year after the term.
- d. The Board of Trustees shall appoint and may remove, consistent with state statutes and the Municipal Code, the Town Administrator, the Town Attorney, the Town Clerk, the Town Treasurer, and the Municipal Judge. In this regard, section 31-4-307, C.R.S., presently reads as follows:

By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. A municipal judge may be removed during his term of office only for cause, as set forth in section 13-10-105 (2), C.R.S.
- e. Appoint Subordinate Governing Body members.
- f. Adopt an annual budget and make appropriations by ordinance.
- g. Annually set a tax levy to be certified to the County Commissioners.
- h. Authorize debt as provided by law.
- i. The Board of Trustees shall determine its own rules of procedures and may from time to time establish such rules to the extent such rules set forth herein are deemed inadequate or inappropriate.

- j. The Board of Trustees shall from time to time approve a compensation administration plan for Town employees.
- k. The Board of Trustees shall provide for enforcement of its ordinances.
- l. Except for purposes of inquiry, the Board of Trustees and its members shall deal with employees subordinate to the Town Administrator through the Town Administrator. Neither the Board, nor any member of the Board, shall give orders to any subordinate employee, either publicly or privately.
- m. The Board of Trustees may enter into agreements, contracts, and leases with governmental and private entities according to state statute and municipal code as approved by vote at a duly published meeting.
- n. The Board of Trustees shall provide for an annual financial audit of the municipal government.
- o. Trustees should review materials provided prior to any Board meeting.
- p. Trustees are expected to participate in annual visioning and budget meetings and other special meetings as appropriate.
- q. Trustees should represent the Town at ceremonial functions at the request of the Mayor.
- r. Trustees are expected to participate in at least one outside civic group or organization.

3.4 Officers and Key Staff

The Town Administrator is an officer position. The Town Administrator is typically an employee who is appointed by and reports to the Board of Trustees. The Town Administrator is responsible for oversight of all Town staff excepting only the Town Clerk, the Town Attorney, the Municipal Judge, and the Court Clerk.

The Town Clerk is an officer position. The Town Clerk is typically an employee who is appointed by and reports to the Board of Trustees. The Town Clerk is responsible for oversight of all clerical activities of the Town.

The Town Attorney is an officer position. The Town Attorney is typically an independent contractor appointed by and reports to the Board of Trustees. Multiple individuals may be appointed to serve as Town Attorney, and those so appointed shall be responsible for municipal court prosecution and for providing legal advice and services to Town staff and the Governing Bodies. As a general matter, the Town Attorney is not responsible to provide personal legal advice to individual Governing Body members, or individual staff members except where the Town's interests are implicated, such as in conflict of interest matters.

The Town Treasurer is an officer position. The Town Treasurer is typically an employee who is appointed by the Board of Trustees. The Town Treasurer reports to the Town Administrator, serves on the Finance Committee, signs checks, assists in the preparation of Town budgets, and oversees Town finances.

The Chief of Police is a key staff position. The Chief of Police is typically an employee who reports to the Town Administrator and is responsible for supervising the operations of the Milliken Police Department.

The Municipal Judge is a key staff position established by statute. The Municipal Judge is typically an independent contractor appointed by the Board of Trustees. The sitting Municipal Judge presides over the Milliken Municipal Court. There is a Presiding Municipal Judge and there may from time to time be Substitute Municipal Judges that may be called upon to serve as circumstances may require in case of temporary absence, sickness, disqualification, or other inability of the Presiding Judge to act.

The Court Clerk is a key staff position. The Court Clerk is typically an employee who reports to the Presiding Municipal Judge and provides clerical support to the Milliken Municipal Court.

In addition to duties indicated above, all Town personnel, including officers and key staff members are responsible for performing all responsibilities assigned to them by constitutional provision, statute, ordinance, resolution, or other formal action by the Board of Trustees.

3.5 Time Commitment

- a. Board of Trustees members may expect to invest an estimated ten to twenty hours per week in their role as an elected official in communicating with members of the community, meeting preparation including extensive review of various reports and research, and meeting attendance. Meetings, which typically include a work session followed by a regular meeting, are held bi-monthly. Special meetings may also be called on occasion. The importance of meeting attendance is addressed in Resolution 20-05, which is attached as Appendix A.
- b. Additional time would be typical for the Mayor, Mayor Pro Tem and Board members serving as Town representatives on regional, state, or national commissions or committees.

4 Code of Ethics

Governing Bodies are governed by the Code of Ethics, which is attached as Appendix B.

5 Code of Conduct

Governing Bodies are governed by the Code of Conduct, which is attached as Appendix C.

6 *Ex Parte Contact*

6.1 What is an Ex Parte Contact?

Broadly defined, an ex parte contact is any written or verbal communication initiated outside of a regularly noticed public hearing between an official with decision-making authority and one or more of the parties, but not all of the parties, concerning a particular subject matter which is under, or which is about to become under, consideration by that official, and which seeks either to influence, or present information relating to, that matter which is the subject of the decision. The term is usually used in a courtroom context; the judge cannot discuss a case with either party or their attorney without the other party and the attorney being present. The term is also equally applicable to any quasi-judicial matter pending before a local governmental body. An ex parte contact may include discussing an upcoming hearing or decision with the staff. Ex parte contact is permitted with respect to legislative matters, such as most proposed new ordinances. However, ex parte contact is generally inappropriate and impermissible with respect to quasi-judicial matters.

6.2 Why are Ex Parte contacts before making a Quasi-Judicial decision improper?

- a. All parties are entitled to have the matter heard by an impartial person or body. At the very least, ex parte contacts, whether the contacting person is an applicant or a protestant, call into question the impartiality of the decision maker.
- b. Every quasi-judicial decision must be supported by findings of fact, and the findings of fact must be based solely upon the evidence as it appears in the record of the proceeding. The record of the proceeding consists only of matters presented at the hearing, not anything presented before or after the hearing. Therefore, to have a defensible record, only evidence presented during the hearing, on the record of the hearing, may be relied upon in reaching the body's decision.
- c. In some instances, the parties have the right of cross-examination of the opposing side. They cannot cross-examine an ex parte contact.
- d. In the event one party challenges the final decision, ex parte communications can be grounds for reversing the decision.

6.3 What do I do if someone attempts to contact me before a hearing?

- a. Stop the Person. If it is a verbal contact, advise the person that you are sitting as a judge in the matter and you cannot listen to or review anything about the issue prior to the hearing.
- b. Disclose the Contact. At the next public meeting or prior to the hearing on the public record, advise the remaining members of the board and the parties of the contact, your response, and whether or not you think you can make an impartial decision based on the evidence presented at the hearing despite the contact.

- c. **Consider Whether the Ex Parte Contact Requires Abstention.**
An ex parte contact, by itself, is usually not enough to reverse the final decision or require you to abstain from voting on the issue. Each individual contact must be reviewed to determine whether it affects your impartiality or ability to consider the matter fairly, whether it creates an appearance of impropriety, whether it creates a conflict such that you cannot participate in the decision-making process, or whether it otherwise affects the rights of the parties seeking the decision to "fundamental fairness" or due process in the decision-making proceedings.
- d. **Consider Adopting Formal Procedures.** It is difficult to tell a neighbor or a constituent that you cannot talk to them about an issue that may be very important to them. Very often constituents are unable to understand why they cannot speak about particular issues to those who have been elected or appointed to represent those constituents. It may help to have specific procedures that the Governing Body has adopted that you can point to as the reason you cannot handle a quasi-judicial issue in the same manner as you do other legislative or administrative issues. This will also help to make sure all members handle ex parte contacts in the same manner.

7 *Conflicts of Interest*

The conflict of interest rules that govern individuals within the scope of this manual are set forth in title 24, article 18, parts 1 and 2, of the Colorado Revised Statutes. The statutes can be accessed by way of a link provided on the following web page, which is maintained by the Colorado General Assembly: <https://leg.colorado.gov/agencies/office-legislative-legal-services/colorado-revised-statutes>. In addition, pertinent statutes in effect at the time of approval of this manual are attached as Appendix D. The Town Clerk is authorized to update Appendix D at any time if the statutes governing conflicts of interest change. The Town Clerk is responsible to communicate all such updates to those within the scope of this manual. The following sections from the referenced portion of title 24, while they may provide insight into proper ethical behavior, may not apply to municipalities or local government officials: 24-18-106, 24-18-107, 24-18-108, and 24-18-113.

8 *Common Practices & Expectations*

8.1 Purpose

The purpose of this chapter is to enhance the administration of Board of Trustees activities by documenting accepted practices and clarifying expectations. Although it cannot integrate all practices and expectations that may exist, a summary of some of the most prominent ones is being provided.

8.2 Election Methods

With the goal of encouraging the greatest possible voter participation in Town elections, the preferred method of election is coordinating the Town election with Weld County whenever possible.

8.3 Performance Evaluations

- a. Employees who report directly to the Board of Trustees: Periodic performance assessments should be completed regularly or as pursuant to contractual obligations.
- b. Board self assessment: The Board may conduct a self assessment as desired.

8.4 Board Orientation

An orientation for newly elected or appointed Trustees should be provided and participation is expected. An orientation for Mayoral and Trustee candidates may also be provided.

8.5 Report to the Community

A report to the community, regarding accomplishments and plans of the community's local government, may be furnished on a regular basis.

9 Communication & Town Correspondence

9.1 Communication & Correspondence

The Town of Milliken invites and encourages members of the community to participate in local government affairs and help shape local decisions. One way to participate is direct communication with Trustees through telephone calls, postal and electronic mail, and addressing elected and appointed officials at public meetings.

An established practice will help ensure that the Trustee/constituent communications receive timely acknowledgement and response from staff, appropriate distribution, and proper disclosure and retention according to State open records laws and the Town's records retention requirements. An additional benefit of the protocol is to make certain the Town Administrator is aware of the issues of interest to the community and any emerging trends or problem areas.

- a. **Protocol.** Depend on staff to respond to citizen requests for action and other communications whether the Board receives the information by telephone call, by letter, electronic mail, or through conversation in an informal setting or in a public meeting. Trustees may either:
 - i. Provide the Town Administrator's contact information to the individual, or
 - ii. Take a name, contact information and nature of the communication and forward the information to the Town Administrator for response.

- b. **Staff Response.** The Town Administrator will forward the communication to the appropriate department. The department is expected to respond to the request and report back to the Administrator as well as notify the requestor that the inquiry or investigation has been completed and if action has already been or will be taken to remedy the concern. The Administrator will notify the Trustees of the results or follow-up.
 - i. The Town Administrator may utilize communication tracking systems to assist in managing this function.
 - ii. Generally, staff's response will be in the same format as the communication received unless otherwise requested or deemed appropriate (i.e., a request for action received via e-mail likely would receive an e-mail response).
- c. **Correspondence received via mail at Town offices.** The Town Clerk's Office will be responsible for managing the correspondence received through the mail for the Board of Trustees. Mail addressed to individual Trustees will be delivered to their respective mailbox. Mail addressed to the Board collectively will be opened by staff. If it requires a response, it will be reviewed by the Town Administrator and generally brought before the Board during a work session. Responses will be signed by the Trustee to whom the correspondence was addressed, and the Mayor will sign those addressed to the Board as a whole.
- d. **Citizen Input at Board Meetings.** A sign-up sheet will be available at meetings to record contact information. Most often, a speaker's questions can be answered at the meeting. If more information is needed in order to provide a response, the Town Administrator or staff will contact the speaker as soon as possible after the meeting. If a speaker's expectations are unclear, the Mayor or Town Administrator should ask the speaker to clarify the speaker's concerns or request. At no time should any action be taken by the Board at the meeting, as proper and legal notice must take place according to state statutes for the Board to take action.

10 Compensation, Travel & Special Events

10.1 Compensation

- a. The Board shall receive compensation as provided by ordinance.
- b. The Board shall review its compensation schedule on a regular basis.

10.2 Travel - Purpose

Recognizing that it is in the interest of constituents for Trustees to attend various meetings, for the purpose of learning about current issues affecting local government and to gain information that will be useful in making policy decisions, the Board of Trustees establishes the following guidelines for Trustee travel.

10.3 Travel – Guidelines

- a. Expenses will be reimbursed in accordance with policies established for Trustees as set forth herein.

- b. Each Board of Trustees member may receive a travel advance or shall be reimbursed for attendance at Board-authorized meetings and events, upon tendering appropriate receipts.
- c. As the travel budget allows, attendance at meetings related to town business shall be reimbursed.

10.4 Special Events

It is often desirable to have Town representation, or to show Town support for community functions/events. The charge to attend these events may vary and reimbursement may be made to Trustees. Events may include:

- a. The Town government is directly involved as a sponsor or participant.
- b. The event is sponsored by another public agency and having town representative(s) is important.
- c. The event is sponsored by a community organization of which the Town is a member or to which the Town provides financial support and Town representation is important.

11 Meetings of the Board

11.1 Defined

A meeting is defined as any kind of gathering, including telephone calls, of three (3) or more members of the Board of Trustees at which public business is discussed. Meetings are generally subject to the provisions of Chapter 2, Article II, of the Milliken Municipal Code as well as the Colorado open meetings law, C.R.S. § 24-6-401, et seq. Trustees are discouraged from discussing public business with other Trustees outside of properly noticed meetings in order to avoid inadvertently violating public meeting laws.

11.2 Meeting Types

- a. **Board Meetings.** Meetings of the Board of Trustees are sessions held to consider public business and take formal action and may be regularly scheduled meetings or special meetings as described in the Milliken Municipal Code.
- b. **Work sessions.** Work sessions of the Board of Trustees are sessions held to consider public business and take no formal action.
- c. **Adjourned Meetings.** If at a regular or special meeting, the Board is unable to complete its work, an adjourned meeting can be scheduled for a later time to take up its work at the point where it was interrupted, provided that no adjournment shall be for a longer period than until the next regular meeting. No meeting will be adjourned during a public hearing; however, a public hearing may be continued.
- d. **Executive Sessions.** The Board may, upon the affirmative vote of two-thirds (2/3) of the quorum present, hold an executive session for the purpose of discussing matters allowed by law. Executive sessions are generally limited, per C.R.S. § 24-6-402 (4), to the following situations:
 - i. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.

- ii. Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.
- iii. Matters required to be kept confidential by federal or state law or rules and regulations.
- iv. Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- v. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

No vote can be taken nor decision made in an executive session. All information in the executive session is deemed confidential and is to be treated as such.

11.3 Meetings to be Public

All official meetings of the Board of Trustees, except Executive Sessions, shall be open to the public and the media, freely subject to recording by radio, television, and photographic devices at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Members of the public shall have a reasonable opportunity to be heard under such rules and regulations as the Board may prescribe.

11.4 Remote Attendance

Remote and telephonic attendance and participation by Trustees and the public in Board meetings shall be permitted to the extent the Board of Trustees has adopted a policy approving such attendance and participation.

12 Meeting Participants

12.1 Presiding Officer

- a. **Mayor.** The Mayor shall preside over meetings of the Board of Trustees and have the same right to speak therein as any other member. Duties of the presiding officer include:
 - i. Open the meeting at the appointed time, and call the meeting to order.
 - ii. Announce the business coming before the Board in accordance with the prescribed order of business, or direct the Town Clerk to introduce items of business by reading the title of each agenda item.
 - iii. Recognize members who are entitled to the floor and ensure that ample opportunity is extended for board members to express the opinions of constituents.
 - iv. State and put to a vote all questions that legitimately come before the Board, and announce the results of each vote. Although not prohibited, the Presiding Officer generally does not propose a motion.
 - v. Enforce the Board's rules relating to debate, order, and decorum at meetings.

- vi. Expedite business in every way compatible with the rights of the public and the duties of Trustees.
 - vii. Decide all questions of order.
 - viii. Declare the meeting adjourned.
 - ix. Sign all ordinances as required by section 31-16-105, C.R.S., provided that excepting only ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety, the Mayor Pro Tem or a Trustee serving as Temporary Chair may sign ordinances passed when such were serving as the Presiding Officer.
- b. **Mayor Pro Tem.** The Board of Trustees within its membership shall elect, at its first meeting following its election, a Mayor Pro Tem who shall become acting Mayor with the same duties as provided for the Mayor in the case of absence (including recusal) or disability.
 - c. **Temporary Chair.** In case of the absence or disability of the Mayor and Mayor Pro Tem, the Town Clerk shall call the Board to order and call the roll of members. If a quorum is found to be present, the Board shall proceed to elect, by a majority vote of those present, a Temporary Chair to serve as Presiding Officer of the meeting until the arrival of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon conclusion of the business immediately before the Board of Trustees.

12.2 Board of Trustees

All Trustees have the right to full participation in all meetings.

Trustees are expected to attend all regularly scheduled Board meetings and Work sessions. In case of emergency, e.g., illness, Trustees should notify the Town Administrator, Town Clerk or Mayor in advance of the meeting if at all possible. Members detained but expecting to attend should, whenever possible, notify the Mayor or Town Clerk which can be done by calling the Town Administrator or the Town Clerk, as appropriate.

Trustees who wish to be excused from a regular meeting should make this request as early as possible, ideally prior to the regular meeting preceding the anticipated absence. This will assist in scheduling important items to obtain the participation and vote of all Board members.

12.3 Staff

- a. **Town Administrator.** The Town Administrator, or the Town Administrator's designee, shall attend all meetings of the Board of Trustees unless excused.
- b. **Town Attorney.** As the Board's legal representative, the Town Attorney shall attend all meetings of the Board unless excused; provided however that the Town Attorney's attendance at work sessions shall be in the discretion of the Town Administrator. Upon request, the Town Attorney shall provide either a written or oral opinion on questions of law. The Town Attorney shall act as the Board of Trustees parliamentarian.

12.4 Town Clerk

The Town Clerk, or the Town Clerk's designee, shall attend all meetings of the Board unless excused, and shall keep the official journal of proceedings and perform such other duties as may be requested by the Board of Trustees or required by statute.

12.5 Other Municipal Officials and Employees

The head of any department, or any officer or employee of the Town, as directed by the Town Administrator, shall attend meetings of the Board of Trustees. Department directors are strongly encouraged to regularly attend.

13 Agenda and Notice of Meetings

13.1 Agenda Procedures

On the Friday prior to each meeting of the Board, the Town Clerk, at the direction of the Town Administrator, shall distribute to each Board member:

- a. A copy of the agenda of the meeting, stating therein each matter to be discussed or debated by the Board by title and description.
- b. A copy, in its latest form or edition, of each ordinance, resolution, or other written or printed document to be presented at the meeting, including background information, analysis and recommendation to Board of Trustees when applicable.
- c. A copy of the minutes of the previous meeting.

13.2 Notice of Meetings

- a. Method of Notification. The agenda of meetings, as meetings are defined in Section 11.1, shall be posted at least twenty-four (24) hours prior to the meeting. Any other notice allowable by law, including posting on the town Internet website, shall be permissible.
- b. Posting Locations. Notice of a Board meeting shall be posted on the front door of Town Hall and at the U.S. Post Office bulletin board. The posting location shall be designated annually at the first regular Board of Trustees meeting of each calendar year. Notices also may be posted at other appropriate locations.

14 Meeting Procedures

14.1 Quorum

A majority of the members of the entire Governing Body shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time. The only action a Governing Body may take in the absence of a quorum is the motion to adjourn.

14.2 Rules of Order

- a. **Purpose.** The primary purpose for use of parliamentary procedure is to protect the rights and privileges of those deliberating, and to assure that the minority is protected while facilitating the will of the majority.

- b. **Reference.** The "Roberts Rules of Order Newly Revised," 10th edition (or more recent if available), shall govern the proceedings of the Board in all cases, unless they are in conflict with these rules, the Milliken Municipal Code, or the Colorado Revised Statutes.

14.3 Preservation of Order

The Presiding Officer shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the questions under discussion.

14.4 Debate

- a. Often staff presents an item that may come to the Board for action. The staff presents the item and the Board may ask questions for clarification but not debate. A motion and second may be made on any item presented, at which time debate may begin. Where no member desires to propose Board action, no motion need be made. While some provisions of the Milliken Municipal Code require approval or denial (requiring a motion either way), a "no action" motion is otherwise not generally required.
- b. Each member of the Governing Body has a right to speak on every debatable motion before it is acted upon.
- c. When recognized by the Presiding Officer, a Governing Body member shall confine remarks to the matter or question then under discussion.
- d. A Governing Body member shall speak only once on the question until all other members who wish to speak have had the opportunity to do so.

14.5 Voting

- a. **Required.** The "yes" and "no" shall be taken upon the passage of all ordinances, resolutions, and motions and the result entered in the minutes of the Governing Body.
- b. **Voting Methods.** A roll call vote may be called at the discretion of the Presiding Officer, or may be requested by any member of the Governing Body. The roll call is called in random order with the exception of the Mayor whose vote is called last. The result is entered in to the minutes.
- c. **Tie Vote.** The Governing Body may reconsider the item or motion if, at the same meeting the tie vote occurred, a member makes the appropriate motion and a majority of Board votes to reconsider.

14.6 Conflict of Interest Procedures

- a. When a member believes that he or she has a personal or private interest, potential conflict, or appearance of conflict, in a matter proposed or pending before the Governing Body, the member shall request to speak when the agenda item with which the member has a conflict is called, and either;
 - i. disclose that there may be a personal or private interest, potential conflict, or appearance of conflict, in the matter and will not participate in the discussion or decision; and step down from the Governing Body platform and leave the Chambers during the Governing Body's discussion and action; or

- ii. request legal advice from the Town Attorney.
- b. If a member believes that another member has a personal or private interest, the concern should be raised with the Town Attorney prior to the meeting.
- c. Whenever possible, questions about possible conflicts of interest should be raised with the Town Attorney well in advance of any meeting where they might affect participation in the meeting by the member.

14.7 Order of Business

- a. **Call to Order.** The Presiding Officer opens the meeting by calling it to order, and may announce, "This (date) (regular or special) meeting of the Milliken Town Board of Trustees will come to order."
- b. **Opening Ceremonies.** The Presiding Officer, or other individual or group approved by the Presiding Officer, shall lead in the recitation of the Pledge of Allegiance to the American Flag.
- c. **Roll Call.** After the opening ceremonies, the roll may be called to verify member attendance, or a silent quorum may be determined. The names of those attending should be entered in the minutes to substantiate that the board has complied with quorum requirements for holding a meeting. The Presiding Officer may direct the Town Clerk to call the roll and may then announce the presence of a quorum.
- d. **Approval of Agenda.** The Mayor will review the agenda, calling attention to any additions, deletions or corrections that may be necessary. Unless a majority objects, the order of business may be amended or suspended at any meeting. Any member who wishes to propose an amendment to the agenda, including removal of items from the Consent Agenda, should do so before the agenda is approved.
- e. **Citizen Comments.** The Mayor will open the floor for comments of those in attendance who wish to offer comments on matters other than items that are scheduled for a public hearing.
- f. **Minutes of Previous Meetings.** The Mayor will offer Board members the opportunity to amend and then approve the minutes for previous meetings for which approval of the minutes has not yet occurred.
- g. **Acknowledgement of Paid List of Bills.** The Mayor will offer the opportunity to Board members to discuss and raise questions related to the most recent paid list of bills to the Town.
- h. **Town Administrator's Report.** The Town Administrator will deliver to the Board a report on recent staff activities and Town events.
- i. **Consent Agenda.** The Consent Agenda is intended to allow the Board of Trustees to expedite those items that are of a routine nature and not controversial. The Consent Agenda is provided as a convenience and time savings to the citizens attending the Board meeting.
- j. **Action Agenda.** The Action Agenda contains all matters intended for formal consideration and action by the Board that are outside the scope of the Consent Agenda.

- k. **Discussion Agenda.** The Discussion Agenda is intended to identify items for discussion where it is appropriate for such discussion to occur in a more formal manner than that available in a work session.
- l. **Board Reports.** The Mayor will open the floor to Trustees who wish to report on their Town related activities.
- m. **Informational Agenda.** The Informational Agenda is designed to provide information that may be useful to Board members but that may not relate to any other particular agenda item.
- n. **Other Business.** Any additional business that may be of interest to the Board should be included here.
- o. **Adjournment.** Upon no further business, the Presiding Officer may simply declare the meeting adjourned.

14.8 Procedure for Public Hearings

The procedures set forth here are intended to enable a full consideration of matters that may be heard in a public hearing, however some matters may require additional or more formal procedures. The Board retains the right to approve by resolution more formal procedures to be followed should they be deemed necessary or appropriate in particular circumstances.

- a. Mayor declares the public hearing open and outlines the general procedures under which cases will be considered.
- b. Staff introduces the case and enters, if applicable, the following exhibits into the record:
 - i. Proposed ordinance or resolution by title only
 - ii. Official application form and attachments, if any
 - iii. Staff report
 - iv. General reference map of the area
 - v. Applicable Comprehensive Plan documents by reference
 - vi. Zoning Ordinance by reference
 - vii. Official Zoning Maps by reference
 - viii. Proof of Posting
 - ix. Proof of Publication
 - x. Public hearing roster, if used
- c. Staff presents its analysis of the case and the comments of referral agencies, then makes a recommendation for Board action.
- d. Applicant presents the case, including presentation of exhibits, and formally requests action to be taken.

NOTE: The burden rests with the applicant to produce evidence sufficient to prove the request is justified.

- e. Mayor establishes whether proponents and opponents are represented by a spokesperson. The Mayor may establish a time limit on persons (staff and applicants excepted) who wish to address the Board.

- f. Public may comment or ask questions.

If feasible, proponents speak first, and opponents speak second.

NOTE: At no time should the public speak directly to the applicant or vice versa. All comments should be directed to the Board.

- g. Applicant may present a response in the nature of a reply to staff, opposition, and other public input. Applicant should not at this time present new evidence that is not responsive to staff, opposition, or other public input.
- h. Board may ask questions of applicant.
- i. Mayor will close public portion of the hearing.
- j. Discussion by the Board.

NOTE: Only the staff may be questioned at this stage.

- k. Declaration of Findings of Fact
- l. Action by the Board.
- m. Motion by Board member.
- n. Roll call, Mayor votes last

15 General Rules

15.1 Board Chambers

- a. **Supervision.** During preparation for Board meetings, the Board Chambers shall be under the supervision and control of the Town Clerk.
- b. **Sergeant-at-arms.** Upon request of attendance by the Town Administrator, the Chief of Police, or qualified designee, shall maintain the peace in the Board Chambers.
- c. **Seating Arrangement.** Members shall occupy the respective seats in the Board Chambers assigned to them by the Mayor
- d. **Smoking.** Per state law and municipal policy, smoking shall be prohibited in the Board Chambers and Town Hall.

15.2 Excusal During Meeting

Governing Body members may be excused from the remainder of a meeting with permission from the Presiding Officer.

15.3 Recess

The Presiding Officer may call a recess at any time during a meeting to determine a rule of order, or at the request of a majority of the Governing Body. The Presiding Officer may call a recess at any time between items of business.

15.4 Minutes of Proceedings

An account of all proceedings of the Governing Body meetings shall be kept by the designated clerk of the proceeding (which for Board meetings will typically be the Town Clerk) and shall be recorded as minutes constituting the official record of the Board

- a. The minutes for Governing Body meetings should be primarily a record of the action taken at a meeting, not what was said by members. The minutes shall contain a separate paragraph for each subject matter and reflect each subject or item considered and the language of and disposition of each motion, resolution, ordinance, or matter on which action is taken.
- b. The minutes for Board work sessions should be primarily a record, in summary, of the discussion and any direction provided.
- c. The record for executive sessions shall be as provided by state statute.
- d. The minutes may be corrected or amended after they have been approved, if an error or material omission is reasonably established. In this case, the motion "to amend something previously adopted" may be used.

16 Ordinances, Resolutions & Motions

The hierarchy of actions taken by the Board include:

(1) Ordinances, (2) Resolutions, and (3) Motions.

16.1 Ordinances

An ordinance is the most authoritative form of action the Board can take. An adopted ordinance becomes an established rule or law of the Town. Except for so-called “emergency” ordinances, which take effect immediately, ordinances typically take effect thirty days after publication and remain in effect until otherwise rescinded or amended by the Board.

Except as may be otherwise specified by statute or other controlling authority, adoption of ordinances requires the following affirmative votes:

- a. Appropriations
 - i. 4 votes (a majority of the Town Board)
- b. Approving a contract
 - ii. 4 votes (a majority of the Town Board)
- c. Ordinances under section 31-11-105(1), C.R.S., that are “necessary to the immediate preservation of the public peace, health, or safety” (often referred to as “emergency” ordinances) or calling a special election
 - i. 6 votes (3/4 of the Town Board)
- d. Approval of a franchise under section 31-32-104, C.R.S.
 - i. 4 votes (a majority of the Town Board)
- e. Other ordinances
 - i. A majority of the quorum

16.2 Resolutions

Resolutions are acts of a relatively permanent nature. Resolutions typically take effect immediately upon adoption and remain in effect until rescinded or amended by the Board.

Generally, resolutions implement or carry out the terms of an ordinance, provide a statement of policy, establish findings of fact, authorize or direct staff action, or express the Board's opinion on a public matter.

Resolutions shall typically be introduced in written form and may be adopted by a majority of a quorum of the Board upon a single reading. Resolutions need not be published, but shall be kept on public file.

16.3 Motions

- a. **Defined.** A motion refers to a formal proposal by a Trustee member that the Board may take action upon. Motions are generally introduced by voice. However, if long or involved, motions should be in writing and, in any event, any two members of the Board may ask that a motion be put in writing.

Adoption of motions require the following affirmative votes:

- i. To go into executive session
 - 1. 2/3 of the quorum
- ii. All other motions
 - 2. A majority of the quorum

16.4 Classes of Motions.

An overview of the classes of motions under Robert's Rules of Order is attached as Appendix E.

16.5 Presentation and Disposition.

Unless otherwise required, the following steps shall be taken for the presentation and disposition of motions

- a. a Board member addresses the Presiding Officer;
- b. the member is recognized by the Presiding Officer;
- c. the member proposes a motion;
- d. another member seconds the motion;
- e. the Presiding Officer states the motion to the entire membership;
- f. the Board debates or discusses the motion;
- g. while debate on a main motion is under way, amendments and subsidiary, privileged, and incidental motions may be introduced (if they are in order), debated (if they are debatable), and disposed of;
- h. the Presiding Officer restates the motion and takes the vote on the motion; and
- i. the Presiding Officer announces the results of the vote.

17 Subordinate Governing Bodies

17.1 Purpose. Subordinate Governing Bodies, which are volunteer citizen advisory groups, may be established with a variety of roles and responsibilities and provide formal and continuous citizen involvement in Town government. Some groups are established to satisfy state or local law. The Board of Trustees anticipates and welcomes recommendations from these bodies. In balancing the needs of the community, the Board may not always adopt a Subordinate Governing Body recommendation. It is expected that members will honor the decision made by the Board and not circumvent the Board's decisions.

17.2 Administrative Support. Administrative support will be provided to the various Subordinate Governing Bod by the appropriate Town department.

17.3 Recruitment and Qualifications.

- a. General recruitment efforts shall be made to encourage diversity among the membership these bodies.
- b. Generally, volunteers will be limited in serving on one Subordinate Governing Body at a time.
- c. Excuses for absences may be given by the chairpersons of each Subordinate Governing Body. Excessive absences may also be considered during reappointment application, and may be cause for dismissal at the Board's discretion.

17.4 Application and Appointment.

- a. Unless otherwise stated, positions on Subordinate Governing Bodies are appointed by the Board from applicants who have completed the appropriate application form and interview process.
- b. Application forms shall be developed by staff and made available to potential candidates for membership.
- c. Interview of the candidates may be conducted by the Board during work sessions.
- d. Board appointment is by a vote of the Board requiring a majority of the quorum present.
- e. Except as otherwise provided by statute, ordinance, or other controlling legal authority, individuals appointed to fill a vacancy with an unexpired term of six months or less shall also be appointed to serve the succeeding full term.

17.5 Orientation. The citizen volunteer shall be provided the opportunity to receive an orientation by one or more appropriate staff members with the goal of instilling a working knowledge of overall Town functions and responsibilities with a specific focus on the Subordinate Governing Body to which the volunteer has been appointed.

17.6 Communication. Dialogue between the members of Subordinate Governing Bodies and the Board of Trustees concerning goals and key issues is desired on a regular basis. The Board may utilize other methods of communication, such as a periodic newsletter.

17.7 Leadership Training. Members of Subordinate Governing Bodies are expected to participate in training sessions organized for their benefit. These may be funded from the Board of Trustees' budget as appropriate.

17.8 Recognition/Appreciation. A program to recognize the special efforts of the Town's outstanding citizen volunteers, and a standard method of recognizing the service of all citizen board members may be implemented.

18 Social Media

The social media policy that applies to members of Governing Bodies is attached as Appendix F.

RESOLUTION NO. 20-05

A RESOLUTION OF THE TOWN OF MILLIKEN, COLORADO, SETTING STANDARDS FOR MEETING ATTENDANCE FOR THE PURPOSE OF ENSURING PERFORMANCE OF THE DUTIES OF A TRUSTEE OF THE TOWN

WHEREAS the board of trustees for the Town of Milliken recognizes and respects the need for all of its members, including the mayor and all trustees, to participate fully in the consideration of matters that come before the board in order to ensure that the Town is governed effectively and that all constituents' views are represented;

WHEREAS the board desires to set up minimum standards for attendance at board meetings for the purpose of identifying when a particular board member's effectiveness may be hindered to a degree that should be subjected to scrutiny by the entire board;

WHEREAS the board generally meets each year for twenty-four regular meetings and twenty-four work sessions for a total of forty-eight meetings;

WHEREAS the board considers eighty percent (80%) participation in meetings, including regular meetings and work sessions, to be the minimum a board member can participate and still arguably be performing the duties of the office;

WHEREAS the board is aware that any removal of a member of the board may only be brought in accordance with the requirements of section 31-4-307 of the Colorado Revised Statutes;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO AS FOLLOWS:

1. The board hereby adopts a policy setting standards for attendance at board meetings, including regular meetings and work sessions.
2. This policy shall not have any retroactive effect; however, a failure to comply with this policy shall not require a year's worth of data where the number of missed meetings exceeds the standard for a year.
3. Upon confirmation by the Town Clerk upon inquiry from the board that any board member's attendance has failed to meet the following standard, the board of trustees may deliberate and vote on a motion to take action under section 31-4-307 of the Colorado Revised Statutes in order to seek removal of the board member:
 - a. Every board member's attendance for a year, which shall be measured on a continuously revolving basis, should meet or exceed eighty percent (80%) of all regular meetings and eighty percent (80%) of all work sessions.

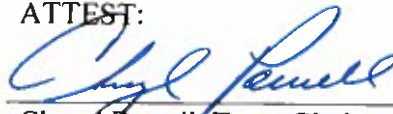
4. If the board votes to excuse an absence for good cause shown, then that absence shall not count as an absence for the purpose of determining whether the member has failed to meet the standards established by this resolution.
5. Action by the board pursuant to section 31-4-307 of the statutes shall require the board to approve a written charging document to be served upon the board member and an opportunity for a hearing, all in accordance with section 31-4-307 and available court interpretation of such statute.
6. Nothing herein is intended to constrain or limit in any manner the board's authority to take action under section 31-4-307 of the statutes at any time. The policy set forth herein is intended to establish minimal expectations of participation by board members.

DULY PASSED by the Board of Trustees this 26th day of February, 2020.

TOWN OF MILLIKEN


By: Beau Woodcock, Mayor 

ATTEST:


Cheryl Powell, Town Clerk

Appendix B - Milliken Code of Ethics for Governing Bodies

1. Purpose

The proper operation of responsible government requires that actions of public officials be impartial; that government decisions and policies be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics is adopted to establish guidelines for ethical standards of conduct by setting forth those acts or actions that are incompatible with the best interests of the Town, and by directing disclosure of private financial or other interests in matters affecting the Town of Milliken.

2. Duties

Public Officials Shall:

- a. Strive to protect and enhance the reputation of the Town of Milliken
- b. Treat all persons equally with courtesy and impartiality, and refrain from granting special advantage to any person beyond what is available to all citizens.
- c. Avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principal concern.
- d. Keep undisclosed all Confidential Information acquired by reason of one's position which may be used for personal or financial gain, consistent with the public's right of access to public information.
- e. Refrain from securing special privileges or exemptions for one's self or any other persons that are not available to all citizens.
- f. Avoid exceeding one's authority or asking for special consideration or asking other persons to do so.
- g. Declare on a timely basis to the appropriate authority, including the Town Attorney, the nature and extent of any financial or personal interest in a Town contract or other legislation. In appropriate circumstances, disclosure shall be made to the Colorado Secretary of State in accordance with section 24-18-110, C.R.S.

Appendix C: Milliken Code of Conduct for Governing Bodies

1. Purpose

This document is intended as a general guide to various legislative activities and compiles policies relative to the actions of the Governing Bodies.

Milliken's governance relies on the cooperative efforts of elected officials, Town staff and many other members of the Town and the broader community. There are a variety of complex issues involved in municipal governance and there are workload pressures that affect the lives of thousands of community members. As a result, issues can often become contentious.

Despite these pressures, elected officials are called upon to exhibit appropriate conduct at all times and demonstrate respect for every individual through their words and actions. This Code of Conduct describes the manner in which Governing Body members should treat one another, town staff, constituents, and others they come into contact with in serving the Town of Milliken

2. Duties

a. Conduct of Public Officials with one another in public meetings:

- i. The use of formal titles. Public Officials may choose to refer to one another formally during the beginning of meetings, for example as Mayor, Mayor Pro Tem, Trustee, or Commissioner followed by the individual's last name, to acquaint the audience with the meeting participants. Thereafter, addressing one another informally is encouraged to create for the audience a more welcoming tone.
- ii. Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free society in action. Be respectful of diverse opinions.
- iii. Honor the role of the Presiding Officer in maintaining order and equity.
- iv. Respect the Presiding Officer's efforts to focus discussion on the agenda item under consideration. Objections to the Presiding Officer's actions should be voiced politely and with reason, following parliamentary procedures.
- v. Demonstrate effective problem-solving approaches.
- vi. Governing Body members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Governing Body members are role models for residents, business people and other stakeholders involved in public debate.
- vii. Be respectful of people's time. It is important to be punctual and that the meetings start on time. Stay focused and act efficiently during public meetings.

b. Conduct of Public Officials with one another in private encounters

- i. Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- ii. Be aware that even private conversations can have a public presence. Public Officials, especially elected officials, are always on display; their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

c. Conduct of Public Officials with other public agencies.

- i. Be clear about representation when attending other agency meetings or events
 1. If a Public Official appears before another governmental agency or organization to give a statement on an issue, the Public Official should clearly state whether the Public Official's statement reflects personal opinion or is the official stance of the Town, and if appropriate, whether it is the majority or minority opinion of the Governing Body on which the Public Official serves.
 2. If the Public Official is representing the Town, the Public Official must support and advocate the official Town position on an issue, not a personal viewpoint.
- ii. Correspondence also should be equally clear about representation.
 1. Town letterhead may be used when the Public Official is representing the Town and the Town's official position, and the Town Administrator, or staff as directed by the Administrator, will prepare, transmit, and retain the correspondence as part of the public record
 2. Town letterhead should not be used for correspondence of any Public Official who is stating a personal point of view, or a view that dissents with an official Board position or a position taken by the Governing Body on which the Public Official serves.

d. Conduct of Public Officials with Town Staff:

Governance of a Town relies on the cooperative efforts of Public Officials and Town staff, who implements and administers the Board of Trustees' policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- i. Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Governing Body colleagues, practice civility and decorum in all interactions with Town staff.

- ii. Channel communications through the appropriate senior Town staff. Questions and requests for information should typically be directed to the Town Administrator or Town Attorney. When in doubt about what staff contact is appropriate, Public Officials should ask the Town Administrator for direction.
- iii. Respect the Town Administrator's work program. Public Officials are encouraged to continually share ideas, suggestions, and feedback. The time and resources needed to develop and implement these ideas and suggestions, however, can sometimes compete with the time and financial resources needed to fulfill the Board's established goals and priorities. To assist in balancing these competing requests, Public Officials should consider handling issues as follows:
 - 1. For routine requests for action (such as citizen complaints or concerns about municipal services), Public Officials should depend on staff to respond. Public Officials should contact the Town Administrator with information about the request or question. This type of request can be forwarded informally to the Town Administrator at any time rather than waiting for a formal referral at a Governing Body meeting. The same protocol outlined in Section 9 of these policies, regarding communication and correspondence, can be utilized and will help ensure a timely response.
 - 2. Significant requests requiring Governing Body consensus:
 - a. Requests for additional information or reports that may be well out of the ordinary or take significant time to fulfill should initially be included on the agenda for an appropriate work session or other meeting of the Governing Body. If necessary the information project, or modification of current reporting practices, can be considered at a Governing Body meeting so the Governing Body as a whole may agree that the project merits an investment of staff time.
 - b. Policy or program modifications. Requests to research and analyze the viability of new or modified legislation, policies, or programming may be presented as a formal issue at an appropriate work session or other meeting of the Governing Body. Again this allows certain matters to be considered by the Governing Body as a whole so that they can provide appropriate direction.
- iv. Refrain from soliciting political support from staff. Do not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from town staff at work. Staff certainly may, as any other citizen, support political candidates away from the workplace.
- v. Never publicly criticize an individual employee. Criticism is differentiated from questioning staff or seeking the professional opinion of staff. Critical

comments about staff performance should be made to the Town Administrator through private correspondence or conversation.

- vi. Do not get involved in administrative functions. Avoid staff interactions that may be construed as trying to shape staff recommendations
- vii. Do not attend staff meetings unless requested by staff. Even if the Public Official does not say anything, the Public Official's presence may imply support, show partiality, intimidate staff, or hamper staff's ability to do its job objectively.
- viii. All Governing Body members should have the same information with which to make decisions. The Governing Body may expect that staff will make every attempt to provide each member with the same information (i.e. requests made of staff for information will be distributed to all; correspondence to one Governing Body member will be distributed to all).

e. Conduct of Trustees with Subordinate Governing Bodies:

Citizens who serve on Subordinate Governing Bodies become more involved in government and may serve as advisors to the Board of Trustees. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect

- i. Attending Subordinate Governing Body meetings, generally. Trustees may attend any Subordinate Governing Body meeting subject to ii below. However, the presence of a member of the Board may affect the conduct of the meeting and limit the role and function of the Subordinate Governing Body.
 - 1. Any comments made at a meeting of a Subordinate Governing Body for which the Trustee is not an appointed liaison should be identified as the Trustee's personal views or opinions and not the official position of the Board.
 - 2. Since the attendance of three or more Trustees constitutes a legal Board meeting, Trustees should advise staff of their planned attendance so appropriate and timely public notification can be prepared and posted.
- ii. Trustees should not attend Planning Commission meetings. The Planning Commission makes recommendations to the Board of Trustees on land-use matters. The Board of Trustees then often acts in its quasi-judicial capacity and reviews that earlier decision. In order to avoid any actual or perceived prejudgment of issues, Trustees generally should not attend Planning Commission meetings where any matter is expected to be considered that could eventually come before the Board of Trustees in its quasi-judicial capacity.
- iii. Limit contact with Subordinate Governing Body members to questions of clarification. It is inappropriate for a Board of Trustees member to contact a Subordinate Governing Body member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. To

clarify a position taken by a Subordinate Governing Body or a member thereof, Trustees should contact staff.

- iv. Subordinate Governing Bodies are advisory to the Board of Trustees as a whole. The Board of Trustees as a whole, and not individually, appoints individuals to serve on Subordinate Governing Bodies, and any removal of a Subordinate Governing Body member is also the Board of Trustees' responsibility as a group. Appointments should be based solely on established goals and membership parameters. An appointment should not be used as a political "reward."
 - v. Be respectful of diverse opinions. A role of the Subordinate Governing Bodies is to represent many and diverse points of view in the community and to provide the Board of Trustees with advice based on a full spectrum of concerns and perspectives. Trustees should be fair and respectful of all residents serving on Subordinate Governing Bodies.
 - vi. Keep political support away from public forums. A Trustee may offer political support to another Trustee but only in a forum outside the official duties of the Board. Conversely, a Trustee may support another Trustee who is running for office but not in an official forum in their capacity as a Trustee.
 - vii. Concerns about individual Subordinate Governing Body members should be pursued with tact. Inappropriate behavior by a such an individual should be reported to the Town Administrator or his or her designee, and the Administrator or designee should investigate the matter. If the behavior continues, the Administrator should forward the matter to the Board for consideration of disciplinary action or removal to the extent such action is within the authority of the Board.
 - viii. Any member of the Board of Trustees may be removed for cause as provided by state statute and relevant law.
- f. Conduct of Governing Bodies with the public.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Public Officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

i. In public meetings:

- 1. Be welcoming and respectful to speakers. Addressing a Governing Body at public forums can be a daunting experience even for the most seasoned speaker. Some issues for which a Governing Body may make a decision may affect people's daily lives and their homes. Some decisions are emotional. The way in which a speaker is treated can do a lot to help them relax and convey a message, and not elevate emotions to a higher level of intensity.

2. Be fair and equitable in allocating public hearing time. The Presiding Officer will determine and announce limits on speakers at the start of the meeting or public hearing. Generally, each speaker will be allocated three minutes; applicants and appellants or their designated representatives will be allocated more time. If many speakers are anticipated, the Presiding Officer may shorten the time limit and/or ask speakers to limit information to new information and points of view not already covered by previous speakers. No speaker should be turned away unless the speaker exhibits inappropriate behavior. Each speaker may only speak once during a hearing unless the Governing Body requests additional information or clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing for a limited and specific purpose.
3. Listen actively. Being attentive and making eye contact will make speakers feel they are being heard. Be aware of facial expressions that could be interpreted as “smirking,” disbelief, anger or boredom.
4. Ask for clarification; avoid debate and arguments. Questions from the Governing Body to speakers should seek to clarify or expand information. Avoid challenging or criticizing speakers. If a speaker is off the topic or exhibits behavior or language that is disturbing, the Presiding Officer should interrupt, focus the speaker, and maintain the order and decorum of the meeting. The Presiding Officer will also ensure the speaker appropriately identifies him or herself and spells his or name for the record, and speaks into the microphone.

ii. In unofficial settings:

1. Make no promises on behalf of the Governing Body. Members will frequently be asked to explain a Governing Body action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Governing Body action, or to promise Town staff will do something specific (fix a pothole, plant new flowers in the median, etc.)
2. Make no personal comments about other Public Officials. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Public Officials, their opinions and actions.
3. Remember that Milliken is a small town at heart. Public Officials are constantly being observed by the community every day that they serve in office. Their behaviors, comments, businesses and properties serve as models for Milliken residents. Honesty and respect for the dignity of each individual should be reflected in every

word and action taken by Public Officials, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Appendix D - Conflict of Interest Statutes

24-18-101. Legislative declaration.

The general assembly recognizes the importance of the participation of the citizens of this state in all levels of government in the state. The general assembly further recognizes that, when citizens of this state obtain public office, conflicts may arise between the public duty of such a citizen and his or her private interest. The general assembly hereby declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the state. The provisions of this part 1 recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

24-18-102. Definitions.

As used in this part 1, unless the context otherwise requires:

- (1) "Business" means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.
- (3) "Employee" means any temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the state.
- (4) "Financial interest" means a substantial interest held by an individual which is:
 - (a) An ownership interest in a business;
 - (b) A creditor interest in an insolvent business;
 - (c) An employment or a prospective employment for which negotiations have begun;
 - (d) An ownership interest in real or personal property;
 - (e) A loan or any other debtor interest; or
 - (f) A directorship or officership in a business.
- (5) "Local government" means the government of any county, city and county, city, town, special district, or school district.
- (6) "Local government official" means an elected or appointed official of a local government, but does not include an employee of a local government. "Local government official" includes a member of the board of commissioners of any airport authority created pursuant to article 3 of title 41.
- (7) "Official act" or "official action" means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.
- (8) "Public officer" means any elected officer, the head of a principal department of the executive branch, and any other state officer. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a

board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

(9) "State agency" means the state; the general assembly and its committees; every executive department, board, commission, committee, bureau, and office; every state institution of higher education, whether established by the state constitution or by law, and every governing board thereof; and every independent commission and other political subdivision of the state government except the courts.

24-18-103. Public trust - breach of fiduciary duty.

(1) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state.

(2) A public officer, member of the general assembly, local government official, or employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such public officer, member of the general assembly, local government official, or employee.

24-18-104. Rules of conduct for all public officers, members of the general assembly, local government officials, and employees.

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official, or an employee shall not:

(a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or

(b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

(I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or

(II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

(2) An economic benefit tantamount to a gift of substantial value includes without limitation:

(a) A loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services; or

(b) The acceptance by a public officer, a member of the general assembly, a local government official, or an employee of goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the state or a local government under a contract or other means by which the person receives payment or other compensation from the state or local government, as applicable, for which the officer, member, official, or employee serves, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties,

the transaction is supported by full and adequate consideration, and the officer, member, official, or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.

(3) The following are not gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this section:

(a) Campaign contributions and contributions in kind reported as required by section 1-45-108, C.R.S.;

(b) An unsolicited item of trivial value;

(b.5) A gift with a fair market value of fifty-three dollars or less that is given to the public officer, member of the general assembly, local government official, or employee by a person other than a professional lobbyist.

(c) An unsolicited token or award of appreciation as described in section 3 (3)(c) of article XXIX of the state constitution;

(c.5) Unsolicited informational material, publications, or subscriptions related to the performance of official duties on the part of the public officer, member of the general assembly, local government official, or employee;

(d) Payment of or reimbursement for reasonable expenses paid by a nonprofit organization or state and local government in connection with attendance at a convention, fact-finding mission or trip, or other meeting as permitted in accordance with the provisions of section 3 (3)(f) of article XXIX of the state constitution;

(e) Payment of or reimbursement for admission to, and the cost of food or beverages consumed at, a reception, meal, or meeting that may be accepted or received in accordance with the provisions of section 3 (3)(e) of article XXIX of the state constitution;

(f) A gift given by an individual who is a relative or personal friend of the public officer, member of the general assembly, local government official, or employee on a special occasion.

(g) Payment for speeches, appearances, or publications that may be accepted or received by the public officer, member of the general assembly, local government official, or employee in accordance with the provisions of section 3 of article XXIX of the state constitution that are reported pursuant to section 24-6-203 (3)(d);

(h) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly or by reason of service in other public office;

(i) A component of the compensation paid or other incentive given to the public officer, member of the general assembly, local government official, or employee in the normal course of employment; and

(j) Any other gift or thing of value a public officer, member of the general assembly, local government official, or employee is permitted to solicit, accept, or receive in accordance with the provisions of section 3 of article XXIX of the state constitution, the acceptance of which is not otherwise prohibited by law.

(4) The provisions of this section are distinct from and in addition to the reporting requirements of section 1-45-108, C.R.S., and section 24-6-203, and do not relieve an incumbent in or elected candidate to public office from reporting an item described in subsection (3) of this section, if such reporting provisions apply.

(5) The amount of the gift limit specified in paragraph (b.5) of subsection (3) of this section, set at fifty-three dollars as of August 8, 2012, shall be identical to the amount of the gift limit under section 3 of article XXIX of the state constitution, and shall be adjusted for inflation contemporaneously with any adjustment of the constitutional gift limit pursuant to section 3 (6) of article XXIX.

24-18-105. Ethical principles for public officers, local government officials, and employees.

- (1) The principles in this section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.
- (2) A public officer, a local government official, or an employee should not acquire or hold an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he has substantive authority.
- (3) A public officer, a local government official, or an employee should not, within six months following the termination of his office or employment, obtain employment in which he will take direct advantage, unavailable to others, of matters with which he was directly involved during his term of employment. These matters include rules, other than rules of general application, which he actively helped to formulate and applications, claims, or contested cases in the consideration of which he was an active participant.
- (4) A public officer, a local government official, or an employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.
- (5) Public officers, local government officials, and employees are discouraged from assisting or enabling members of their immediate family in obtaining employment, a gift of substantial value, or an economic benefit tantamount to a gift of substantial value from a person whom the officer, official, or employee is in a position to reward with official action or has rewarded with official action in the past.

24-18-106. Rules of conduct for members of the general assembly.

- (1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the member of the general assembly committing the act has breached his fiduciary duty and the public trust. A member of the general assembly shall not accept a fee, a contingent fee, or any other compensation, except his official compensation provided by statute, for promoting or opposing the passage of legislation.
- (2) It shall not be a breach of fiduciary duty and the public trust for a member of the general assembly to:
 - (a) Use state facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates;
 - (b) Accept or receive a benefit as an indirect consequence of transacting state business; or
 - (c) Accept the payment of or reimbursement for actual and necessary expenses for travel, board, and lodging from any organization declared to be a joint governmental agency of this state under section 2-3-311 (2), C.R.S., if:
 - (I)
 - (A) The expenses are related to the member's attendance at a convention or meeting of the joint governmental agency at which the member is scheduled to deliver a speech,

make a presentation, participate on a panel, or represent the state of Colorado or for some other legitimate state purpose;

(B) The travel, board, and lodging arrangements are appropriate for purposes of the member's attendance at the convention or meeting;

(C) The duration of the member's stay is no longer than is reasonably necessary for the member to accomplish the purpose of his or her attendance at the convention or meeting;

(D) The member is not currently and will not subsequent to the convention or meeting be in a position to take any official action that will benefit the joint governmental agency; and

(E) The attendance at conventions or meetings of the joint governmental agency has been approved by the executive committee of the legislative council or by the leadership of the house of the general assembly to which the member belongs; or

(II) The general assembly pays regular monthly, annual, or other periodic dues to the joint governmental agency that are invoiced expressly to cover travel, board, and lodging expenses for the attendance of members at conventions or meetings of the joint governmental agency.

(3) Notwithstanding any other provision of law, no member of the general assembly shall lobby, solicit lobbying business or contracts, or otherwise establish a lobbying business or practice respecting issues before the general assembly prior to the expiration of his or her term. Where the member tenders his or her resignation prior to the expiration of his or her term, the requirements of this subsection (3) shall apply up through the date of the member's resignation from office.

24-18-107. Ethical principles for members of the general assembly.

(1) The principles in this section are intended only as guides to a member of the general assembly in determining whether or not his conduct is ethical.

(2) A member of the general assembly who has a personal or private interest in any measure or bill proposed or pending before the general assembly shall disclose the fact to the house of which he is a member and shall not vote thereon. In deciding whether or not he has such an interest, a member shall consider, among other things, the following:

(a) Whether the interest impedes his independence of judgment;

(b) The effect of his participation on public confidence in the integrity of the general assembly; and

(c) Whether his participation is likely to have any significant effect on the disposition of the matter.

(3) An interest situation does not arise from legislation affecting the entire membership of a class.

(4) If a member of the general assembly elects to disclose the interest, he shall do so as provided in the rules of the house of representatives or the senate, but in no case shall failure to disclose constitute a breach of the public trust of legislative office.

24-18-108. Rules of conduct for public officers and state employees.

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.

(2) A public officer or a state employee shall not:

- (a) Engage in a substantial financial transaction for his private business purposes with a person whom he inspects, regulates, or supervises in the course of his official duties;
- (b) Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from his agency;
- (c) Assist any person for a contingent fee in obtaining any contract, claim, license, or other economic benefit from any state agency; or
- (d) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

(3) A head of a principal department or a member of a quasi-judicial or rule-making agency may perform an official act notwithstanding paragraph (d) of subsection (2) of this section if his participation is necessary to the administration of a statute and if he complies with the voluntary disclosure procedures under section 24-18-110.

(4) Repealed.

24-18-108.5. Rules of conduct for members of boards and commissions.

- (1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.
- (2) A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.

24-18-109. Rules of conduct for local government officials and employees.

- (1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust.
- (2) A local government official or local government employee shall not:
 - (a) Engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;
 - (b) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or
 - (c) Accept goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his or her official or governmental status that is unavailable to members of the public generally.
- (3)
 - (a) A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the

governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

(b) A member of the governing body of a local government may vote notwithstanding paragraph (a) of this subsection (3) if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures under section 24-18-110.

(4) It shall not be a breach of fiduciary duty and the public trust for a local government official or local government employee to:

(a) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or

(b) Accept or receive a benefit as an indirect consequence of transacting local government business.

(5)

(a) Notwithstanding any other provision of this article 18, it is neither a conflict of interest nor a breach of fiduciary duty or the public trust for a local government official who is a member of the governing body of a local government to serve on a board of directors of a nonprofit entity and, when serving on the governing body, to vote on matters that may pertain to or benefit the nonprofit entity.

(b)

(I) Except as provided in subsection (5)(b)(II) of this section, a local government official is not required to provide or file a disclosure or otherwise comply with the requirements of subsection (3) of this section unless the local government official has a financial interest in, or the local government official or an immediate family member receives services from, the nonprofit entity independent of the official's membership on the board of directors of the nonprofit entity.

(II) A local government official who serves on the board of directors of a nonprofit entity shall publicly announce his or her relationship with the nonprofit entity before voting on a matter that provides a direct and substantial economic benefit to the nonprofit entity.

24-18-110. Voluntary disclosure.

A member of a board, commission, council, or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses, a member of the general assembly, a public officer, a local government official, or an employee may, prior to acting in a manner which may impinge on his fiduciary duty and the public trust, disclose the nature of his private interest.

Members of the general assembly shall make disclosure as provided in the rules of the house of representatives and the senate, and all others shall make the disclosure in writing to the secretary of state, listing the amount of his financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his interest. If he then performs the official act involved, he shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

24-18-111. Powers of the secretary of state. (Repealed)

24-18-112. Board of ethics for the executive branch - created - duties.

(1) There is hereby created a board of ethics for the executive branch of state government in the office of the governor. The board shall consist of five members to be appointed by and serve at the pleasure of the governor.

(2) The board of ethics for the executive branch shall:

- (a) Comment, when requested by the governor, on each proposed gubernatorial appointment, including the heads of the principal departments and the senior members of the governor's office based upon the provisions of this article;
- (b) Upon written request of the governor, review complaints of any violation of the provisions of this article by a member of the executive branch of state government;
- (c) Make written recommendations to the governor concerning his requests; and
- (d) Review appeals brought before the board of ethics pursuant to section 24-30-1003 (4).

24-18-113. Board of ethics for the general assembly - created - duties.

(1)

(a) There is hereby created a board of ethics for the general assembly. The board shall consist of four legislative members. One member shall be appointed by and serve at the pleasure of the majority leader of the house of representatives; one member shall be appointed by and serve at the pleasure of the majority leader of the senate; one member shall be appointed by and serve at the pleasure of the minority leader of the house of representatives; and one member shall be appointed by and serve at the pleasure of the minority leader of the senate.

(b) The terms of the members appointed by the majority and minority leaders of the house of representatives and the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the majority and minority leaders of the house of representatives and the senate shall each appoint or reappoint members in the same manner as provided in paragraph (a) of this subsection (1). Thereafter, the terms of members appointed or reappointed by the majority and minority leaders of the house of representatives and the senate shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the majority and minority leaders of the house of representatives and the senate shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the majority and minority leaders of the house of representatives and the senate shall continue in office until the member's successor is appointed.

(c) The members of the board of ethics for the general assembly are entitled to receive compensation and reimbursement of expenses as provided in section 2-2-326, C.R.S.

(2) The board of ethics for the general assembly shall, upon written request of a member of the general assembly, issue advisory opinions concerning issues relating to the requesting member's conduct and the provisions of this article.

24-18-201. Interests in contracts.

(1) Members of the general assembly, public officers, local government officials, or employees shall not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. A former employee may not, within six months following the termination of his employment, contract or be employed by an employer who contracts

with a state agency or any local government involving matters with which he was directly involved during his employment. For purposes of this section, the term:

- (a) "Be interested in" does not include holding a minority interest in a corporation.
- (b) "Contract" does not include:
 - (I) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 - (II) Merchandise sold to the highest bidder at public auctions;
 - (III) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 - (IV) A contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than ten percent of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.
 - (V) A contract with respect to which any member of the general assembly, public officer, local government official, or employee has disclosed a personal interest and has not voted thereon or with respect to which any member of the governing body of a local government has voted thereon in accordance with section 24-18-109 (3)(b) or 31-4-404 (3), C.R.S. Any such disclosure shall be made: To the governing body, for local government officials and employees; in accordance with the rules of the house of representatives and the senate, for members of the general assembly; and to the secretary of state, for all others.

24-18-202. Interest in sales or purchases.

Public officers and local government officials shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

24-18-203. Voidable contracts.

Every contract made in violation of any of the provisions of section 24-18-201 or 24-18-202 shall be voidable at the instance of any party to the contract except the officer interested therein.

24-18-204. Dealings in warrants and other claims prohibited.

State officers, county officers, city and county officers, city officers, and town officers, as well as all other local government officials, and their deputies and clerks, are prohibited from purchasing or selling or in any manner receiving to their own use or benefit or to the use or benefit of any person or persons whatever any state, county, city and county, city, or town warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state or any county, city and county, city, or town thereof except evidences of indebtedness issued to or held by them for services rendered as such officer, deputy, or clerk, and evidences of the funded indebtedness of such state, county, city and county, city, or town.

24-18-205. Settlements to be withheld on affidavit.

(1) Every officer charged with the disbursement of public moneys who is informed by affidavit establishing probable cause that any officer whose account is about to be settled, audited, or paid by him has violated any of the provisions of this part 2 shall suspend such settlement or payment and

cause such officer to be prosecuted for such violation by the district attorney of the appropriate jurisdiction.

(2) If there is judgment for the defendant upon such prosecution, the proper officer may proceed to settle, audit, or pay such account as if no such affidavit had been filed.

24-18-206. Penalty.

A person who knowingly commits an act proscribed in this part 2 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501. In addition to the penalties provided in section 18-1.3-501, the court may impose a fine of no more than twice the amount of the benefit the person obtained or was attempting to obtain in violating a provision of this part 2.

Appendix E - Classes of Motions under Robert's Rules of Order

1. Main motions introduce items of business before the Board. A main motion can be made only when no other motion is pending, and it ranks lowest in the order of precedence of motions.
2. Subsidiary motions are secondary or supplemental to the main motion and must be dealt with before the main motion can be voted on. This motion class includes those to:
 - a. Postpone indefinitely to kill a motion
 - b. Amend to change a motion
 - c. Refer to a committee
 - d. Postpone to a certain time
 - e. Limit or extend limits of debate
 - f. Previous question (call for the question, must be seconded, cannot debate and must pass by 2/3 vote)
 - g. Lay on the table to table a motion
3. Privileged motions are those of a more administrative function and do not relate directly to the pending question, such as:
 - a. Call for the orders of the day to return to private agenda
 - b. Raise a question of privilege
 - c. Recess for a short intermission, begin where left off
 - d. Adjourn to close the meeting
 - e. Fix the time to which to adjourn and set the next meeting date and time
4. Incidental motions have no connection with the main motion, but are important enough for immediate consideration and temporarily sets aside the main motion. Examples:
 - a. Point of order when rules are being violated
 - b. Appeal the ruling of the Mayor if you disagree
 - c. Suspend the rules in order to take action that would violate the rules
 - d. Objection to the consideration of the question to enable avoidance of a particular main motion
 - e. Division of a question to separate into stand alone parts
 - f. Consideration by paragraph or section to take apart a long report
 - g. Division of the assembly to ask for a roll call vote when unable to determine by voice vote

- h. Motions relating to methods of voting and the polls to ask for a vote other than roll call or voice
 - i. Motions relating to nominations that are not already in the by laws
 - j. Requests and inquiries made to have something done requiring the permission of the body
- 5. Motions that bring a question again before the assembly may be made, like main motions, while no other business is pending. Examples:
 - a. Take from the table enables a motion previously tabled to be reconsidered
 - b. Rescind or amend something previously adopted to bring something back before the body
 - c. Discharge a committee when their work is done
 - d. Reconsider (the vote) to correct a decision due to more information

Appendix F - SOCIAL MEDIA POLICY

BACKGROUND AND PURPOSE

The Town of Milliken (the "Town") has an overriding interest in deciding what is "spoken" on its behalf on Social Media. Under some circumstances, a Social Media account may become a public forum subject to First Amendment protections, and can be subject to both the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq., and the Colorado Open Records Act, C.R.S. § 24-6-200.1, et seq.. To address the fast-changing landscape of the Internet and the way citizens communicate and obtain information online, individuals sitting on Town boards and commissions may consider using social media tools to reach a broader audience. The Town adopts this Policy to establish guidelines for the use of Social Media.

APPLICABILITY

This policy applies to all individuals, whether elected or appointed, sitting on Town boards, commissions or committees.

DEFINITIONS

- (a) "Board" means every Town board, commission, council and committee, whether statutory or advisory, including without limitation the Board of Trustees, the Planning Commission, the Milliken Economic Development Council, the Historic Preservation Advisory Board, the Board of Adjustment, the Open Space & Trails Advisory Board, the Sustainability Advisory Board and the Tree Board.
- (b) "Member" means an individual that sits on a Board.
- (c) "Personal Account" means a Social Media account that is used solely for personal communications.
- (d) "Social Media" means websites and services that focus on creating and fostering online social communities and connecting users from varying locations and interest areas, including without limitation social networks (Facebook, LinkedIn and Nextdoor), instant messaging (SMS), blogs, wikis and online collaboration (SoundCloud), microblogging (Twitter), status updates, online forums and discussion boards, chats, or groups (Google Groups, Reddit, Yahoo and Whirlpool), website link sharing, video conferencing, virtual worlds, location-based services, video on demand (VOD) and podcasting, geo-spatial tagging (Foursquare and Facebook Check In), and photo and video sharing (Flickr, Instagram, Snapchat and YouTube).

PERSONAL ACCOUNTS TO BE DISTINCT FROM PUBLIC ACCOUNTS

A Member has a First Amendment right to maintain a Personal Account.

The following guidelines should be followed with respect to Member Personal Accounts:

- A Personal Account generally should not be used to discuss the business of the Board on which a Member serves.
- The name, title, tag, or link of a Personal Account should not include language that would indicate that the Member is acting in any official capacity when posting on that account.
- Personal Accounts should not be created using a Town provided email.
- Personal Accounts should include a statement that the account is a personal social media account, and if the social media has such settings, should be categorized as personal.
- Town staff should not be asked to make updates or changes to a Personal Account at any time.
- No resources of the Town (e.g., a Town owned computer or tablet) should be utilized in maintaining a Personal Account.
- The Member should include a disclaimer that any views expressed on the social media are strictly the Member's own and not those of the Board on which the Member serves, or of the Town.

A Personal Account that violates these provisions is at risk of being deemed a public forum, regardless of when such Personal Account was established and for what purpose.

Failure to comply with this Section may expose both the Member and the Town to risks associated with First Amendment violations, including civil rights claims under section 1983 of title 42 of the United States Code, Fair Campaign Practices Act violation claims, and Open Meetings Law violation claims.

ELECTION AND CAMPAIGN USE OF SOCIAL MEDIA

The Fair Campaign Practices Act, C.R.S. § 1-45-101, et seq., (FCPA) prohibits Town resources from being used for political purposes. Compliance with the rules set forth in this policy should help a Member avoid violation of the FCPA.

While use of a Personal Account in a manner that complies with this policy may help to avoid violation of the FCPA, that doesn't mean that temptations that attend a political campaign will never create legal risk.

Campaigning is an activity that has the inherent potential to discuss public business. While a candidate has a right to campaign, the discussion of public business that is attendant to campaigning could create a public forum, which could result in discussion that the candidate cannot control.

LEGAL RISKS

Most Social Media sites require users to agree to terms of service, which can include such provisions as indemnity and defense clauses and applicable law and venue clauses. When a public agency creates an account on a Social Media site, it typically must agree not to sue the site or allow the site to be included in suits against the agency, and requires the account owner to pay the site's legal costs arising from such suits. Terms of service also often specify that the law of a particular state applies to all legal actions, and that state's law may be very different from Colorado law. "Venue," which means the place where any litigation must occur, may also be specified and be in a distant court. Because of these provisions, any Member violating the terms of service while also violating the provisions of this policy exposes the Town to significant legal risks.

The provisions of this Policy are intended to help protect the Town and Members from such risks, and thus compliance with both this Policy and the terms of service of the Social Media platform is an essential obligation and duty of every Member. Members who are not prepared to comply with this Policy and the individual terms of service should not use Social Media while serving on a Board.

UNLAWFUL MEETINGS

Of particular concern for Members' use of Social Media is the risk of violating the Colorado Open Meetings Law. Under the Open Meetings Law, all public business must be conducted in public, and a meeting of more than two Members must be noticed and open to the public (and a meeting can be by electronic means, including Social Media and email). This may be true even where only two Members at a time are communicating directly if the communication is then shared with another Member. The dynamic nature of Social Media and the sheer volume of posts may make it difficult to track who is involved in the discussion. As such, Members should not communicate about public business with other Members by Social Media commenting or messaging, whether or not such communication is public or private. While informal communication with constituents is generally acceptable when it does not relate to matters that may come before the Member in a quasi-judicial context, discussion of public business by Members could create an unlawful meeting.

SPECIAL CONSIDERATIONS REGARDING QUASI-JUDICIAL MATTERS

Some types of matters that may come before a Board involve the Member deciding the rights and responsibilities of individual parties. These are typically referred to as "quasi-judicial matters," and they might include such things as licensing applications and land use applications.

Any time a matter may come before a Board for consideration in a quasi-judicial context, it is imperative that every Member approach the matter with complete impartiality and neutrality. Even something as small as an announcement shared on Social Media of the date and time of consideration of such a matter could be the basis for an attack on the Board's ultimate decision and could subject the Town to legal risks

and costs. For these reasons, no Member should ever discuss such matters using a Personal Account or otherwise.

If someone posts to a Member's Personal Account a comment about a matter that may come before the Member in a quasi-judicial context, the Member should state that he or she cannot discuss the matter. If the individual persists in attempting to discuss the matter, then further action may be necessary. The Member should discuss with the town attorney the possibility of taking further action to protect the Member's impartiality and neutrality.

COMMUNICATIONS ON PERSONAL ACCOUNTS

All interaction should be conducted in a respectful and professional manner. Posts to Social Media that include discriminatory remarks, harassment, threats of violence or similar inappropriate or unlawful conduct, and are intended to bully or disparage others or to harm the reputation of the Town are a violation of this Policy.

CONFIDENTIALITY

No Member may disclose on Social Media confidential or proprietary information acquired by way of his or her official position.

PRESERVATION OF PUBLIC RECORDS

Content published on a Personal Account that relates to the business of the Board on which a Member serves must be delivered to the Town Clerk for retention in accordance with the Town's records retention policies.

SECURITY OF PUBLIC ACCOUNTS

Members should use necessary care to maintain the security and integrity of their Social Media accounts to prevent the unauthorized access or posting of content. Account passwords should be changed regularly and immediately after the password or Social Media site accessed using the password has been, or is suspected of being, compromised. Passwords should not be shared with any other individual or entity.

DISCIPLINARY ACTION

Failure to follow this Policy exposes the Town and the individual Members to significant legal risks. Therefore, a Member's failure to follow this Policy may result in disciplinary action, including public censure or removal from the Board, as appropriate and permitted by law.

DISTRIBUTION

This Policy shall be distributed to all current Members and any future Members upon accepting such position.