

Town of Crested Butte Town Council Handbook



Adopted December 20, 2021

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Chapter 1: Introduction: Basics of Town Government

Proceed slowly

The first suggestion for newly elected officials is to proceed slowly. Many people will likely come to you for favors and bombard you with demands. As an elected official representing all the people, you should not feel obligated to satisfy individual wishes or demands. No longer can you consider issues relative to how they affect you personally. You must now look at every item from the standpoint of the whole community.

Town Council Role and Responsibilities

Council members are the leaders and policy makers of the Town. The Town Council has the authority to approve laws, regulations and policies that guide Town Government. The Town Council serves as the Planning Commission, the Local Liquor Licensing Authority, the Marijuana Licensing Authority, and hears appeals of decisions made by the Board of Zoning and Architectural Review (BOZAR).

Council members also serve as Town representatives on the Boards of several external organizations such as but not limited to: The Rural Transportation Authority (RTA), the Sustainable Tourism & Recreation Committee and Mt. Express.

The Town Council appoints the Town Manager, the Town Attorney and the Municipal Court Judge. These positions serve at the will of the Town Council. The Town Manager is an employee of the Town and has an employment agreement which specifies terms of employment, including an annual performance evaluation by the Town Council. The Town Attorney has a contract with the Town, which includes compensation rates and a requirement for an annual evaluation by the Town Council. The Council also conducts performance reviews of the Municipal Court Judge.

Council-Manager Form of Government

The Town of Crested Butte has a Council-Manager form of government, which means the Council establishes priorities and policies and the Town Manager implements the Council's directives. The Town Manager is the chief executive officer of the Town and is responsible for carrying out the Council's directives and administering the day-to-day operations of the Town. The Town Council should communicate all directives to the Town Manager and the Town Manager, in turn, directs staff. The Town Council should always avoid managing Town employees. The Town Code states that the Council shall not give orders to any subordinates of the Town Manager.

Crested Butte is a Home Rule Municipality

Municipal "Home Rule" is a form of government under the control of local citizens rather than state government. Towns and cities in Colorado can be Home Rule or Statutory. Home Rule municipalities have all the powers not expressly denied by the Colorado Constitution and state statutes. Statutory municipalities have only the powers expressly given to them by the Colorado Constitution and state statutes. Home Rule municipalities essentially have more power on a local level.

The Town Charter is akin to a constitution for the Town, the Charter defines organizational forms and the powers and duties of Town officers. Voters in the Town approved the Home Rule Charter in 1974. The laws, rules and regulations that guide the Town's government are included in the Town Charter and the Town Code. Unlike the Town Code, which can be amended by the Town Council through the adoption of ordinances, The Town Charter can only be amended by a vote of the electors of the Town.

Town Council/Town Attorney Relationship

The Town Attorney is the legal advisor for the Council, the Town Manager and Department Heads. The general legal responsibilities of the Town Attorney include:

- Provide legal assistance necessary for the formulation and implementation of legislative policies.
- Represent the Town's interests, as determined by the Town Council, in litigation, administrative hearings, negotiations and similar proceedings.
- Prepare ordinances, contracts and other legal documents.
- Keep the Town Council and staff apprised of court rulings and legislation affecting the legal interests of the Town.

General Powers of the Town Council

It's important that the Town Council act as a body. No member of the Council has any more power than other members of the Council. The Mayor and Mayor Pro-tem have additional ceremonial and administrative responsibilities (such as signing certain official documents and chairing meetings); however, all members of the Council are equal regarding the establishment of policies.

Policy is established by at least a majority vote of the Council. While individual members of the Council may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action. The Mayor presides at all meetings of the Council. The Mayor does not possess any power of veto and the Mayor votes on matters in the same manner as other Council members. As presiding officer of the Council, the Mayor should communicate the will of the Council majority in matters of policy. The Mayor is also the official head of the Town for all ceremonial purposes.

Role of Town Council/Board of Zoning and Architectural Review

The Board of Zoning and Architectural Review (BOZAR) consists of seven members appointed by the Town Council for staggered three-year terms. The BOZAR has many responsibilities including the authority to decide on the architectural appropriateness of building projects. BOZAR appoints a three-member Design Review Committee (DRC) which consists of two members of the BOZAR and one member of the Town staff. The DRC reviews all applications for architectural appropriateness in advisory meetings prior to the BOZAR meeting. Any decision by the Board of Zoning and Architectural Review may be appealed to the Town Council.

Role of Town Council as the Local Liquor & Marijuana Licensing Authority

Liquor & Marijuana Licenses in Colorado must be approved by both the State Liquor/Marijuana Authority and the local jurisdiction. The Town Council acts as the Local Liquor Licensing Authority and Marijuana Licensing Authority (LLA)/ (MLA) for the Town of Crested Butte. All new liquor and marijuana licenses and transfers must be approved by the LLA or MLA following a public hearing. Liquor license/Marijuana license renewals are approved administratively by the Town Clerk as long as no violations have occurred, and no complaints have been made against a liquor license/marijuana license holder. If complaints are filed, renewals must be considered by the LLA or MLA.

The LLA or MLA has the authority to hold hearings and impose sanctions against liquor license or marijuana license holders if an establishment violates state liquor or marijuana codes. Sanctions may include fines, suspension or in severe circumstances revocation of a liquor/marijuana license. Sanctions may only be imposed in conjunction with a legal proceeding called a show/cause hearing conducted by the LLA or MLA. State liquor/marijuana enforcement also has the authority to act against licensees who violate liquor/marijuana codes, and the State has the authority to conduct show/cause hearings and impose fines or other sanctions against a liquor/marijuana license holder. There are currently 36 liquor licenses and five marijuana dispensary licenses in the Town of Crested Butte.

Role of Town Council as the Planning Commission

The Town Council serves as the Planning Commission. The Mayor is the Chair of the Planning Commission and the Mayor Pro-tem is the Vice Chair. The Planning Commission does not have a regular meeting schedule. Planning Commission meetings are called by the Chair or, as appropriate, the Vice Chair. Meetings may also be scheduled as an item of business during a Planning Commission meeting.

The primary role of the Planning Commission is to implement the Subdivision Section of the Town Code and certain provisions of the annexation process with final approval of an annexation by the Town Council.

Role of Town Council on Boards and Committees

The Town Council approved Resolution No. 04, Series 2021 adopting a policy of the Town Council regarding Town participation on boards and committees. Town Council members are appointed to serve on various external task forces, boards and committees. Council members serve as voting members on several boards such as but not limited to the Rural Transportation Authority and Mt. Express and may be appointed to serve as ex-officio members of several boards such as: The Center for the Arts and the Chamber of Commerce. Initial appointments are made soon after the Council's organizational meeting following elections. Council members who serve on external boards and committees are expected to report to the full Council by written report included in the packet or during regular Council meetings about the activities of the board or committee on which they serve. Written reports are preferred and should be submitted to the Town Clerk by noon on Monday prior to a Council meeting for inclusion in the meeting packet. Council members may also be appointed to a committee for special projects or to review and make recommendations regarding service grant applications.

Elections/Initiatives and Referendums

Regular elections are held in odd-numbered years on the first Tuesday in November. Council members are voted on at this time and the Town may also submit other questions for the ballot. Our elections are coordinated with Gunnison County and are conducted as mail-ballot elections.

A special election may be held, as needed, when called by the Council. If a special election is called it will be the Town's own election and will not be coordinated with the County. The Council has the power to submit an ordinance or question to a vote of the people at a regular or special election.

Initiative: The electors of the Town have the power, by initiative, to propose an ordinance to the Council. In the event the Council fails to adopt an ordinance proposed by initiative, the question must be submitted to the voters.

Referendum: The electors of the Town also have the power, through referendum, to require reconsideration by the Council of any ordinance and if the Council fails to repeal a reconsidered ordinance, the ordinance will be referred to a vote of the people. Referendums, however, do not extend to ordinances pertaining to taxes, the budget or salaries.

Chapter 2: Town Council Meeting Essentials

Meetings and Work Sessions

Regular Council meetings are held at a day and hour to be fixed by the Council, generally the first and third Mondays of each month. Special meetings may be called, as needed, but are infrequent. The Council may only make decisions at regular, special or emergency meetings. Special meetings may be called by the Town Manager, Mayor or any two Council members, after at least 24-hour written notice to each member of the Council. A special meeting may be called on shorter notice if all members are present or have waived required notice in writing. Emergency meetings may be held without 24-hour notice when necessary for the immediate preservation of public property, health, peace or safety.

Work sessions are held for the purpose of informal discussion of topics and for certain presentations. Work sessions are normally held at 6 p.m. just prior to regularly scheduled Council meetings but may be scheduled as Council desires. Work sessions are not recorded and minutes are not taken. During the budget season, in the fall, extra work sessions are typically scheduled. No decisions may be made at work sessions.

All council meetings except work sessions are recorded. Recordings are retained for a minimum of six months after the meeting in accordance with the Colorado Model Municipal Records Retention schedule, which was adopted by the Council. Minutes are taken of all meetings except work sessions. Minutes are retained permanently.

All meetings and work sessions (except executive sessions) are open to the public and shall be held in locations accessible to the general public. Meetings are typically held in the Town Council Chambers at Town Hall. The location may be adjusted to accommodate specific meeting types or to accommodate anticipated larger than normal attendance.

The Town shall strive to accommodate virtual meeting attendance by the public whenever feasible. However, this may not always be possible especially when meetings take place outside of the Town Council Chambers or during internet service interruptions or other technology disruptions. Virtual meeting capability is not required for a Council meeting and business to be conducted.

Council Meeting Agenda/Packets

Council meeting agendas are set by the Town Manager by noon on the Tuesday before the Council meeting. The Town Clerk manages the scheduling of agenda items and the publication and posting of agendas. Council meeting packets are assembled and delivered via e-mail to council members on the Tuesday afternoon prior to regular Council meetings. Town Council agendas and e-packets are usually posted on the Town website on the Tuesday afternoon prior to regular meetings. Items received after the deadline may be considered for addition to the agenda

at the discretion of the Council during the "Approval of the Agenda" portion of the meeting.

Packet information is meant to help Council members prepare for the meetings. You are expected to take the time to read the information in advance. Meetings will go smoother, and the Council will make better decisions if council members read and understand the material in their packets. If you have questions regarding an agenda item, you may discuss it in advance with the Town Manager, or the appropriate department head.

Following the Council meeting, members may leave unwanted materials on the Council table for recycling by staff. Confidential materials should not be left on the table. Confidential materials should be given to staff to shred, or you may retain for your own records.

Public Hearings

Public hearings are held before the Town Council to hear testimony from the public regarding specific matters. Public hearings are held on all ordinances and on items such as the approval of certain liquor licenses, marijuana licenses and land use decisions. During a public hearing certain procedural rules must be followed. A public hearing may be prefaced by staff comments and/or statements by the requesting party (proponent). After the hearing has been closed by the presiding officer, Council may discuss the topic or direct additional questions to the staff or proponent.

Public comment opportunities are different than formal public hearings.

The public has the opportunity to comment during the public comment period at the beginning of every regular Council meeting. At this time people may speak for up to five minutes on any topic that is not on the agenda. The Mayor may limit public comments to no more than three minutes if it appears there will be many comments on a similar topic. The public comment period is a time for the Council to listen to the people. Council generally should not engage in a two-way conversation at this time nor should the Council feel compelled to respond to the comments. If Council chooses to discuss or take action on a subject brought up during Public Comment that discussion should be held at the end of the Council meeting under "Other Business to Come Before the Council."

Public comment on scheduled agenda items should be made during the time when the item is being discussed and when the Mayor asks for public comment. Council may respond to, ask questions or discuss the public comment at this time.

Quorum

A quorum is the minimum number of members who must be present to take action. Four members of the Council constitute a quorum for the transaction of business at all regular and

special council meetings. Five members of the Council constitute a quorum at emergency council meetings.

Ordinances

Ordinances are local laws enacted by the Council. Ordinances are required for every act making an appropriation, creating indebtedness, authorizing the borrowing of money, levying a tax, establishing regulations for which a penalty is imposed, or for various other purposes. Adoption of the budget, however, is an exception and per the Town Charter the budget is adopted by resolution. After first reading of an ordinance, an affirmative vote of at least two council members is required to set an ordinance for public hearing.

Resolutions and Policies

Resolutions are acts of a relatively permanent nature and remain in effect until rescinded or amended by the Council. Resolutions may enact legislation or policy that is not subject to penalties for violation. A resolution may also state Council's opinion or position on an issue.

Proclamations

Proclamations are used to express appreciation for an event, organization or individual and are usually requested by a supporting organization. If a group or individual requests a proclamation the Mayor may place the matter on the agenda for Council action.

Parliamentary Procedures Basics

Motions:

The basic motion: The basic or main motion is the means to put forward a decision for consideration by the Council. A basic motion might be: "I move to approve Ordinance No. 22, Series 2022."

The motion to amend: If a council member wants to change a main motion under discussion, he or she, would move to amend the motion. A motion to amend might be "I move that we amend the motion to adopt Ordinance No. 22 to include a provision in Section 2 stating that the ordinance sunsets on January 1, 2023. "

Procedure for Handling a Motion:

- A council member makes a motion.
- Another council member seconds the motion.
- The Mayor puts the question to a vote.
- The Town Clerk takes a roll call vote and announces the vote.

Motion to continue: A motion to continue has the effect of moving an item to a future agenda. The motion must include the date to which the item is being continued.

Four votes required to approve a motion: Motions, ordinances and resolutions require an affirmative vote by four members of the Council for passage. In the event that two or more members of the Council are disqualified from voting due to a conflict of interest, an ordinance, resolution or motion requires the vote of three council members for passage.

Addressing the Council

At all times, the discussions and motions of the Council and remarks of members of the public should be directed to the Chair and should proceed only after recognition by the Chair. In other words, no one at a Council meeting, including staff, Council members or a member of the public should speak without first being recognized by the Chair and obtaining the floor.

Budget

The Town's fiscal year begins on the first day of January and ends the last day of December. The purpose of the budget is to keep expenditures within the Town's estimated revenues. The budget consists of two parts: a carefully prepared estimate of revenues and a tabulation of the estimated cost of each item in the budget. In the budget process, the Council essentially decides what the community needs and wants, what the community is willing and able to pay for, and what services the community can expect for its tax dollars. Town staff prepares a proposed budget for Town Council review and deliberation each year. The budget process usually begins in late August with work sessions to review draft budget documents and to discuss priorities, proposed projects, and the ongoing fiscal responsibilities of the Town. Further drafts of the budget are reviewed until the budget is ready for final consideration and approval. The budget contains both an operational budget and a capital budget. The capital budget contains a list of all capital improvements which are proposed to be undertaken during the following fiscal year. By law, the budget must be approved no later than December 15 of each year.

Chapter 3: Town Council Rules of Procedure

These Rules of Procedure are set forth pursuant to Section 4.1 of the Town of Crested Butte Home Rule Charter. These rules supplement those contained in Article 4 of the Town Charter and Chapter 2 Article 2 of the Crested Butte Municipal Code. To the extent of any inconsistencies between these Rules of Procedure and the Crested Butte Municipal Code, the Crested Butte Municipal Code in all cases shall prevail and control. These Rules of Procedure are intended to guide the actions of the Town Council in the conduct of its business.

RULE 1. COUNCIL MEETINGS

A. Regular Meetings

The regular meetings of the Town Council shall be held on the first and third Mondays of each calendar month at Town Hall at a time to be set from time-to-time by the Town Council, except that no meeting shall be held on a legal holiday. (Town Code Sec. 2-2- 30).

Regular meetings which fall on a holiday shall be scheduled to the Tuesday following the holiday or as otherwise set by the Town Council.

The first regular meeting following each general municipal election shall be the organizational meeting of the Council (Town Charter Sec. 4.1).

B. Special Meetings

Special meetings shall be called by the Town Clerk on the written request of the Town Manager, Mayor or any two members of the Council, after at least twenty-four (24) hours written notice to each member of the Council. A special meeting, however, may be held on shorter notice if all members of Council are present or have waived notice thereof in writing (Town Charter Sec. 4.2).

C. Emergency Meetings

Emergency meetings may be held without twenty-four (24) hours' notice when necessary for the immediate preservation of public property, health, peace or safety. An emergency meeting shall be held only if a diligent, good faith effort has been made to give actual notice to each member of the Council and at least five (5) members of the Council are present and have waived notice thereof, in writing. All actions at emergency meetings shall require the affirmative vote of five (5) members of the Council (Town Charter Sec. 4.3).

D. Business at Special and Emergency Meetings

No business shall be transacted at any special or emergency meeting of the Council unless it has been stated in the notice of such meeting (Town Charter Sec. 4.4).

E. Executive Sessions

(Executive session rules/procedures excerpted from the Colorado Municipal League Open Meeting Handbook)

The Council may call an executive session at a regular or special meeting. While the "Open Meeting Law" requires "full and timely notice" of regular and special meetings, nothing in state statute requires any particular notice of the governing body's intention to hold an executive session as part of that meeting. Thus, there is no notice requirement that would impair the Council from spontaneously calling an executive session during one of its meetings.

Executive sessions may only be held upon the affirmative vote of 2/3 of the quorum present. The Town Council shall comply with the provisions of C.R.S. 24-6-402. All executive sessions shall be conducted in accordance with the procedures for executive sessions included as Appendix A to these Rules.

The purpose of calling an executive session is to deliberate on sensitive matters that could be compromised by premature public disclosure, and no action may be taken in an executive session. The Council shall not utilize a subsequent open meeting to simply "rubber stamp" the position discussed in executive session. The discussion on the record in the open meeting shall indicate what policy considerations and motivations led to the final decision.

F. Work Sessions

Work sessions shall be held at 6 p.m. prior to regular Council meetings, or as otherwise scheduled by the Town Council. Work sessions shall be held for the purpose of receiving reports, hearing presentations, and discussing Town business. No decisions may be made, nor may any actions be taken at a work session. Work sessions shall be open to the public. At the Council's discretion, members of the public may address the Council about matters discussed during the work session, the Council, however, is under no obligation to include public comment or discussion during a work session. It is understood that excluding public comment may be the most effective manner for the Council to conduct the business of the work session.

G. Quorum

Four (4) members of the Council shall be a quorum for the transaction of business at all regular and special Council meetings. Five (5) members of the Council shall be a quorum for the transaction of business at all emergency meetings (Town Charter Sec. 4.5)

H. Mayor Pro-tem and Temporary Chair

In the absence of the Mayor, the Mayor Pro-tem shall chair all Council meetings. In the event both the Mayor and the Mayor Pro-tem are absent from a meeting, the Town Clerk shall call the meeting to order, and the Council shall elect by a majority vote a Chair who will preside over the meeting.

I. Attendance at Meetings

The Town Manager or designee shall attend all Council meetings. The Town Clerk or designee shall attend all regular, special and emergency Council meetings.

The Town Attorney or designee shall attend all regular, special and emergency Council meetings. The Town Attorney shall attend work sessions as appropriate. Any Council member may call upon The Town Attorney for an oral or written opinion on questions of law.

Department heads and appropriate staff members shall attend Council meetings as directed by the Town Manager.

If a member of Council is unable to attend any meeting of the Council, the council member shall make a reasonable effort to advise the Town Manager or the Town Clerk in advance of the meeting.

Council attendance requirements

- a) In order to faithfully perform the duties of their office, the Mayor and Council members shall regularly attend Town Council meetings. *Regular attendance*, for the purposes of this Section shall mean:
 - i. No more than (2) consecutive absences at regular Council meetings; and
 - ii. Attendance at seventy-five percent (75%) or more of regular Council meetings during the previous one-year period.
- b) Removal for failure to meet attendance requirements. Any Council member, including the Mayor, may be removed from office for failure to meet the attendance requirements set forth in Subsection (a) above (Town Code Sec. 2-2-20).

J. Virtual Meeting Attendance

In-person attendance is encouraged at meetings for Council members. Members may attend virtually and fully participate in meetings. However, Council members must attend at least 75% of regular meetings in person each year.

K. Meeting Minutes and Recordings

The Town Clerk shall take minutes of every regular, special and emergency Council meeting. Minutes shall be a summary of the meeting focusing on the actions taken. The Town Clerk shall record all regular, special and emergency meetings of the Council.

RULE 2. AGENDAS, NOTICE OF MEETINGS AND MEETING PACKETS

A. Agendas

The agenda shall be set by the Town Manager. Items to be included on the agenda maybe placed by the Town Manager, staff or three members of the Council. The Town Clerk shall prepare all agendas upon the direction of the Town Manager.

The Council approves the agenda at the beginning of regular Council meetings and at that time items may be removed from the agenda; items may also be added to the agenda at that time, however, Council is discouraged from adding items to the agenda except for extenuating circumstances, so that the public may have advance notice of items to be considered at meetings.

B. Meeting Notices

The agenda for regular Council meetings shall be published in the local newspaper of record on the Friday preceding the regular meeting. Agendas shall also be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places. The Town Clerk will also post the agenda and the Council meeting packet (excluding confidential items) on the Town website by the Friday preceding the regular Council meeting.

Notice of work sessions, special meetings and emergency meetings shall be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places and on the Town website.

Meetings at which three or more council members will be in attendance shall be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places.

C. Meeting Packets

Items submitted by outside entities or individuals which require staff review before being placed on the agenda and included in the Council Packets (such as Conservation Easements etc.) must be submitted to staff by noon on the Tuesday one week prior to the Tuesday agenda publication deadline. This deadline allows sufficient time for staff review and confirmation that the item should be on the agenda. Items which are not submitted by the deadline will not be placed on the Council agenda.

Council reports and committee summaries should be submitted to the Town Clerk by noon on the

Monday preceding a regular meeting for inclusion in the meeting packet.

No later than the Tuesday preceding a regular Council meeting, the Town Clerk will deliver to each council member via e-mail a packet containing the agenda and informational documents for the meeting. Documents included in the Council packets, generally, shall not be released to public prior to delivery to the Council.

If council members have questions regarding agenda items, council members shall direct questions to the Town Manager or the appropriate department head prior to the Council meeting to enable staff time to prepare answers.

RULE 3. MEETING PROCEDURES

A. Order of Business

The Order of Business shall be as follows:

1. Call to order (by presiding officer)

2. Approval of Agenda

Staff shall advise the Council of items which need to be removed from the agenda. Council members may request the addition or removal of agenda items at this time. Amendments to the agenda shall be approved by a majority vote of the Council.

3. Consent Agenda

The Consent Agenda is intended to allow the Council 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 Council meeting.

4. Public Comment

For comment on any item not scheduled on the agenda. Generally, no action is taken by the Council on items not previously on the agenda; however, issues raised may be scheduled under "Other Business" for consideration in the future. Council shall limit its discussion of topics raised under public comment.

5. Staff Updates

This is a written summary from the Town Manager and Department Heads about relevant events or operational changes of note to the Council and community.

6. Legal Matters/ Town Attorney Report

7. Public Hearings

8. Old Business

Includes items continued from other meetings except for public hearings which are scheduled under public hearings.

9. New Business

Includes items for action by the Council that do not fit under other categories and includes items removed from the Consent Agenda.

10. Council Reports and Committee Updates

Written summaries from Council members regarding committee meetings they have

attended.

11. Other Business To Come Before Council

12. Discussion of Scheduling Future Work Session/Meeting Items

13. Council Meeting Scheduling

14. Executive Session

On an as-needed basis only. The order of the Executive Session may be changed on the agenda as determined to be appropriate by the Council.

15. Adjournment

B. Duties of the Mayor as Chair of Meetings

- Open the meeting at the appointed time and call the meeting to order.
- Announce the business coming before the Council in accordance with the agenda.
- Control the proceedings of the meeting and recognize council members, staff and members of the public who are entitled to the floor.
- State or cause to be stated and put to a vote all questions that legitimately come before the Council. Although not prohibited, the presiding officer generally does not propose a motion.
- Enforce the Council's rules relating to debate, order and decorum at meetings.
- Decide all questions of order.
- Adjourn the meeting.

C. Public Comments at Meetings

All meetings of the Council shall be open to the public, except for executive sessions. The public may make comments on items not scheduled on the agenda of regular Council meetings during the Public Comment section of the agenda. Citizens should first sign the public comment sheet listing their name and address and the topic of their comments, then verbally state their name and address for the record. Those commenting shall limit their comments to five minutes. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

Council shall limit discussion with individuals making public comment. If Council wishes to discuss the topic, Council shall address the topic later in the meeting under "Other Business" and may set the matter as an agenda item at a future meeting. Council, at its discretion, may discuss the topic under "Other Business" and take action if the matter is time sensitive. Council, however, recognizes that it is best to provide advance notice of topics being discussed at Council meetings so the public will have adequate notice of the topic.

The public shall have the opportunity to speak on matters on the agenda at the time the matter is being considered. Citizens should first sign the public comment sheet listing their name and address and the topic of their comments, then verbally state their name and address for the record. Those commenting shall limit their comments to five minutes. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

D. Written Communications to Council.

Written communications to the Council are encouraged, however, unsigned communication will not be forwarded to the Council. A copy of all written communication to the Council will be forwarded to all council members and the Town Clerk. The easiest way to submit written comments is to send one email to towncouncil@crestedbutte-co.gov. This email will automatically go to all members of Council, the Town Clerk and Town Manager. A copy of all correspondence shall be retained by the Town Clerk in accordance with the Town's records retention schedule.

E. Public Hearing Procedures

Council shall refrain from commenting (other than asking questions) during public hearings. Council discussion may take place after the public hearing is closed.

Public Hearing Procedures Outline:

- Mayor reads the title of the ordinance or agenda item which is the subject of the public hearing. Mayor may also announce the public hearing procedures and ground rules.
- Mayor confirms with Town Clerk that proper public notice was given.
- Mayor asks for staff report, presentation or staff comments.
- Council may ask staff questions.
- *****If Applicable**, Mayor asks for applicant/petitioner presentation or comment.
- Mayor opens public hearing for public comments (Council may ask questions of applicant/petitioner/public or staff during public comments).
- Mayor closes the public hearing and the matter is brought to Council.
- Mayor suggests Council discussion (Council may ask questions of applicant/petitioner/public or staff during Council discussion).
- Council motion and action.

F. Voting

1. Votes shall be taken with a roll call vote. A roll call vote is achieved by the Town Clerk calling each Council member's name. Each council member shall individually indicate his/her vote in favor or in opposition to the item. The vote tally is announced by the Town Clerk.
2. All roll call votes shall be taken in rotating order.

3. Every Council member present, when a question is put, shall vote either "Yes" or "No" unless previously excused by the Council for reasons set forth in Section 4.8 of the Town Charter which states that no member of the Council shall vote on any question upon which he/she has a substantial personal financial interest, other than the common public interest, or on any question concerning his /her own conduct, in which case the member shall disclose his/her interest to the Council. Any member refusing to vote, except when not so required by Section 4.8 of theTown Charter, shall be guilty of misconduct in office.
4. The minutes shall record how each Council member voted on each question (Town Code Sec. 2-2-40(b)).
5. When the vote is unanimous the minutes shall state that the motion was passed unanimously.
6. Pursuant to the Town Charter all ordinances, resolutions and or motions shall require the affirmative vote of four (4) members of the Council for final passage, except as otherwise provided in Section 4.8 of the Town Charter.
7. The Council shall take official action only at a public meeting by ordinance resolution or motion (Town Charter Sec. 4.7).
8. The presiding officer shall not entertain comments from the staff or public during voting.

G. Motions

1. All matters requiring action by the Town Council shall be introduced by motion. A motion refers to a formal proposal by a council member upon which the Council may take action. Motions are generally introduced by voice. However, if the motion is long or involved, motions should be put in writing. Motions shall be put in writing if requested by two (2) Council members.
2. The following steps shall be taken for the presentation and disposition of motions:
 - a) A Council member proposes a motion.
 - b) Another Council member seconds a motion.
 - c) The Mayor may cause the motion to be restated.
 - d) The Council debates/discusses the motion (amendments to the motion or other substitute motions may be made during the debate/discussion).
 - e) At the conclusion of the debate/discussion, the Mayor may cause the motion to be restated.
 - f) Vote is taken and the Town Clerk announces the results of the vote.
3. The following motions are the most commonly used:
Motion to **approve**, **deny** or **approve with conditions**.

- a. Motion to **amend**: A motion to amend may take the form of inserting, striking out and inserting words, sentences or paragraphs. A motion to amend must be pertinent to the main motion. It is proper to make a motion to amend an amendment. Motions shall be discussed in the reverse order from which they were proposed.
- b. Motion to **continue**: A motion to continue has the effect of moving an item to a future agenda. The motion shall include the date to which the item is being continued.
- c. Motion to **lay on the table**: This motion is used to set aside an item currently under discussion for a more pressing matter. It is not used to “kill” an item. Once the more pressing matter has been disposed of, a motion to take from the table is in order. This motion shall be made at the same Council meeting or at the next regular Council meeting.
- d. Motion to **move the previous question**: This motion is used to cut off debate and to bring an immediate vote on the pending motion. A motion to move the previous question requires a majority plus 1 vote of those present to prevail. A vote is first taken on the motion: if successful, debate is halted and a vote on the main motion is made. If the vote on the motion to the previous question fails, debate on the main motion may continue.
- e. Motion **to reconsider**: Any action taken by the Council may be reconsidered. A motion to reconsider must be made at the same meeting at which the action occurred. The motion must be made by a Council member who voted on the prevailing side. A vote is then taken on the motion to reconsider. The passage of a motion to reconsider suspends all action on the original motion. The original question is placed before the Council at the current meeting or the next regular meeting in the exact form it was in when previously adopted. Once the vote is taken and the results determined, no further reconsideration can be granted.
- f. Any motion may be withdrawn prior to a vote on that motion with the agreement of the person seconding the motion.

H. Debate-Decorum

1. When recognized by the Presiding Officer, council members shall confine their remarks to the question currently under discussion.
2. The Council may, when necessary, limit the time of debate on any subject or debatable motion.
3. A council member shall speak only once on the question until all other members of

Council who wish to speak have had the opportunity to do so.

4. The Presiding Officer may call a recess not to exceed fifteen (15) minutes at any time during a meeting to determine a rule of order or at the request of a majority of the Council.
5. The Presiding Officer may call a recess for a specified period of time at any time between items of business.
6. Each council member, member of the public or staff member shall be recognized by the presiding officer prior to speaking.
7. If a council member wishes to leave the Chamber for a brief period during a meeting, the council member shall receive acknowledgement from the Presiding Officer.

RULE 4. GENERAL RULES

A. Ordinances

1. An ordinance is considered the most authoritative form of action the Council may take. An adopted ordinance becomes an established rule or law of the Town and remains in effect until otherwise rescinded or amended by the Council. Council may direct staff to draft an ordinance or an ordinance may be brought to the Council upon the recommendation of staff.
2. Procedures for passage of ordinances are set forth in the Town Charter (Sections 4.9-4.13)
3. Every proposed ordinance shall be submitted to and reviewed by the Town Attorney.
4. Ordinances shall be numbered in the order in which they are introduced.

B. Resolutions

Resolutions are acts of a relatively permanent nature and will remain in effect until rescinded or amended by Council.

Resolutions may be used for formal statements of policy which are not required to be adopted by ordinance, on matters involving lengthy or complex questions, on administrative or executive matters, to approve contracts and for such purposes as the Council may determine.

C. Proclamations

The Mayor, or in his or her absence, the Mayor Pro-tem, shall have the unilateral authority to issue Mayor Proclamations. Such proclamations shall require the consent or approval of the Council. Mayoral proclamations shall not have the effect of law.

D. Communications to Staff

1. Questions to town staff should be directed through the appropriate senior town staff. Questions should be directed to the Town Manager or Department Heads.
2. The Town Manager should be copied on any request or communication to Department Heads. Council members should not set up meetings with department staff directly but work through Department Heads who will attend any meetings with council members. When in doubt about what staff contact is appropriate, council members should ask the Town Manager.
3. All Council members should have the same information with which to make decisions.
4. Council members, including the Mayor, should not get involved in administrative functions. Avoid any staff contacts that may be construed as trying to shape staff recommendations. Council members shall refrain from coercing staff in making recommendations to the Council as a whole.
5. Do not attend staff meetings unless requested by staff. Even if the Council member does not say anything, the Council member's presence may imply support, show partiality, intimidate staff or hamper staff's ability to do its job objectively. Additionally, in such circumstances, individual council members are receiving information prior to the rest of the Council.
6. If a council member wishes to attend a meeting related to Town business, as a representative of the Town (negotiating session, staff committee meeting etc.), the council member shall obtain approval of the Council prior to the meeting with the understanding that the council member will report back to the Council regarding the meeting. The report shall be given at a regular meeting of the Council held in open session. Council members attending meetings of boards, committees or commissions on which they serve do not need to obtain prior approval of the Council.
7. Depend upon the staff to respond to citizen concerns and complaints. It is the role of council members to pass on concerns and complaints on behalf of their constituents. It is not appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate Department Head or Town Manager. Staff is responsible for making sure the council member knows how the complaint was resolved.

E. Format of Staff Reports

Staff reports to the Council shall include a summary section containing a summary of the topic

and background information, as appropriate. The staff report shall also contain a staff recommendation and, if applicable, a suggested motion for Council consideration.

F. Review of Rules of Procedure

Council shall review these Council Rules of Procedure, at least annually, and shall annually approve a Resolution adopting Council Rules of Procedure.

Chapter 4: Conflicts of Interest, Open Meeting Laws, and Other Legalities

Conflicts of Interest and Code of Conduct

The Code of Conduct provisions in the Town Code are intended to prohibit the appearance and perception of impropriety, as well as actual conflicts of interest of council members, public officials and Town employees.

The provisions also provide standards of conduct and guidelines for public officials and public employees to follow when such officials' or employees' private interests as citizens conflict with their public duties.

Council members are required to disclose conflicts of interest, refrain from attempting to influence other members of the Council on the matter, refrain from discussing the matter with other council members, may not vote on the matter and must leave the Council Chambers when the matter is being discussed. A general rule is if the matter involves anything in which a council member has or might have a direct or indirect financial interest, except for matters of common public interest, such matters constitute a conflict of interest that must be disclosed.

You should consult with the Town Attorney whenever there is any question about whether you have a conflict of interest. You are also encouraged to review the Code of Conduct Section of the Town Code, located in Chapter 2 Article 4. A copy of this article is included for reference in the resource section at the end of this handbook.

Ethics

Not all questions involving ethics are black and white or addressed clearly in state statutes or the Town Code. When you are faced with a difficult ethical question, it maybe helpful to ask yourself

the following questions:

What does the law require in this situation?

The law should be considered a minimum standard for ethical conduct. It can and should be a starting point for your decisions.

What does our Town Code of Conduct require in this situation?

There is a Code of Conduct provision in the Town Code which was adopted by the Town Council. Review and consult with the Town Attorney if you have questions or need clarification.

Is this the right vs. the wrong situation? Is the issue simply that doing the right thing involves significant personal cost?

Remember, your responsibility is to do the right thing for the whole community, regardless of personal cost. Ethics and the associated legal requirements are written to avoid improper conduct, not to serve as an excuse for avoiding politically difficult decisions.

Would I be embarrassed to read about my actions in the local newspaper?

This simple evaluation can be very useful in helping you to clarify a sticky situation.

Which decision will build or preserve the most public confidence in our Town and the leadership of the Town Council?

The public expects you to base your conduct on the highest standards - even the appearance or perception of unethical behavior can test the public's confidence in your leadership.

Which decision is most consistent with my values?

Is it fair? Compassionate? Respectful of all parties involved?

Does this decision represent the interests of everyone in the community? Are there other stakeholders or members of the public who should be heard before this decision is made?

Keeping your procedures open and accessible to the public not only ensures that everyone has an opportunity to be heard, but also that the Council makes the best decisions for the Town.

Open Meetings Law

All meetings, whether formal or informal, are open to the public. The Colorado Open Meetings Law allows public access to all meetings, with the exception of executive sessions. Executive sessions (closed door meetings) must meet specific legal criteria and be for the purpose of receiving legal advice on a specific legal matter, negotiation, a personnel matter, or another subject that is protected by law. A list of specific reasons for calling an executive session is available on the Council table at all meetings. A request to meet in executive session must be voted on and approved by a majority of the council members at the meeting before the session is commenced.

All 50 states have enacted a variation of the so-called "Sunshine Laws" or Open Meeting Laws. Essentially, open meeting laws have been passed to ensure that public business is conducted in

public. The Colorado Open Meeting Law imposes requirements for open meetings, public notice of meetings and minutes requirements for “meetings” of local “public bodies.”

The Open Meeting Law defines a “local public body” as any board, committee, commission or other policy making, rulemaking, advisory or formally constituted body of a political subdivision of the state such as municipalities.

The Open Meetings Law defines a “meeting” as any kind of gathering, convened to discuss public business, in person, by telephone, electronically or by other means of communication.

The Openness Requirement: Whenever **three or more** members of the Town Council (the local “public body”) get together and public business is discussed, or formal action may be taken, the gathering is considered “**a meeting.**” The law requires that the public be given timely notice of meetings; this means that meetings must be noticed (i.e. posted in designated locations in Town) at least twenty-four hours in advance.

Meetings conducted by telephone, electronically or by other means of communication.

Technological advancements have provided many methods for public officials to confer such as conference calls, video conference, text messaging, and e-mails. Consequently, the Open Meeting Law now includes “electronic” as well as “other means” of communication under the statutory definition of “meeting.” The Open Meeting Law now explicitly subjects the e-mail communication of elected officials that discusses pending legislation or other public business to the requirements of the law.

Social Gatherings

The Open Meetings Law provides that chance meetings or social gatherings of public officials at which discussion of public business is not the central purpose are not subject to the provisions of the law.

Council E-Mail Policy

In response to Open Meeting and Open Record laws, the Crested Butte Town Council approved a resolution in 2009 establishing policies and procedures for e-mail communications of the Town Council. The resolution states:

1. E-mail communications between **three or more** elected officials concerning public business and/or pending legislation are declared to be a public meeting and are **prohibited.**
2. The following e-mail communications from or to an elected official or officials are **permitted:**
 - Communication between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.
 - Communication from or to a staff person or the Town Attorney.
 - Communication between elected officials concerning routine administrative matters, e.g.

those regarding scheduling of meetings and inquiring as to officials' availability; notices of public functions or meetings; requests to staff for factual information or status reports.

Retention Policies Applicable to E-Mail Communications:

Correspondence of elected officials is specifically designated a public record. Correspondence is defined as communication sent or received by elected officials that is or can be produced in written form, including communication by e-mail. Certain correspondence is not expressly a public record, including that which is a "work product" as well as correspondence that is "without demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds."

Town Council members are required to copy the Town Clerk on all correspondence considered to be a public record.

Please note that the Town may be required to access and disclose the contents of non-confidential e-mail messages on Town computers or your personal computer upon receiving a public records request pursuant to the Colorado Open Records Act. Furthermore, e-mail communication may be discoverable in litigation.

Be very cautious in your use of e-mail

Despite the appearance of privacy, e-mail messages, in many ways, are less confidential than mail, voice mail or a phone conversation:

- An e-mail may be improperly addressed and picked up by an unintended recipient.
- An e-mail may remain on a recipient's computer screen or be accessed from your computer when you are not present.
- An e-mail could be printed out at a group printer and inadvertently neglected.
- An e-mail is easily forwarded and can be spread around like wildfire.
- An e-mail may be misinterpreted.
- An e-mail can remain on a hard disc or other storage device even after being deleted.

Consider your message, audience and goal before deciding on using e-mail, a phone call or a face-to-face meeting.

For more information on Open Meetings, Open Records and Conflicts of Interest you are encouraged to read the CML publications provided by the Town Clerk.

Social Media

The Town Council adopted a social media policy on March 4, 2019 to guide Council member interactions on social media.

Social media use is subject to the Town's standards of conduct relating to internet and computer equipment. Employees, elected officials, and volunteers using Town-related social media sites should have no expectation of privacy as to his or her social media usage on Town computer systems or its sites.

1. Posts and comments must be respectful and not offensive, degrading, or obscene. Comments must be relevant to the purpose of the social media site as defined in XIV Best Practices of the social media policy.
2. Any Town employee or representative shall not use a social media account to disclose sensitive and/or confidential information without the prior express written approval of the Town Manager.
3. Use of social media sites is under the purview of the Code of Conduct and Town Charter. Elected officials should take special care to avoid cross-comments between elected officials and to avoid any official action or appearance of official action.
4. Town social media sites may not be used for private or personal purposes or for the purpose of expressing private or personal views on personal, political or policy issues.
5. Town social media sites may not be used to express personal views or concerns pertaining to Town employment personnel matters.
6. Town employees may not use Town social media sites to follow private citizens (except when necessary for police business; prior authorization by the Chief and/or Town Manager must be obtained).
7. Town of Crested Butte reserves the right to discipline and terminate employees for engaging in social media misuse.

Correspondence from the Town Council

Correspondence from the Town Council should reflect the position or statements approved by the Town Council. Correspondence from the Town Council is signed by the Mayor or as appropriate the Mayor Pro-tem. Correspondence from individual Council members should clearly reflect that it is written by an individual council member. Individual council members are advised to refrain from signing letters concerning policy issues and/or opinions.

Quasi-Judicial Decisions

The Town Council usually engages in legislative and administrative actions. However, occasionally the Council sits in a "quasi-judicial" capacity at which time its deliberations and decisions are controlled by fundamental principles of procedural due process as guaranteed by the Colorado

and United States Constitutions designed to prevent arbitrary actions. Public hearing procedures are followed. Quasi-Judicial (meaning "judge-like") actions generally involve an application of previously adopted standards to a specific individual, entity or property, based on facts developed at the hearing conducted for that purpose. While it is not always clear what actions are quasi-judicial, most land use and liquor license applications are quasi-judicial, as well as consideration of an appeal of a decision by the Board of Zoning and Architectural Review.

Quasi-judicial actions impose additional conditions on the conduct of the proceedings. For example, council members must be impartial, that means council members may not have participated in any earlier proceedings, have a personal interest in the outcome, formulated an opinion prior to the hearing, had any undisclosed ex parte (meaning outside the hearing) conversations with a representative of one side or the other, members of the public, or with other council members prior to the meeting, or based their decision on any information outside of information presented at the hearing.

Quasi-judicial decisions of the Town Council may be appealed to District Court.

Liability

Municipalities have certain exposures to liability. Following are a few items to keep in mind regarding liability and reducing your personal liability as an elected official.

Common Law Immunity: Courts, both federal and state, protect or immunize public officials from personal liability in certain types of instances.

Insurance: The Town has public liability insurance coverage, sometimes referred to as errors and omissions insurance. The insurance offers protection, in most cases, to the Town and its public officials from the costs of defense and from judgments and settlements of claims. The protection applies only when acting within the scope of your duties as a council member.

Reducing the Risks

Since all three sources of protection from personal liability -statute, common law, and insurance - have limits, self-protection is advisable. The following list provides a few suggestions for self-protection. The list is not exhaustive and appears in no particular order of importance.

Know the limits of your authority and act within those limits: Obtain legal advice prior to acting when a question exists.

Avoid any conflict of interest and the appearance of conflict of interest and do not act from personal motivations, otherwise, your conduct may appear to exceed the scope of your public entity duties.

Avoid willful, wanton and malicious conduct: Broadly defined as ignoring professional advice

without adequate basis. Acting maliciously, vengefully, or out of personal motives. Acting to benefit yourself or other individuals financially. Retaliating because you disagree with an opinion expressed or legal right exercised by another.

Establish and follow where required, understandable, practical and legally sufficient procedures which meet due process requirements.

Be wary of involvement in personnel decisions.

Keep good records of what you do and why you do it: Being right is good; being able to prove you are right is even better.

Chapter 5: Compensation, Travel Expenses, Use of Town Vehicle

Council Compensation

Per the Town Code, Town Council members receive \$10,200 per year and the Mayor receives \$16,200 per year compensation. Checks are issued on the first day of each month. Council members are also entitled to a cell phone allowance of \$25.00 per month, which is a taxable benefit. Please contact the Finance Department if you are interested in receiving a cell phone allowance.

Travel Expenses

The Town will pay for ordinary and necessary expenses incurred by Town Council members which are directly related to Town business. Actual or per diem travel expenses should be itemized on a Travel Expense Form (available in the Finance Office) and submitted along with necessary documentation. You should check with the Town Manager prior to booking any travel to ensure that the travel related expenses qualify as Town business and are reimbursable.

The Clerk's Office can assist you in registering for classes and booking travel arrangements. Council members should always use discretion in their use of Town related business travel. Travel expenses incurred by public officials are typically subject to a high level of public scrutiny.

Additionally, municipal travel and educational expenses are budget line items that are often reduced or frozen in times of economic hardship.

Vehicle Use

The Town has a vehicle that is available for use by both Town employees and council members for Town business. The vehicle is available for council members if not in use by Town employees and may be reserved in advance through the Clerk's office. If you plan to use the Town vehicle you must have your driver's license on file in the Finance Office for Town insurance purposes.

Gas for the Town vehicle may be obtained via an Exxon Gas Card that can be obtained through the Town Finance Office. If you use a personal vehicle, your costs for gasoline will be reimbursed. Please remember to save your receipts.

Council Mail

Correspondence/mail addressed to the Town Council is copied and distributed to all council members. Mail is placed in Council mailboxes located in the copy room at Town Hall. Please check your mailbox when you visit Town Hall. E-mail correspondence addressed to the Town Council is forwarded to all Council members and the Clerk's Office retains a copy for the public record.

Chapter 6: Miscellaneous Information and Additional Resources

Colorado Municipal League

The Colorado Municipal League (CML) is a non-profit organization that has served and represented Colorado cities and towns since 1923. In 2021, 270 of Colorado's 271 municipalities are members of CML. CML provides advocacy, information and training to its members.

CML's mission is twofold: to represent cities and towns collectively in matters before the state and federal government, and to provide a wide range of information services to assist municipal officials in managing their government. The Town of Crested Butte is a member of CML and the organization sends an informational welcome packet to newly elected council members. Council members also receive newsletters from CML. For more information about CML visit their website at www.cml.org.

Resource List

The following informational items are suggested for your review:

- Policy for Town Participation on Boards & Committees: Attached
- List of Boards and Committees: Attached
- Crested Butte Town Council Social Media Policy, March 4, 2019: Attached
- Town Code Section on Conflict of Interest/Code of Conduct: Attached
- Town website: www.townofcrestedbutte.com.
- Town Charter and Town Code: Available on the Town website and hard copy for review in the Clerk's Office.
- 2022 Town Budget: Copies available in the Finance office and also on the Town website.
- CML Publication- Open Meetings, Open Records: Available in the Town Clerk's Office.
- CML Publication-Public Officials Liability Handbook: Available in the Town Clerk's Office.
- Design Review Guidelines: Available on the Town website and hard copies available in the Building Department.
- Parks and Recreation Master Plan: Available in the Parks, Recreation and Open Space Office.
- Colorado Association of Ski Towns : www.coloradoskitowns.org

Appendix A – Executive Session

Motion Forms

(Note: 2/3 quorum present must vote yes; the executive session may only occur at a regular or special meeting of the body.)

I MOVE TO GO INTO EXECUTIVE SESSION (Chose one of the following:)

(Language in bold-face is for inclusion in the motion as applicable; if the stated purpose of the executive session is legal advice, do not combine it with any other purpose :)

- A** For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
- B** For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
- C** To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);
- D** For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;
- E** For discussion of a matter required to be kept confidential by the following federal or state law, rule, or regulation: under C.R.S. Section 24-6-402(4)(d);
- F** For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);
- G** For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);
- H** Other: (specify)

ANNOUNCEMENT NO. 1

ANNOUNCEMENT TO BE MADE BY PRESIDING OFFICER AT THE BEGINNING OF THE EXECUTIVE SESSION. (MAKE SURE THE TAPE RECORDER IS TURNED ON; DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION UNLESS SO ADVISED BY THE TOWN ATTORNEY)

It's _____ (give date) _____, and the time is _____. For the record, I am the presiding officer, (give name) _____. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this time executive session are the following persons
(Verbally list all people present):

This is an executive session for the following purpose:

(Repeat the language of the motion, including the statutory citation as noted on motion sheet prior to this page)

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

ANNOUNCEMENT NO. 2

ANNOUNCEMENT TO BE MADE AT THE BEGINNING OF AN EXECUTIVE SESSION FOR LEGAL ADVICE, OR FOR THE DISCUSSION OF LEGAL ADVICE DURING AN EXECUTIVE SESSION WHOSE STATED PURPOSE IS A SUBJECT OTHER THAN LEGAL ADVICE

(Make sure Announcement No. 1 has been made first)

By Town Attorney:

As Town Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am therefore recommending that no further record be kept of this executive session.

By Presiding Officer:

The Town Attorney has recommended that no further record be kept of this executive session. The time is now _____ and I am turning off the tape recorder at this time.

(Turn off tape recorder at this time)

(If the attorney-client communication has finished, but the executive session continues, TURN THE TAPE RECORDER BACK ON)

By Presiding Officer:

The time is now _____, and I have turned the tape recorder back on because the privileged attorney-client communication is finished.

(AT THE END OF THE EXECUTIVE SESSION, MAKE SURE ANNOUNCEMENT NO. 3 IS MADE BEFORE TURNING OFF THE TAPE RECORDER)

ANNOUNCEMENT NO. 3

ANNOUNCEMENT TO BE MADE BY THE PRESIDING OFFICER BEFORE CONCLUDING THE EXECUTIVE SESSION (WHILE THE TAPE RECORDER IS STILL ON)

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and had been made in lieu of any written minutes to satisfy the recording requirements of the Open Meeting Law.

I _____ will give the tape to the Town Clerk to retain for a 90 day period.

The time is now _____, and we conclude the executive session and return to the open meeting.

(Turn off the tape and return to the open meeting)

ANNOUNCEMENT NO. 4

STATEMENT TO BE MADE BY THE PRESIDING OFFICER UPON RETURNING TO THE OPEN MEETING

The time is now_____, and the executive session has been concluded. The participants in the executive session were:

(list the names of everyone who was present)

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is...
