

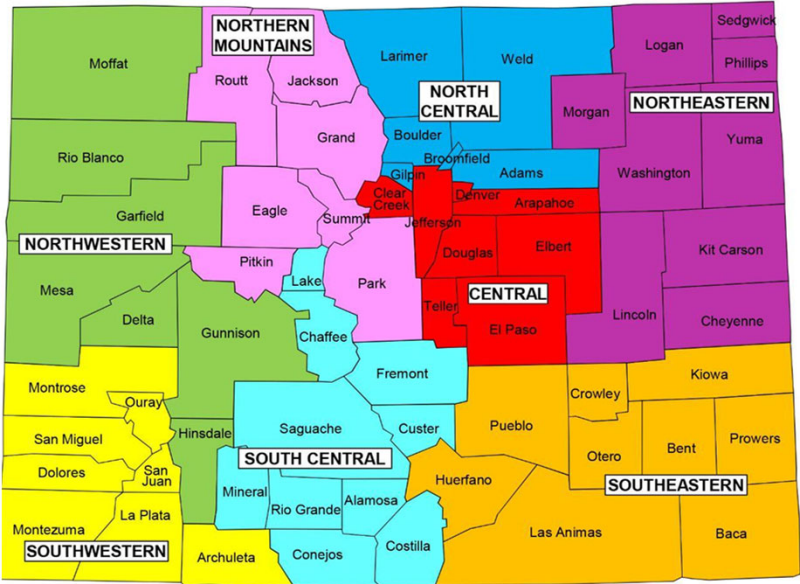
Board Training & Refresher Workshop



December 18, 2023

About DOLA

Strengthening Colorado Communities



Logistics & Disclaimers

- Please speak up to:
 - Ask questions along the way
 - Offer stories & examples
 - Respond to scenario questions
- Topics are anticipated to be 90% applicable

What We'll Cover Today

- Welcome and Introductions
- Roles and Responsibilities (Authority)
- Relationship Building (Working together as a board)
- Establishing Goals and Setting Priorities
- Ethical Issues
- Scenarios (throughout)

Roles & Responsibilities

Grounding Authority

The right and responsibility of government to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and general welfare.



Local Governments

Health and Safety – police, fire, immunization, hospitals, roads, drinking water and groundwater protection

Welfare – education, libraries, museums, parks, recreation facilities, housing and economic development

Housekeeping – birth/death records, marriages, property ownership, tax collection and elections.

Statutory Authority

Regulations must be tied to **valid public purpose** (substantive due process) and be enacted and implemented so those directly affected have a **meaningful opportunity to participate** (procedural due process)



Roles & Responsibilities



Elected Officials

- Set policy
- Fiduciary responsibility for the budget
- Use enabling authority and charter to protect public interest
- Hire staff and appoint boards that will further the mission
- Provide general direction and ongoing two-way communication
- Support staff



Elements to consider

Be Professional

Be Accountable

Be a Big-Picture Thinker

Be a Good Steward

Be an Advocate

Be a Community Builder

Be a Decision Maker

Be Ethical

Town Administrator

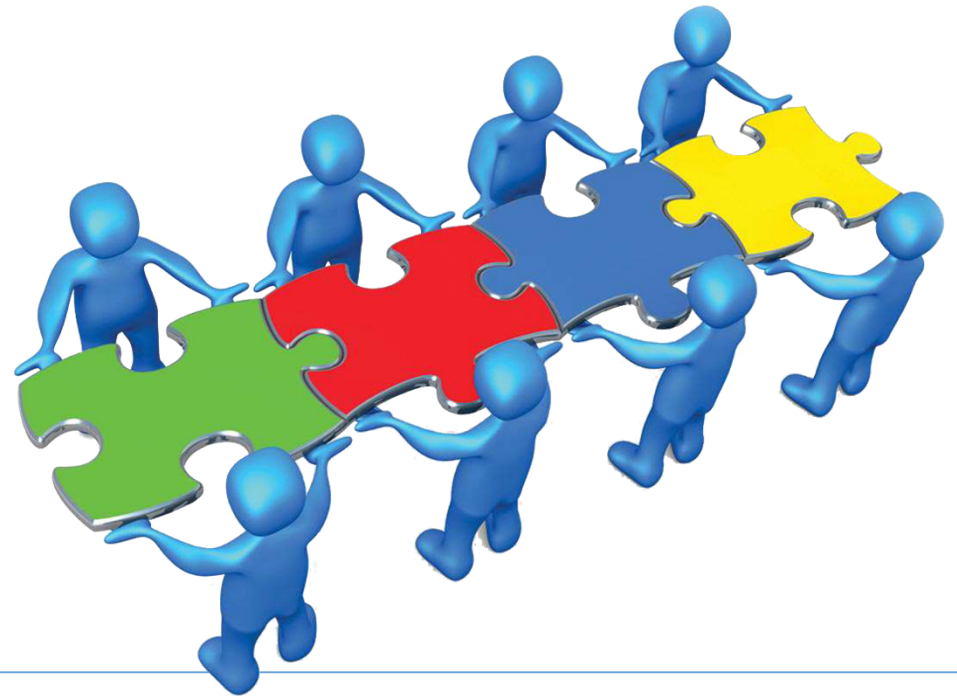
- Prepares a budget for Board consideration
- Recruits, hires, terminates, and supervises staff
- Serves as the Town Board's chief advisor
- Carries out the Board's policies
- Provides complete and objective information about local operations
- Discusses the pros and cons of alternatives and offers an assessment of the long-term consequences of a Board's decisions
- Serves at the pleasure of the governing body
- Traditionally works as an exempt or salaried employee
- Makes policy recommendations to the Town Board for consideration and final decision
- Is bound by whatever action the Town takes, and control is always in the hands of the elected representatives of the people

<i>Role of the Board</i>	<i>Role of the Manager</i>
Elected and accountable to the citizens	Appointed by and accountable to the Board
Appoints the Administrator (and possibly others)	Appoints all remaining staff
Represents the organization to the wider community/stakeholders	Manages day-to-day contact
Ensures the organization is abiding by the law	Manages the organization in order to ensure its compliance
Governs the organization	Manages the organization
Responsible for policy formation	Responsible for policy implementation, informing and guiding the Board on realistic and achievable goals
Develops and prioritizes long term goals	Delivers on short-term goals and implements long-term Board goals
Approves annual budget	Prepares annual budget
Establishes financial and other policies	Implements financial and other policies
Ensures annual audit is complete	Serves as liaison with auditors and provides all financial records
Manages Board/Council Meetings	In conjunction with Mayor or District Chair, sets agenda for Council Meetings



Staff

- Staff and consultants provide technical expertise and guidance
- Notice meetings, communicate with applicants, etc.
- Provide information and training
- Assist with research
- Write staff review/report
- Ensure good communication
- Offer professional opinions



Citizens

- Participate fully in a welcoming environment
- Participate in a way that's accessible to them
- Advise appointed and elected officials
- Ask questions
- Offer input and solutions



Relationship Building - Working Together as a Board

A strong board/staff partnership = A stronger, more prosperous Salida



Obstacles in developing a successful partnership

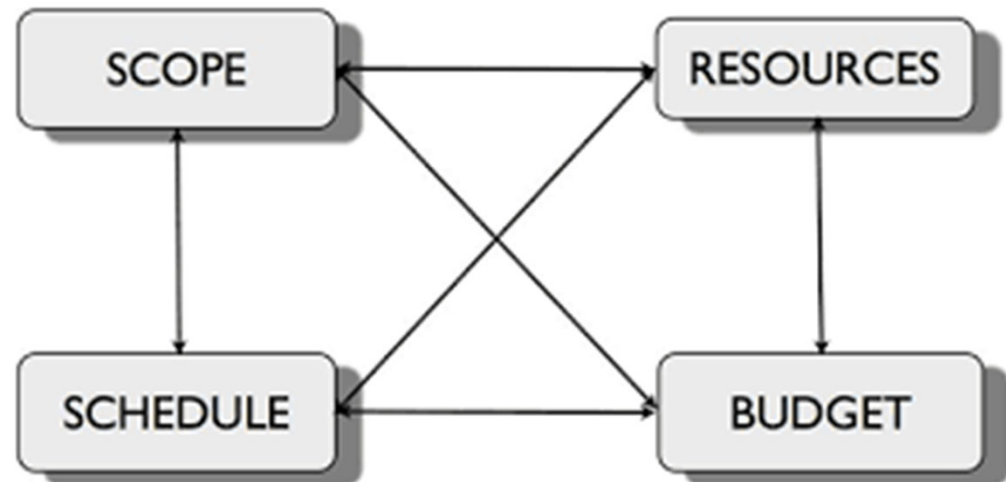
- All Board members may not see themselves as members of the same team
- Difficulty in “moving on” after a close vote or contentious issue
- Board and Staff don’t always speak the same language

Board Constraints

- Volunteer, for the most part
- No hierarchy
- No *measurable* feedback or evaluation of performance
- Open meetings requirement

Staff Constraints

- Multiple bosses
- Changing agendas
- Limited resources
- Mixed messages





When working together....

- Your conduct impacts your effectiveness
- You set the tone for the entire organization
- Your words and actions may have unintended consequences, which could affect others
- Discussion and disagreement are part of the process, but it must be done respectfully

Characteristics of Highly Effective Boards

Ability (and capacity!) to deal with issues as a team

Willingness to address difficult issues – “big picture” conversations

Successful and effective relationship with professional staff

-John Nalbandian

Use your manager (and other staff) as a resource

- Use your manager to help you do what you want to do and look good while you are doing it
- Provide clear direction and messaging to help your manager implement your collective and agreed upon policy direction

Establishing Goals and Setting Priorities

Constants of Government

Safety - creating a community where people feel safe and are protected

Infrastructure - water, wastewater, electric, gas, broadband, streets and drainage

Economy - Working with the business community to develop a strong local economy

Board Goals.....

Challenge the process....**search for opportunities**

Promote a shared vision....**enlist others**

Enable others to act....**encourage collaboration**

Model the way....**set the example**

Encourage the heart....**recognize contributions and celebrate accomplishments**

Your challenge

Understand the views of your colleagues, sort out the goals and priorities you each have

What is most important to you?

Where can you compromise?

Establish a singular set of goals and priorities which can be implemented

The Theory of Public Value

Political Support - The Board, after investigation and deliberation, has determined that this project must go forward for the benefit of the County;

Operational Capacity - The Board in conjunction with the Manager has determined through investigation that the organization has the capability, both financially and technically to undertake the project;

Public Support - The Board has publically explained the project, has answered all of the publics' concerns and has determined that the project can go forward

How do we get public support?

- There is a problem or an opportunity that just has to be addressed.
- The Town is the appropriate entity to address the problem or opportunity.
- The solution that the Board is proposing is reasonable, responsible and accountable.
- You do care, you do listen and just because you are moving forward with the project doesn't mean you don't listen and don't care.

Tools for Implementation



Meetings & Decision Making

Necessary tools for meetings

Agenda

Copy of the minutes

Back up material on key issues to be discussed



These should be provided to you in advance by staff –
HOWEVER it is your responsibility to read all the information
PRIOR to the meeting

Regular meetings

Happen on a consistent basis

Time and location specified

Noticed

Open to the public “at all times”

Typically comprised of procedural and non-procedural items

Special meetings

Held at a different time than regular meeting

Must be open to the public “at all times”

Noticed

“Used to consider only one or two items of business” that require immediate action prior to regular meetings

Worksession

Held at a different time than a regular meeting

Must be open to the public “at all times”

Do not have to occur in chambers

Noticed

Used to discuss town board business, where no action is necessary on a specific item

Executive Session

- Announce topic in open meeting with statutory citation
- $\frac{2}{3}$ vote is needed
- No formal action can occur
- Session must be recorded and kept for 90 days
- Defer to your legal counsel for all things ES

One on one

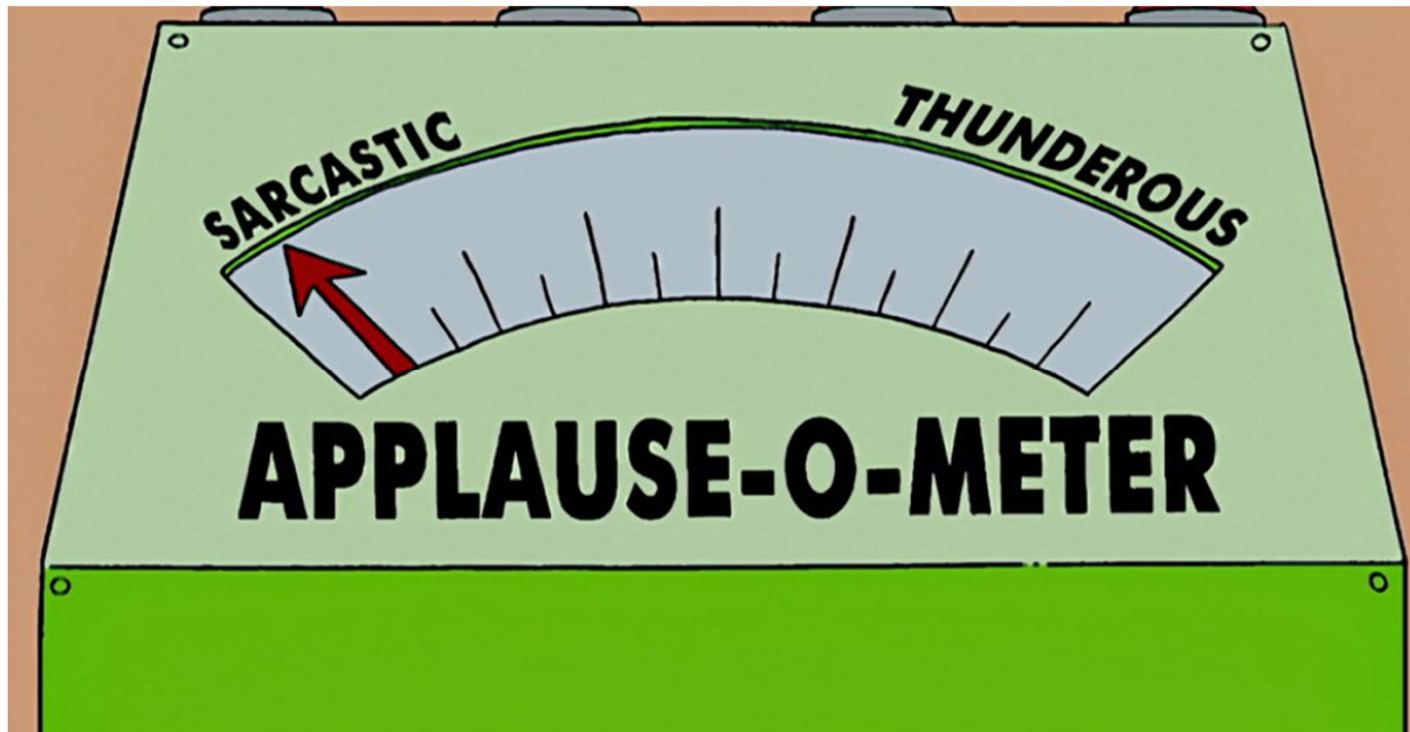
Meeting with constituent or staff

No quorum allowed

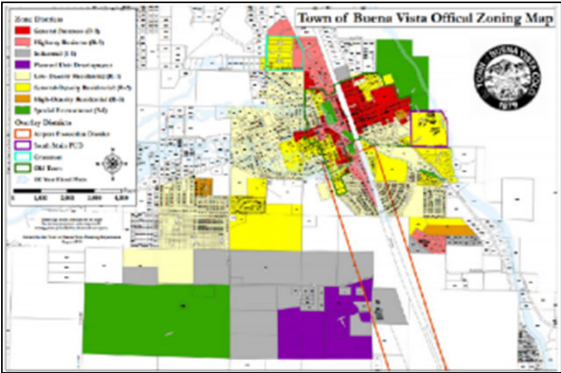
Be careful of ex parte communication



How Some People Think You Make Decisions



Types of Action



Legislative

Reflective of a public policy relating to matters of a permanent or general character, not restricted to an individual

Quasi-Judicial

Involves determination of rights or obligations of an individual; use of legislated rules to make a determination on an application



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APPLICATION TO BOARD OF ADJUSTMENT

Application Fee \$120.00 Application filing deadline is the second Friday of each month for next month's hearing

GENERAL INFORMATION

REQUEST (SETBACK VARIANCE, SIGN, ETC) _____

PROPERTY ADDRESS OR GENERAL LOCATION _____

NAME OF APPLICANT _____

MAILING ADDRESS _____

TELEPHONE _____ FAX _____

E-MAIL ADDRESS _____

EXISTING ZONING _____

LEGAL DESCRIPTION _____

The following information must be submitted by the second Friday of the month prior to appointment with the Board of Adjustment. Seven (7) copies of the application must be packaged in a board or file form with each set containing all the required information.

Public Meetings (Legislative Hat)

- Seek input
- Champion broad, inclusive public participation
- Explain context, big picture & process/timeline
- Demonstrate active listening
- Limit the jargon and acronyms
- Help make it relevant
- Act as community ambassadors
- Remain courteous (no matter what)

Decision-Making

What make a meeting effective?

- Everyone had meaningful opportunity to participate
- People feel they were heard
- Relevant issues (related to standards) were addressed
- No long tangents or discussions about issues your code and plan don't address (tip: start with staff report)
- Board's decision was clear (what and why)
- Board's decision was reasonably defensible



Decision-Making

A strong chair helps making a meeting effective

- Great communicator
- Sets the tone
- Ensures civility
- Strong listener
- Time-keeper
- Enforcer

Don't hand over control of a meeting



Improving Meetings

- Set the right tone: civil and professional
- Provide information on procedures ahead of time and repeat if needed throughout the meeting
- Thank people for their testimony
- Watch non-verbal cues
- Acknowledge that planning decisions are political and personal
- Show extraordinary patience

Decision Making: Hurdles & Mistakes

- Not being prepared
- Not asking enough questions
- Asking for a vote of the audience
- Showing bias before decision is made
- Attempting to be the architect, applicant, etc.



Decision-Making: Social Media

- Avoid showing bias
- Consider your intent
- Front page newspaper test; do not use social media to argue, condemn, attack, or even “set the record straight”
- Leave it to staff
- Establish and discuss (often) social media policy



Decision Making: Motions

Well-prepared motions take some effort

Motions explain to applicant and audience how the decision was made

Agree on procedures that will be used for meetings and for motions

Sometimes it takes
a team effort!



Decision-Making: Motions

Avoid Getting Tripped Up!

Before voting as one complex motion, vote on conditions one at a time
Move to approve for reasons listed in staff report (include staff report in findings)



Decision-Making: Conclusion

A popular decision is not always a good decision,
and a good decision is not always popular.

It is your responsibility to protect the (current and future) public health, safety, and welfare, even if it is not a popular decision in the moment.



Decision-Making: Scenario

A citizen in the audience starts asking the applicant questions.

Is this acceptable?

- a) Yes, you can't stop or hinder free speech.
- b) No, questions must be directed or raised to the board/commission to maintain control of the proceeding.

Decision-Making: Scenario

An opponent of a project challenges the time limit, demanding the full time she needs to provide her testimony. **What should the Chair do?**

- a) Thank her for her testimony and remind her there is a time limit which must be followed consistently and fairly.
- b) Go ahead and give her one more minute.
- c) Allow her to exceed the time limit only if others in the audience will give her their time.

Decision-Making: Scenario

It becomes clear the Board must deny the project. The applicant feels she has not been treated fairly and implies she may sue if her project isn't approved. **What should the Board do?**

- a) Approve the project but with several conditions you expect she will not be able to meet.
- b) Be sure the motion used to deny the project is clear and the staff report/discussion clearly lays out which standards were not met to make it clear why it was denied.
- c) Deny the project but the Chair should call her after the project to better explain why it had to be denied and make sure she feels heard.

Final Thoughts

You don't need to know EVERYTHING – use the resources available, take part in training

Governing is complicated – take your time to make good decisions

Take care of yourself as much as you are taking care of your community

Thank you for your commitment to your community!