



Town of Grand Lake Board of Trustees Orientation

January 9, 2026



Training Session Agenda-Part I:

- Basic Legal Framework For Town
- Board Capacities – Legislative, Administrative, and Quasi-Judicial
- Types of Board actions
- Open meetings/Executive sessions
- Open records



Training Agenda – Part II

- Conflicts of Interest
- Ethics – Gifts
- Personal Liability
- Effective Governance



Basic Legal Framework

- Grand Lake is a “Statutory” Town; Powers and Rules Provided in:
 - State Statutes and Constitution
 - Grand Lake Municipal Code
 - Resolutions
 - Town Regulations, Policies and Procedures




Basic Legal Framework

- Powers are exercised by:
 - Board of Trustees
 - Boards, Commissions & Committees
 - Manager and Department Heads
 - Staff



Board Acting Capacities:

- Legislative
- Administrative
- Quasi-Judicial



Sometimes You're a Legislator:

- Forward Looking Policy Making
- Generally Applicable to & Affects a Large Group of Persons and/or Property
- Reflective of General Policy
- Legislation can be created by ordinance, resolution or motion
- Good time to talk to constituents



Sometimes you're an Administrator:

- Execution of policies and general business operations
- Examples:
 - granting of easements
 - dealing with utilities and services issues
 - Routine spending items
 - Consent Agenda
 - Recurring or minor contract approvals (e.g. janitorial services, IT contracts)



Sometimes You're a Judge:

- In this role, you are making a determination of the rights, duties or obligations of a specific individual or entity
- Notice and a hearing are required (due process)
- The Board's task is to apply specific standards, criteria or factors to a particular person, entity, or property
- Your decision is to be based solely on the application and matters presented as part of the hearing.



Quasi-Judicial Actions: Examples

- Land use applications, such as zoning, rezoning, conditional use permits, subdivision plats, PDODs
- Liquor matters, such as granting of a new liquor license or suspension or revocation of an existing license or special event permits

Quasi-Judicial Actions

- For quasi-judicial actions, you are essentially a “judge,” and your obligation is to provide a fair hearing that provides due process; this is a legal duty you assumed in taking office.
- This means, keep the “judge” frame of mind when processing and conducting yourself in a quasi-judicial matter; this includes:
 - Be impartial; don’t make up your mind before the hearing
 - Don’t discuss the matter outside of the hearing (would a judge do that?)
 - Don’t participate if you have a conflict of interest
 - Discuss and make your decision based on the Board’s adopted criteria and the matters presented at the hearing
 - Don’t sign any “pro” or “con” petitions



Types of Board Action

- Ordinance
- Resolution
- Motion
- Direction to staff



Ordinances

- Highest/most authoritative form of legislative act
- Used to enact laws of general and permanent nature
- Most codified in the Grand Lake Municipal Code
- Must meet legal requirements as to form, substance, and process



Ordinances: Form

- Title -- expresses nature of ordinance –
Publication of ordinances by title only
- “Whereas” clauses – why you re doing what
you are doing
- Enacting clause -- “Be it ordained by the
Board of Trustees of the Town of Grand
Lake”
- Body -- the substantive provisions of the
ordinance

Ordinances: Procedure

- Prepared by staff and/or Town Attorney
- Placed on agenda of regular or special meeting
- Introduced and read by title
- Town Board acts on the ordinance
- Signed by Mayor and Town Clerk
- Published in paper of general circulation within the Town
- Generally effective 30 days after publication
- If approved by $3/4^{\text{th}}$ as an emergency ordinance, and it qualifies as an “emergency,” then effective immediately
- Original filed and often “codified” in the Municipal Code



Ordinances: Required Votes

- Ordinances concerning money and contracts – call for vote
- Emergency ordinances or those calling for a special election – call for vote
- Most others - affirmative vote of majority present
- Legislation is subject to right of initiative & referendum



Resolutions

- Less formal than ordinances
- Not generally published
- Approval of administrative matters
- Often address a one-time issue rather than forward looking general policies
- Sometimes required by law
- Sometimes used to update fees, fines or schedule of costs



Motions

- Least formal form of action
- A way to bring any matter for consideration before the Town Board
- Not ordinarily presented in writing, as compared to ordinances and resolutions
- Robert's Rules of Order? Bob's Rules? Less formal procedures?
- Less formal still, direction to staff



Open meeting rules

Two key rules:

- All meetings of three or more members of a local public body at which any of the Town's **public business is discussed** or at which any formal action may be taken are public meetings **open to public**.
- Any meeting at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after **full and timely notice to the public**.

What constitutes a meeting?

- A gathering convened in person, by telephone, electronically, or by other means of communication, **of three or more members...**
- And, it's a gathering **“at which any public business is discussed.”**
- **What is public business?** The Colorado Supreme Court has stated: “[A] meeting must be part of the policy-making process to be subject to the requirements of the open meetings law. A meeting is part of the policy-making process if it concerns a matter related to the policy-making function of the ... public body holding or attending the meeting.” *Board of County Commissioners v. Costilla County Conservancy District*, 88 P.3d 1188 (Colorado 2004).
- Thus, a gathering of three or more that is connected to your policy-making responsibilities is subject to the open meetings law.
- HB 21-1025 passed last year makes clear that e-mails which do not discuss the merits or substance of matters considered by the Town such as scheduling, do not violate the open meetings law. Narrowly construed.

Meetings not subject to open meetings law

- Open meetings law expressly does not apply to:
 - “any chance meeting or social gathering at which discussion of public business is not the central purpose.”
 - or to “persons on the administrative staff.”
 - or to meetings of fewer than three.
- Attendance at a meeting called by another entity if not connected to the Board’s policy-making functions (but the other entity may itself be subject to the open meetings law)



Executive Sessions

- Open meetings laws also allow executive sessions, but only for specified purposes (see list)
- Also, the Board must follow specific procedures to convene an executive session, and a motion for executive sessions requires a 2/3 of quorum present
- The script you use to convene and conduct executive sessions is based on legal requirements of notice
- Confidentiality



Open Records

- All public records are open for inspection by any person, unless specifically excepted
- Public records include: all documents used in performing public functions or involving receipt of public funds
- Applies to: Written correspondence, Emails, and cell phone texts



Open records: notes of caution

- Mixed messages: the Tracy Baker case
- Moral:
 - Conduct Town business on Town system
 - Keep personal business separate
 - Don't send anything you wouldn't want published
- Short response time/Sanctions for failure to comply



Open records: Exceptions

- Attorney/client communications
- Purely personal communications
- Communications from constituent that clearly implies the constituent expects it to be kept confidential



PART II

- CONFLICTS, GIFTS, LIABILITY, AND EFFECTIVE GOVERNANCE



Ethics-Potential Conflicts of Interest

- Conflicts of interest are not bad
- Only dangerous if not disclosed
- Recommend raising potential conflicts before meeting, if possible, to avoid imputing to others
- Always available to discuss



Ethics – Conflicts of Interest

- General Rule: If you have a conflict of Interest:
 - Disclose the Conflict
 - Do Not Participate in the Discussion
 - Do Not Attempt to Influence Others
 - Leave the Room

Ethics – Conflicts of Interest

- An interest is primarily a “financial interest;” that is, a substantial interest which is an
 - Ownership, credit or employment interest in a business or real estate
 - A position as director or officer of a business
 - Modified for non-profit board member. Duty to disclose.
- Exceptions for generally conferred benefits and trivial interests



Ethics – Some Don'ts:

- Don't use/disclose confidential information acquired in office to further your personal financial interest
- Don't engage in a financial transaction for your private business purposes with a person you supervise
- Don't use of Town equipment or personnel for private interests



Ethics – More Don'ts:

- Don't perform an official act that directly and substantially affects to its economic benefit a business you have an interest in (i.e., owner, officer, creditor, employee) or for which you are engaged
- Don't have an interest in a Town contract, unless you comply with disclosure/recusal rules (or fit within another exception)
- Other conflicts of interest, appearance

Ethics - Gifts

- Amendment 41:
 - Do not accept any gifts or considerations of more than \$65 from any one person in any one year
 - There are specific exceptions – friends/family and non-profits
- State Statute: But, more importantly, do not accept any gift of substantial value which (I) would tend to improperly influence the faithful and impartial discharge of duties, or (II) is given to reward official action
 - These are objective standards
 - “Official action,” means basically any use of discretionary authority as a Board member



Personal Liability

- Conduct occurring during the performance of official duties – Protected by Insurance and CGIA protection
- “Willful and wanton conduct” – personal liability

Effective Governance – The Role

- The board is analogous to the board of directors of a corporation – responsible for the whole.
- The guiding principle in decision making should be, “what is the right thing for the Town?”
- The governing body’s focus is on governance and policy-making rather than management or administration. Recognize that:
 - Management is not the same as governance! Being a “super-manager” is still not governing.
 - Governance is policy-setting, big picture, and forward-looking, rather than making reactive, case-by-case decisions as issues arise, or after a problem surfaces.
 - The governing body and policy boards should develop “a taste for the grand expanse of the big picture,” and embrace that role within the organization.

Effective Governance

- Recognize you are a collective decision-making body, and that the Board acts primarily by voting in a public meeting.
- Each individual has a fraction of the power of the body, and that power can't be exercised alone.
- Thus, success in your position can't happen without collaboration and consensus-building: Think and act as “We” not “I”.
- Goal: be on the “prevailing” side – and bring others over to establish a “prevailing” side.
- The Role of the dissenting member after the vote

When dealing with staff – speak with one voice

- The governing body is made up of individuals, each with different goals and priorities; however:
 - There is but ONE Board and it has ONE voice.
 - And staff is accountable to the voice of the Board as a whole.
- Therefore, resolve to speak clearly with ONE voice
 - The Board as a board should carry the burden of sorting out and reconciling goals and priorities of its members, with the goal of establishing a singular set of goals, priorities and directions.



Conclusion

- Recognize roles and maintain role discipline.
- Observe best practices for meetings.
- Meet high ethical standards.
- Think and act “we” not “I” and commit to speak with one voice.
- Always keep in mind you are the stewards of the Town’s best interests and assets.



Additional sources

- CML Newly Elected Officials Handbook, CML
- Ethics, Liability & Best Practices for Elected Officials - CIRSA

- Legal Memos regarding these matters



QUESTIONS???