

AGENDA
BOARD OF TRUSTEES
TOWN OF WESTCLIFFE
THURSDAY, DECEMBER 12, 2024
PATTERSON HALL – 1000 MAIN
SPECIAL MEETING
1:30 P.M.
Join by Zoom

Meeting ID: 865 4982 7171

Passcode: 588429

By phone: 1 719 359 4580

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognition of Visitors
5. Order of Business
 - a. Discussion on the Town of Westcliffe's government structure.
 - b. Executive Session- For the purpose of determining positions relative to matters that may be subject to negotiations, under C.R.S. Section 24-6-402(4)(e).
 - c. Discussion and possible decision regarding government structure and item(s) subject to negotiation discussed in Executive Session.

Adjourn

First Document Introduction

Four areas for Clear Governance

- 1) Allocation of responsibilities
- 2) Transparency in meetings
- 3) Quasi-judicial rules of engagement
- 4) Personal conduct

How we have failed:

- 1) No clear roles
- 2) No uniform reporting procedures
- 3) No quasi-judicial procedures. Meetings getting off task, not all trustees are heard, unclear outcomes, lack of public trust
- 4) Inappropriate behaviors from local government

What has come because of our failure

- 1) No transparency in administrative tasks
- 2) Lack of teamwork, tasks get lost
- 3) Public, staff, and trustees lose their voice and their attention
- 4) Lack of public trust

Why we have failed

Leadership. A lack of Town Managers, myself most of all, has led to all of these problems we face. By implementing extreme ownership, we will start to work on issues that can lead to avoiding liability. A lack of leadership will lead to multiple problems, including but not limited to, A lack of: allocated responsibilities, transparent governance, quasi-judicial rules of engagement, and personal conduct.

If we can understand where we went wrong, how we went wrong, and identify key steps to solve these problems, then we will fail and be right at this point again.

Areas to improve how, when

1) Allocation of responsibilities

- Roles by ordinance, please see "Roles by Ordinance"
- Roles by Rank Structure (organizational chart), please see "Roles by Rank Structure"

Why it's important to have Roles by Ordinance?

- It is state statute
- Defines by law, all parties' roles and responsibilities for all town employees and board members.
- No confusion on who does what

Why it's important to have an organizational chart?

- Clear roles and responsibilities
- Dissemination (dividing functions and workloads)

- Sparks interests in professional managers, to adopt a statewide organization (job retention)
- Lays Down the Relationships Between Functional Groups and Employees
- Helps Gauge Competency (helps evaluating employees)
- Improves Coordination (meet objectives more functionally)
- Illustrates Clearly Who to Bring In (conquering road blocks)
- Organizational Charts Find Various Holes in an Organizational Structure (identify holes in your structure)
- Helps manager administer local policies
- Employee protection (Board members must go through Administrator); Barriers
- Statewide normality (to invite and spark professional managers, the town should adopt the statewide average); healthy for Town turnover.

2) Transparency in meetings

- **Transparency by reports, please see “BLANK reporting format”**
- **Adopting by policy minimum posting dates**
 - a. We Currently have this, but a formal document, and policy giving minimum date guidelines for all meetings and their postings would be essential.
- By having monthly reports, trustees and citizens will be comprised and updated on all administrative happenings in the town.

3) Quasi-Judicial rule of engagement/Honoring Standards of personal conduct

- **Making decisions (in the case of rezoning, ordinances, variances, etc) based on information given, rather than public opinion. Quasi-Judicial Rules of engagement by adopting “Town of Westcliffe- Board Code of Ethics”.**
 - a. After having CIRSA come in and explain this, it should be the duty of the board to answer “holes” in our current rules and procedures.
- By having a more in-depth code of ethics trustees can make well informed decisions and keep each other and its employees accountable.

4) The future for management in Westcliffe

If the Board can follow the four points to govern affectively, we as a body, in service to the citizens will start on the right path. Though that is the beginning of what needs to get done. Clear and effective governance also starts with a good manager, advising and helping the board get its mission done. Based off of the last review I created a document titled, "**Effective Management- In Response to the Review**". This document will address the last review and how we can work together for the betterment of the community. This document will lay out what our roles our and how we can navigate the future of the town, its starts with roles and responsibilities.

A) How to keep and maintain an effective manager

1) Honor roles and responsibilities

2) Adopt a management structure, in congruence with State Statute, DOLA, CIRSA's and CML definitions

3) Position should come with a contract. Please see "Example Contract". In order to keep me as a manager a few things would need to be done.

Creating a contract with this position to include the following:

a) Adopting by ordinance roles and responsibilities

b) Working with the manager to create a raise and pay schedule to include a 2% COLA allowance and an additional 3% Merit raise. This would also include adopting a rank structure similar to the one given.

c) An immediate raise of 5%

d) Contractual obligations set forth shall be completed by no later than July 1 2025.

4) Trust and let your manager MANAGE your town for you. Trust your experts.

In return I can provide the following services (excluded from those already stated):

1) Monthly reporting from all department heads

2) Yearly review process that will keep the board in charge of the direction of the town. Please see "yearly objectives" and "Town Manager Performance Evaluation Process..."

- This will keep the board in charge of the big picture with ACCOUNTABILITY

3) Hiring a part time HR director to help guide the town through proper HR related process'. Please see "Human Recourses Director FINAL"

4) Separate the Building and Zoning position from the Town Management position.

5) Other policies and items that should be addressed:

"Parental leave policy, vehicle usage policy, employee department heads-town manager review policy"

I know this may come off as adversarial, but understand that we need to change things and how we structure our government. In order to change the way, we view our managers, we need to start trusting in them more. At the current rate the Town is changing managers every two years, this is damaging to the local government.

I am asking you to judge this request on what you know currently. In order to do that I am going to asking you to ask yourself a few questions. Essentially, I am using my currency (accomplishments) to buy your trust (figurative speech, not bribery).

- 1) In what you have set me out to accomplish, whether it be roads, grants, day to day tasks, and overall management, have I done that you do not feel confident in these changes?
- 2) If you feel confident in these changes laid out in this document, do you believe, based on my past accomplishments with you all, that I can help you govern affectively?
- 3) Is it the Town's best interest to operate against state statute? Is this willful behavior?
- 4) If you believe this current system works, why has there been a lot of turnover?
- 5) After answering these questions, given all the evidence laid out before you, is it in the Town's best interest to continue me as a manager?
- 6) If the answer to #5 is no, then I will stay on with the town for a few months as you look for another individual to fill the vacancy.

Please take your time in the executive session to work this out between yourselves, thank you for your time.

ROLES BY ORDINANCE

Title 1, Chapter 2 Town Officers and Personnel

1-2-1: Town Officers—Appointment

A. The Board of Trustees shall appoint the following Town officers: Town Clerk/Treasurer, Town Administrator and Town Attorney. The appointment of said Town officers shall be for a period established at the time of appointment, but in no event shall continue beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., as amended, by members of the succeeding Board of Trustees.

B. The Board of Trustees may enter into a written contract with any Town officer. Such contract shall be supplemental to the provisions of this Chapter. The provisions of this Title shall supersede any such contract when in conflict. (Ord. 211 §1(part), 1994).

1-2-2: Town Officers—Oath/Bond/Vacancy

A. Each of the officers appointed under Section 1-2-1, before entering upon the duties of such office, shall take an oath or affirmation, administered by the Municipal Judge, Clerk or other person who is designated by the Board of Trustees, or who is authorized by law to administer such oaths, to support the Constitution and laws of the Town, and faithfully perform the duties of his office.

B. Before entering upon the duties of their respective offices, each officer mentioned in the preceding sections of this ordinance, shall take and subscribe the oaths usually required by law from public officers and may be required by a majority vote of the Board of Trustees to give bond to the Town of Westcliffe, with sufficient sureties approval by the Board of Trustees, in the sum of \$150,000, One Hundred Fifty Thousand Dollars.

C. The Board of Trustees has the power, by appointment, to fill the fill the administrator vacancy, and the person so appointed shall hold his/her office until the next regular election and until members of the Board of Trustees have complied with Section 31-4-401, C.R.S., as amended.

1-2-3 Town Officers

A. Mayor. The Mayor shall preside over board meetings and has shall only vote in the case of a tie, but may also veto spending ordinances, but may be over ruled by the Board of Trustees by a two-thirds vote. The Mayor shall also have the power to make sub committees, given two-thirds of board agreement. The Mayor shall also sign checks the Treasurer, with approval from administrator, deems necessary for the efficient administration within the Town. Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall have a voice in all matters before the Council but in accordance with state law, may not vote on any agenda items requiring Council action.

The Mayor shall preserve order and decorum and shall require Board members engaged in debate to limit discussion to the question under consideration.

The Mayor is the spokesperson for the Board on all matters unless absent, at which time the Mayor Pro Tem or his/her designee will assume the role.

The Mayor will encourage all Board members to participate in Board discussion and give each Councilmember an opportunity to speak before any Board member can speak again on the same subject.

The Mayor is responsible for keeping the meetings orderly by recognizing each Board member for discussion, limiting speaking time, encouraging debate among Board members, and keeping discussion on the agenda item being considered.

Should a conflict arise among Board members, the Mayor serves as mediator.

The Mayor shall also appoint Planning Commission members and Board representatives on other councils.

B. Board of Trustees. The Board of Trustees shall be the legislative and corporate authority of the Town of Westcliffe. Each Board members shall have duties prescribed by them, to report on monthly meetings, individually, to inform other board members of the various happenings within the government.

1. Trustee 1 (Mayor Pro Tem): Shall fill in for the mayor when absent, sign checks for office staff, and coordinate with the mayor members for sub committees.

2. Trustee 2: Shall reside over the Westcliffe Parks Advisory Committee (WPAC) as chair and report to the Board.

3. Trustee 3: Shall be a member of the Custer County Workforce Housing Committee (CCWHC) and shall report to the Board

4. Trustee 4: Shall serve as the chair on the Economic development board and report back to the BOT.

5. Trustee 5: Shall sign checks for staff when the Mayor and Mayor Pro Tem are not available. Shall fill in for the other officers' vacancies when needed and will be assigned to the Town of Westcliffe Master Plan Review Committee as the Chair.

6. Trustee 6: Shall fill in for the other officers' vacancies when needed and will be appointed to the Town of Westcliffe Planning Commission.

C. Town Manager (Town Administrator)/Planner

The Town Manager shall be the Chief Administrative Officer responsible for the day-to-day activities of municipal government, such as hiring staff and carrying out policy directives. The Town Administrator/Planner shall serve as personnel director in establishing and implementing human resource policies and administering daily practices.

The Town Administrator shall serve as an officer of the Town pursuant to a contract entered into by the Town Administrator and the Town. Such contract shall address such matters as compensation, benefits, minimum and maximum hours per week of employment, and termination of employment. Such contract may provide for termination "at will" in return for severance compensation. The Town Manager shall be the direct point of contact to the Board of Trustees and Mayor.

1. Supervision Received: The Town Administrator shall work under the general guidance and direction of the Mayor and the Board of Trustees.
2. Supervision Exercised: The Town Administrator shall exercise supervision over all Town employees.
3. Essential Duties and Responsibilities. The Town Administrator shall:
 - a. Hire/fire all employees under the Town Administrator's command.
 - b. Work concurrently with the Treasurer to develop, prepare, and present the annual budget (Town Administrator Creates Capital Improvement Plan), assuring that assigned areas of responsibility are performed within budget; monitor revenues and expenditures in assigned areas to assure sound fiscal control; assure effective and efficient use of budgeted funds, materials, facilities, and time;
 - c. Research grant programs; prepare grant applications and oversee administration of the use of the grant funds, work with the Board of Trustees and Mayor to develop priorities for capital improvements and find grant programs or other funding sources which will help the Town achieve its capital improvement projects;
 - d. Administer a personnel system for all employees, including evaluations, guidance, training, rules, records, job descriptions, and policy documents approved by the Board of Trustees; enforce the Personnel Handbook;
 - e. Attend Board Meetings to inform the Board of Trustees on personnel, department activities, and recommend policies and ordinances. To be responsible for the efficient administration of all departments of the Town government and to recommend to the Board of Trustees for adoption such measures as he or she may deem necessary;
 - f. Manage and supervise assigned operations to achieve goals within available resources; plan and organize workloads and staff assignments, review progress and direct changes as needed;
 - g. Provide leadership and direction in the development of short- and long-range plans; gather, interpret, and prepare data for studies, reports and recommendations; coordinate department activities with other departments and agencies as needed;
 - h. Work with the Town Attorney to administer and monitor contracts and agreements;

- i. Maintain harmony among workers and resolve grievances;
- j. Act as an economic development liaison for the Town, responding to requests for business information; develop and implement a marketing plan for the Town;
- k. Act as a liaison with various community groups relating to Town issues;
- l. Perform public relations duties in support of the Town and Board of Trustees; meet with private citizens to inform and resolve various issues and problems; coordinate with and serve as primary contact with various federal, State, and local agencies and municipalities;
- m. Perform such other duties and responsibilities as required and directed by the Mayor and Board of Trustees;
- n. To establish, subject to Trustee approval, appropriate personnel standard salary schedules and rules and regulations governing officers and employees of the Town;
- o. To serve as Public Relations Officer of the Town government, in such capacity to investigate and adjust all complaints filed against any employee, department, division or service of the Town, and to cooperate with all community organizations whose aim and purpose is to advance the best interests of the Town and its citizens;
- p. Provide leadership and direction in the development of short and long range plans; gather, interpret, and prepare data for studies, reports and recommendations; coordinate department activities with other departments and agencies as needed;

4. Physical Demands: The physical demands described here are representative of those that must be met by the Town Administrator to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

a. While performing the duties of this job, the Town Administrator is frequently required to sit and stand and talk or hear, use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms. The Town Administrator is occasionally required to walk. The Town Administrator must occasionally lift and/or move up to twenty-five pounds (25 lbs.). Specific vision abilities required by this job include close vision and the ability to adjust focus.

b. Work Environment: The work environment characteristics described here are representative of those the Town Administrator will encounter while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Administrator works mostly inside. The Town Administrator works constantly with computer, technical, and mechanical equipment.

The noise level in the work environment can vary from moderate to quiet.

D. Town Clerk/Treasurer

The Town Clerk/Treasurer provides a variety of routine and complex supervisory role over her department, clerical, and administrative work.

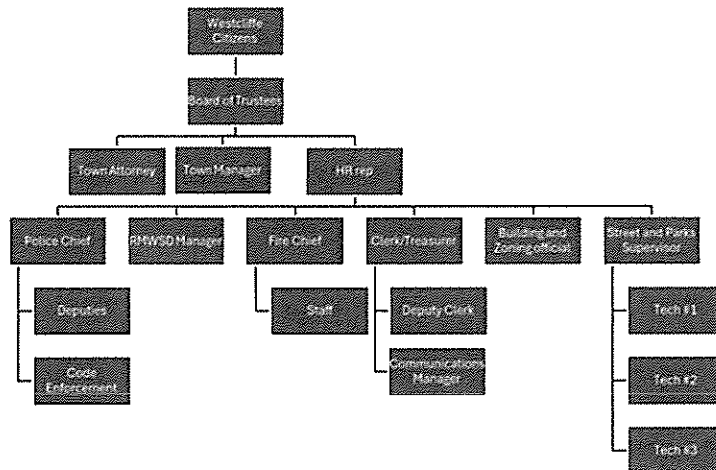
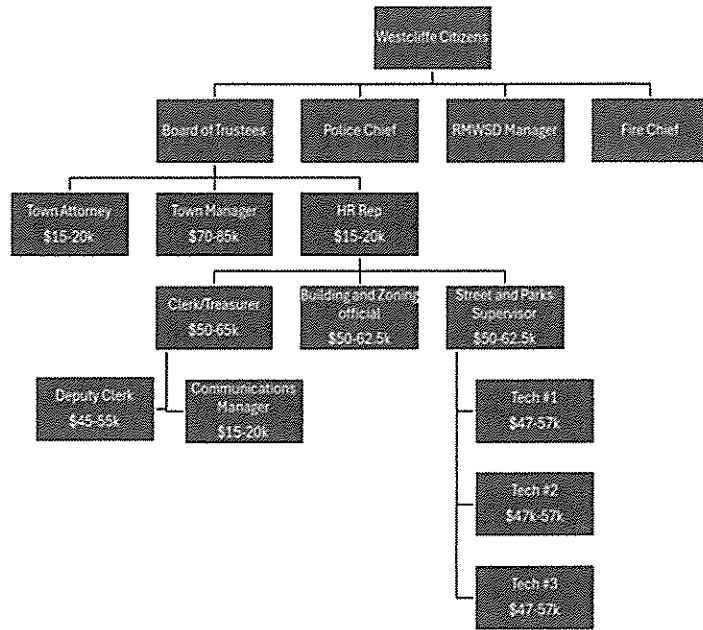
1. Supervision Received: The Town Clerk works under the general guidance and direction of the Town Administrator/Planner.
2. Supervision Exercised: The Town Clerk shall exercise supervision over all of the clerical staff.
3. Essential Duties and Responsibilities: The Town Clerk shall have the powers, duties and responsibilities as follows:
 - a. Shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the Board of Trustees;
 - b. Shall serve as custodian of the Town's official records and public documents; performs certification and recording for the Town as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, resolutions and contracts, easements, deeds, bonds or other documents requiring Town certification;
 - c. Shall prepare and distribute agendas, materials, minutes and records of Board Meetings;
 - d. Shall prepare and advertise Board meeting agendas, bid and other advertisements, and legal notices of public hearings and special meetings;
 - e. Shall administer all applicable provisions of the Colorado Municipal Election Code, Sections 31-10-101, et seq., C.R.S., as amended, and perform all duties required by the Colorado Campaign Reform Act, pursuant to Section 1-145-115, C.R.S., as amended;
 - f. Shall administer oaths of office to public officials;
 - g. Shall serve as a notary public;
 - h. Shall maintain employment records for all officers and Town employees, keeping record of vacation time, sick leave, maternity leave, military leave, bereavement leave, overtime and compensatory leave;
 - i. Shall prepare payroll and administer checks to employees and officers;
 - j. Shall countersign all checks drawn upon the Town, in the absence of the Mayor;
 - k. Shall attend seminars, workshops, and training related to Town Clerk's duties and responsibilities;
 - l. Shall tactfully deal with the public in a pleasant, yet firm manner when advising them on regulatory matters and shall be skilled in reception and telephone etiquette;

- m. Shall type Board members' and Mayor's correspondence and shall make reservations and travel arrangements for meetings, seminars, and conventions;
- n. Shall assist in the preparation of ordinances and resolutions as directed;
- o. Shall accept claims for damages and other legal papers served on the Town;
- p. Shall receive moneys belonging to the Town and shall give persons paying money into the treasury a receipt specifying the date of payment and what payment is for;
- q. Shall serve as Loss Control Coordinator and Safety Coordinator for Workman's Compensation insurance and shall coordinate in-house training sessions for safety issues;
- r. Develop and prepare financial reports and plans, including budgets; forecast, estimate, and monitor the financial condition of the Town to assure the fiscal wellbeing of the Town;
- s. Oversee the Town insurance programs to ensure appropriate coverage is maintained and claims are addressed;
- t. Develop, prepare, and present the annual budget assuring that assigned areas of responsibility are performed within budget; monitor revenues and expenditures in assigned areas to assure sound fiscal control; assure effective and efficient use of budgeted funds, materials, facilities, and time;
- u. Shall complete in a timely and accurate manner all other duties as assigned.
- v. Services as Utility Billing Clerk:
 - (1) Shall process forms, payments or other material according to established methods and procedures and shall examine them for accuracy and completeness;
 - (2) Shall accept payments and shall issue receipts for water/sewer billing, shall post monthly utility payments and meter readings and shall prepare monthly utility bills and shut-off notices. The Clerk shall prepare all correspondence pertaining to utility billing, such as credits, changes in addresses and computations of final billings;
 - (3) Shall accept and refund water service deposits, shall insure new accounts are opened correctly and shall receive new water customers' local information to set up accounts.

4. Physical Demands.

The physical demands described here are representative of those that must be met by the Town Clerk to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the Town Clerk is frequently required to sit and stand and talk or hear, use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms. The Town Clerk is occasionally required to walk. The Town Clerk must occasionally lift and/or move up to twenty-five pounds (25 lbs.).



Why it's important to have an organizational chart?

- Clear roles and responsibilities
- Dissemination (dividing functions and workloads)
- Sparks interests in professional managers, to adopt a statewide organization (job retention)
- Lays Down the Relationships Between Functional Groups and Employees
- Helps Gauge Competency (helps evaluating employees)
- Improves Coordination (meet objectives more functionally)
- Illustrates Clearly Who to Bring In (conquering road blocks)
- Organizational Charts Find Various Holes in an Organizational Structure (identify holes in your structure)

- Helps manager administer local policies
- Employee protection (Board members must go through Administrator); Barriers
- Statewide normality (to invite and spark professional managers, the town should adopt the statewide average); healthy for Town turnover.

Town of  EST. 1887
WESTCLIFFE

Department: _____

Date: _____

TO: _____ Town Board of Trustees

SUBJECT: Staff Report

Report #1

Report #2

Report #3

Town of Westcliffe



Board Relations Policy

and

Code of Ethics

Adopted _____

Revised _____

Board Policies

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Town of Westcliffe Mission Statement

The Town of Westcliffe is committed to improve the quality of life of its citizens, employees businesses, and visitors by providing a wholesome and friendly environment, retaining jobs, creating housing solutions, safe and enjoyable parks, and community events and activities.

Introduction

The Town of Westcliffe Board and the Mayor comprise the governing body for the citizens of Westcliffe: therefore, they must bear the initial responsibility for the integrity of governance. The Governing Body is responsible for its own development (both as a body and as individuals), its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy will address Mayor and Board relations, Board and Staff relations, and Board and Media relations. By adopting these guidelines for elected officials, we acknowledge our responsibility to each other, to our professional staff, to our respective district, and to the public as a whole.

The Town Board will govern the Town in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community.

1. The Governing Body has high priorities the continual improvement of the Board member's professional ability and the promotion of an atmosphere conducive to the fair exchange of ideas and policies among Board members.
2. The Governing Body will endeavor to keep the community informed on municipal affairs; encourage communication between the citizens and the Governing Body; strive for strong, working relationships among Custer County, the Town of Silver Cliff, the Custer County School District, and neighboring communities.
3. In its governance role, the Governing Body will continue to be dedicated to friendly and courteous relationships with Staff, other Board members, and the public, and seek to improve the quality and image of public service.
4. The Governing Body will also strive to recognize its responsibility to future generations by addressing the interrelatedness of the social, cultural, and physical characteristics of the community when making policies.
5. The Mayor and each Board member will make a commitment to improve the quality of life for the individual and the community, and to be dedicated to the faithful stewardship of the

public trust.

Town Board Relations

A. Introduction

This section outlines the respective responsibilities of the Mayor, Board, and the Code of Conduct of each in their respective roles as elected representatives of the people. It holds to the principle that the effective delivery of services and the efficient administration of government is ultimately the aim of all concerned.

The Town of Westcliffe is a statutory town. It is governed by a 6 member board presided over by the Mayor. The Mayor is the chair of the Board and represents the Town insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor is limited to act on the will and accord of the Board; for this reason, Board members being informed in all matters involving the Town is one of the principle responsibilities of the Mayor's position. Board members are to be kept informed of city business or activities which come to the Mayor's attention, resulting in better-informed Board members who will be able to contribute ideas, voice opinions, or make timely and proper decisions.

B. Mayoral Responsibilities

1. The Mayor shall be the presiding officer at all Board meetings.
2. The Mayor Pro-Tem shall preside in his/her absence.
3. The Mayor shall have a voice in all matters before the Board but in accordance with state law, may not vote on any agenda items requiring Board action.
4. The Mayor shall preserve order and decorum and shall require Board members engaged in debate to limit discussion to the question under consideration.
5. The Mayor is the spokesperson for the Board on all matters unless absent, at which time the Mayor Pro Tem or his/her designee will assume the role.
6. The Mayor will encourage all Board members to participate in Board discussion and give each Councilmember an opportunity to speak before any Board member can speak again on the same subject.
7. The Mayor is responsible for keeping the meetings orderly by recognizing each Board member for discussion, limiting speaking time, encouraging debate among Board members, and keeping discussion on the agenda item being considered.
8. Should a conflict arise among Board members, the Mayor serves as mediator.

C. Council Responsibilities

1. At the request of any member of the Town Board, the Town Administrator shall place an item on the agenda for discussion or action.
2. Each Board member is responsible for being prepared to attend meetings and discuss the agenda.
3. Each Board member is encouraged to attend at least one Colorado Municipal League sponsored conference during their term in order to stay informed on issues facing municipalities.
4. Each Board member shall have duties prescribed to them in Title 1, Chapter 2, Section 1 of the Municipal Code.
5. It is the responsibility of Board members to be informed about previous action taken by the Board in their absence. In the case of absence from a workshop session where information is given, the individual Board member is responsible for obtaining this information prior to the Board meeting when said item is to be voted upon.
6. When addressing an agenda item, the Board member shall first be recognized by the Mayor, confine himself/herself to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Board member or Staff member in his/her argument or vote.
7. In the absence of a ruling by the Mayor on any procedural matter, a Board member may move to change the order of business or make any other procedural decision deemed appropriate. The affirmative vote of a majority of the Board members present and voting shall be necessary to approve the motion.
8. Any Board member may appeal to the Board as a whole a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain his/her position. The Mayor will then put the ruling to a vote of the Board.
Add language about only voting if tie and veto spending
9. Any Board member may ask the Mayor to enforce the rules established by the Board. Should the Mayor fail to do so, a majority vote of the Board members shall require him/her to do so.
10. When a Board member is appointed to serve as liaison to a board, the Board member is responsible for keeping the Town Administrator and all Board members informed of board activity.
11. Neither Board member nor the Mayor shall direct or request the appointment of any person

to, or removal from employment by the Town Administrator or any of the Town Administrator's subordinates (or in any manner take part in the appointment or removal of employees in the administrative services of the Town). Neither a Board member nor the Mayor shall interfere in the Town Administrator's recommendation process of the appointment, suspension, or removal of a municipal officer other than Board members and those municipal officers who are appointed by the governing body. **Except for the purpose of inquiry, the Board nor any Councilmember thereof shall give orders to any subordinates of the Town Administrator, either publicly or privately.** Nothing in this section interferes with the role of the Mayor to make temporary appointments of municipal officers subject to confirmation by the Town Council, nor does this section interfere with the role of the Mayor and/or Town Board to determine the selection process of municipal officers.

D. Code of Conduct for Mayor and Board members

1. During the Council meetings, Board members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the requests of the Mayor or the rules of the Board.
2. Board members shall demonstrate respect and courtesy to each other, to Town Staff members and to members of the public appearing before the Board.
3. Board members shall refrain from rude and derogatory remarks and shall not belittle other Board members, Staff members, or members of the public.
4. Board members will not use their position to secure special privileges and shall avoid situations that create a perception of bias or partiality in regard to a question before the Board.
5. Board members will not condone any unethical or illegal activity. All members of the Board agree to uphold the intent of this policy and govern their actions accordingly.
6. Board members shall not unreasonably interfere with the everyday duties of town staff, and shall limit meetings and phone calls with the Town Administrator to discuss town business. Mayor and Board members should initially make attempts to contact the Town Administrator to discuss town business by either phone call or e-mail; personal meetings with the Town Administrator should be limited to one-hour a week. Requests for information should be directed to the Town Administrator.
7. Except for the purpose of investigations, Town Board members shall deal with Town employees, who are subject to the direction and supervision of the Town Administrator, solely through the Town Administrator. The Town Board members shall not give orders to any Town employee, either publicly or privately.

8. Elected Officials shall not create a hostile work environment towards employees by verbal, written, or physical presence which disrupts their work environment. If an elected official has knowledge of a hostile work environment, he/she will notify the Town Administrator.

Council and Staff Relations Policy

No single relationship is as important as that of the Board and their Town Administrator in effectively governing the Town of Westcliffe. It is for this reason that the Board and Town Administrator must understand their respective roles in that process.

The Town Board is the WHAT/WHY while the Administrator is the WHEN/HOW.

The Town Administrator is the primary link between the Board and the professional Staff. Therefore, Board relationships with the Staff shall be through the Board Administrator on any issues related to the management or administration of the Town. In this manner the citizens are assured that integrity is evidenced in local governance in Westcliffe.

1. In order to ensure presentation of agenda items by Staff, questions arising from Board members after receiving their information packet should be whenever possible, presented to the Town Administrator for Staff consideration prior to the Board meeting. This allows Staff time to address the Board member's concern and provide all Board members with the additional information.
2. The Town Administrator shall designate the appropriate Staff member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Board on the issues that require Board action.
3. The presentation shall be professional, timely, and allow for discussion of options for resolving the issue.
4. The Staff member making the presentation shall either make it clear that no Board action is required, present the Staff recommendation, or present the specific options for Board consideration.
5. The Town Administrator is directly responsible for providing information to all the Board concerning any inquiries by a specific Board member. With the exception of Public Information Act requests, requested information shall be shared with the entire Board. Staff is committed to providing a timely response to a request for information, as such elected officials shall respect the time it may take for staff to provide requested information given current workload.
6. The Town Administrator is responsible for the professional and ethical behavior of himself/herself and the discipline of his/her Staff in any matter related to unprofessional or unethical behavior.

7. The Town Administrator is responsible for ensuring that the Staff receives the education or information necessary to address the issues facing municipal government.
8. The Mayor and Town Administrator will address any conflicts arising between the Town staff and the Board.
9. All Staff members shall show each other, each Board member, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
10. When asked to respond to question in their professional opinion, staff may respond without fear of repercussions, retaliation, or disciplinary action.
11. The Town Administrator, after an election, will make certain the Staff has prepared information needed for the orientation of Board candidates and new Board members, and inform them of any Colorado Municipal League conferences and seminars available.
12. The Town Administrator will also be responsible for meeting personally with new Board members and prospective Board and informing them about Town facilities and procedures.
13. The Town Administrator serves as the purchasing agent for the Town and supervises the purchase of all material and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the town services for amounts approved by the Board.
14. If the City Administrator is absent, he/she shall appoint a designee until their return or the Mayor shall substitute as designee with Town Board approval. That designee shall inform the Administrator of any information missed while absent.

IV. Town Board Code of Ethics

The office of an elected official is one of trust and service to the citizens of Westcliffe. This position creates a special responsibility for the Westcliffe Town Board member. In response to this unique challenge, the Westcliffe Town Board is expected to govern this Town in a manner associated with commitment to the preservation of the values and integrity of representative local government and local democracy and dedication to the promotion of efficient and effective governing.

To further these objectives, certain ethical principles shall govern the conduct of every Board member, who shall adhere to the following:

1. Dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Westcliffe.

2. Recognize the chief function of local government at all times is to serve the best interest of all the people of Westcliffe.
3. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources.
4. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Board.
5. Do not seek or accept gifts or special favors in exchange for official conduct; do not utilize their official position for personal gain; do not use confidential information for personal gain; do not misuse public funds or public property.
6. Avoid the undesirable influences of family relationships or close relatives of the Board members, the appearance of preferential treatment related to family relationships or close relatives, and any interference with the proper administration of the affairs of the Town of Westcliffe.

Nepotism is the showing of favoritism toward a relative. The Town forbids the practice of nepotism in hiring personnel or awarding contracts in accordance with state law. No person related within the second degree by affinity or third degree by consanguinity to the Mayor or any Board member or the Town Administrator or to any employee who would supervise his or her job performances either directly or indirectly shall be appointed to any paid office or position of the city. **Exception:** This prohibition shall not apply to any person who shall have been employed by the city for two (2) or more years prior to and at the time of election of the Mayor, or Board members or the appointment of the Town Administrator so related to him or her.

7. A close relative is defined as a person who is related within the second degree of affinity or the third degree of consanguinity.
8. The term spouse shall mean persons who are living together in conjugal relationship, whether legally married or not, and such persons shall be considered a spouse for the purposes of determining by affinity.
9. Recognize that public and political policy decisions, based on established values are ultimately the responsibility of the Town Board.
10. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Westcliffe. It is recognized that certain exceptions are made by the State for executive sessions and any action as a result of that type of meeting will be handled later in the open session as noted on the agenda.
11. Board members should refrain from voting on issues that do not necessarily constitute a legal conflict but may be perceived as a conflict of interest by the public or members of council.

12. A Board member shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies or affairs of the town. This rule does not prohibit:
 - (a) Any disclosure that is no longer confidential by law; or
 - (b) The confidential reporting of illegal or unethical conduct to authorities designated by law.

13. Any sustained violation of the Code of Conduct by any Town member(s) are grounds for removal in accordance with Section 21.025 of the Local Government Code. Any Councilmember may only be removed from office in Accordance with Chapter 21, Subchapter B of the Local Government Code. By other board members. Add to municipal code

V. Town Board Meeting Information

(A) This section will explain components of meetings, agendas, presentations, minutes, parliamentary procedure, maintain order and citizen participation. There are three basic types of meetings and they are recognized as a Regular Meeting, Special or Called Meeting and Workshop Meeting. All meetings are restricted to considerations of items posted on their agendas by the Town Administrator, Staff or Board member. Unless items are posted on the agenda, there can be no action or discussion. For Town Board to convene proper posting of: time, place and purpose and notification is required for all meetings. All Meetings require minutes to be taken. All Meetings are open to the Public except for Executive Session items. Meetings require a Quorum of Town Board members to convene while Workshops do not.

1) Regular Meeting: Regular meetings of the Town Board shall be held on the fourth (3rd) Tuesday of each month at 5:30 p.m. at Patterson Hall, 1000 Main Street, Westcliffe, Colorado, 81252. This is a mandatory monthly meeting in which most of Town Board activities transpire. A majority of four Town Board members, including the Mayor, must be present to constitute a quorum to conduct business. However, at a regular meeting or a special /called meeting to consider the imposition of taxes, five members (not including the Mayor) are required to constitute a quorum. If you lack a quorum no action can take place, but you are allowed to have discussion.

2) Special/Called Meetings: Special /Called meeting are subject to call by the Mayor, the Town Administrator, or the application of four Board members. Except for unusual circumstances, these meetings shall be held at Patterson Hall. The purpose of such meetings is to act on upon matters that cannot be delayed until a regular meeting. Quorum for Special /Called meetings four Board members (including the Mayor). If you lack a quorum, no action can take place but you are allowed to have discussion.

3) Public Hearings: The purpose of a public hearing is to present evidence on both sides of an issue and making key decisions for important issues facing

the Town.

4) Workshops: Workshops are under the guidelines for a special /called meeting. They can be held anytime or anyplace with proper posting and notification. Quorum of council is not required. The Board may hear reports and deliberate on items listed on the agenda. No official action items can be taken.

5) Emergency items: Emergency Special Called meetings or Emergency agenda items must be posted at least 2 hours in advance of the meeting. Emergency meetings or items are extremely rare. Please consult the Town Administrator, or Town Attorney regarding which items qualify. The Mayor, Town Administrator or Board members can add to the agenda or call a Special Meeting. Individuals who have filed a written request for emergency notification will be informed.

(B) Agenda. The following stipulations relate to the agenda for meetings of the Council.

(1) NO ACTION CAN BE TAKEN ON ANY ITEM UNLESS THAT ITEM HAS BEEN POSTED ON THE AGENDA FOR THAT MEETING AND THE AGENDA POSTED AT CITY HALL 72 HOURS PRIOR TO THE MEETING.

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(2) Preparation of the agenda.

(a) The Mayor and/or Town Administrator will exercise their best judgment in determining the most important items received for placement on the agenda and adding other items of business to come before the Board. An item not appearing on the agenda shall not be taken up for discussion as a matter of Board business during any Board meeting. However, the Board may receive items as information. The Mayor shall not have the power to remove agenda items.

(b) Any member of the town staff wishing to have an item placed on the agenda shall submit that item to the Town Administrator's office, through regular supervisory channels, for approval. The Town Administrator may establish procedures for submission of routine items without his or her approval.

(c) Any Board member may request an agenda item to be placed on any regular or special meeting as long as the request is submitted five business days prior to the Board meeting for an action item and two business days prior to the Board meeting for a discussion item. All such requests shall contain the following minimum information in writing:

(i) The name and department of the person filing the request.

(ii) The date the request is filed and the date of the meeting at which the matter is to be addressed.

(iii) A brief, concise statement of the matter to be addressed.

(iv) A copy of any supportive documents or attachments.

(3) Distribution of agenda packets.

(a) Agenda packets will be delivered, either electronically or hand delivered, to the appropriate elected officials on the Friday evening before the Board meeting. Agenda packets for special meetings will be distributed either electronically or hand delivered to the Mayor and Board member's homes as early as possible. This should afford ample time for the Mayor and Board members to enquire into the nature of each matter to be discussed and to personally investigate the matter so as to better inform himself or herself Board a Board meeting. Town elected officials are encouraged to call the Town Administrator or Mayor regarding any questions about items on the agenda or any other matter that concerns the town. Board members are cautioned about engaging in discussions of town business with other Board members. While one Board member may talk to one other Board member, any discussion that covers town business that could be interpreted as action to circumvent the Open Meetings Act could result in charges being brought against the Board member so doing.

(C) Board proceedings. These procedures shall apply to all meetings of the Town Board. The Mayor shall be the presiding officer at all meetings of the Town Board and have a voice in all of its proceedings, but the Mayor shall have no vote except in the event of a tie vote by the council in accordance with state law. Board members shall speak in Board meetings only upon being recognized by the presiding officer, whose recognition shall not be unreasonably withheld. In the event of the absence of the Mayor, the Pro-tem Mayor shall be the presiding officer. The Mayor Pro-tem shall be able to have a vote in all matters as the Mayor Pro-tem continues to be a Board member even when presiding. In the event of the absence of the Mayor and Mayor Pro-tem, the Councilmembers in attendance, if constituting a quorum, shall select one of its Board members to preside over that meeting. Mayor and Board members shall refrain from private conversations with one another during Board meetings.

(1) Call to order. All meetings will begin promptly at the hour stated. A quorum shall be the attendance of a majority of the members of the Board. In the event of there not being a quorum at the time the meeting is called to order, the Board may discuss matters, but shall not take any action until a quorum is present. In the event the Mayor or a Board member leaves the Board room and the remaining members do not constitute a quorum, the Board may continue to discuss matters listed on the agenda, but may take no vote or conduct other business.

(2) Agenda. Ordinarily the Mayor or other presiding officer will follow the agenda as published, however the presiding officer shall have, subject to the approval of the Board, the prerogative of addressing items out of order should such change facilitate guests or other factors.

(3) Presentation of agenda items. Agenda items scheduled by the Town Administrator will be presented by the Town Administrator or the Town Administrator may call on a staff member to present the item. Staff members may attend Board meetings and be available as a resource person; however they are not to speak on city issues unless directed by the Town Administrator, Mayor or the Town Board.

(4) Presentations from the floor.

(a) All guests and other persons who are to speak to the Town Board, including staff members, other than the Town Administrator, Town Attorney, or Town Clerk who are seated at the table, shall wait in the audience until recognized. When called by the presiding officer for an opportunity to be heard, that person shall move immediately to the podium and make their comments.

(b) The speaker shall identify herself or himself by name and address and the agency represented, if any. The speaker shall remain at the podium until all Board questions have been answered and the Mayor has dismissed the speaker. Speaking from the podium will assure that the recording equipment picks up the presentation.

(5) Council action. After the Board has heard all of the facts reviewed the supporting data, and listened to the arguments for and against each agenda item; it will act by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken. Robert's Rules of Order would require a motion to act prior to any discussion of any item on the agenda, however this Board's policy permits introduction of an item and discussion prior to making a motion for action.

(a) The Town Board acts in one of two methods. It may adopt a resolution or an ordinance. A resolution is an expression of the will of the Board. The resolution may be written to honor some person, to recognize an event, to ask the town administration to look into a matter, perform a task, to execute a contract, or to fulfill some other desire of the Board. An ordinance is a law or regulation. The Board adopts an ordinance to set traffic regulations, to establish zoning or land use regulations, to set the tax rate, etc. Both ordinances and resolutions require the presentation of the item on the agenda, a motion and a second to the motion and an affirmative vote of three Board members.

(b) From time to time, a question is raised about the legality of a person making a motion and then voting against his or her own motion. There is no prohibition in doing that. The person may be opposed to an action and wants the motion on the floor so that person can register the opposing vote.

(D) Minutes of meetings.

(1) The Town Clerk or the Town Clerks assistant will keep minutes of all meetings. The Clerk will record the proceedings and the tapes will be kept in accordance with state retention requirements unless there have been questions rose which indicate possible need to keep the tapes longer.

(2) The minutes will record the presence of each elected official, each Town staff member, and all guests who registered their attendance. The minutes will include all areas of discussion and identify each speaker and the topic, as far as possible, the key point or points that were made. The minutes will not be a verbatim recording of al discussions. The minutes will

reflect all motions made, who made and who seconded the motions, although it is not necessary to identify the person seconding a motion. The outcome of each motion, including the roll call vote, if requested, will be included in the minutes. The minutes will include the key points of any specific comments made by Board members for the record.

(3) Each agenda item will be identified in the minutes by sub-headings to facilitate review by the Mayor and Board members. It is important that the minutes include the name and address of any guests who address the Board as well as the specific subject or request presented.

(4) The minutes shall not include verbatim copies of statements or any extraneous discussions; however any Board member who desires to have a verbatim statement included as a part of the minutes shall provide a typed copy of such verbatim statement to the Town Clerk prior to the presentation of such statement. This statement will not be typed into the minutes, but will be attached to the minutes and so noted.

(5) Copies of the minutes will be included in the agenda packets distributed to the Board prior to the next regular meeting. Minutes may be amended should a Board member recognize an incorrect statement and then may be approved by the Town Board without a motion unless a member of the Board desires otherwise. After allowing time for review, the presiding officer may state that the minutes are approved as amended or approved as distributed. Always keep in mind that the minutes are a record of the council action, even though they may differ from a tape or other recording of the meeting.

(E) Parliamentary procedure.

(1) In regular and special meetings, Robert's Rules of Order will be followed as far as is feasible. Generally, the Town Attorney will be the Parliamentarian for Board meetings. Below is a summary of motions that are commonly used.

Robert's Rules of Order Motions Chart

Based on Robert's Rules of Order Newly Revised (10th Edition)

PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Close meeting	I move to adjourn	No	Yes	No	No	Majority
Take break	I move to recess for ...	No	Yes	No	Yes	Majority
Register complaint	I rise to a question of privilege	Yes	No	No	No	None
Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
Close debate	I move the previous question	No	Yes	No	No	2/3
Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
Bring business before assembly (a main motion)	I move that [for "to"] ...	No	Yes	Yes	Yes	Majority
PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Enforce rules	Point of Order	Yes	No	No	No	None
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
Request for information	Point of information	Yes	No	No	No	None
PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

(2) Any Board member may call for the question on any issue, and upon seconding by another Board member; the issue to call for the question shall immediately be put to vote. Passage of the motion to address the previous question shall terminate debate on the motion, amendment or item under discussion and action shall be taken on that item immediately, and the chair shall move to the next item.

(3) The Board may agree to limit debate on any business before it. That agreement should be formalized by a majority of the Board on a roll call vote prior to any deliberation on that item.

(4) Any Board member may request a roll call vote at any time.

(F) Decorum and debate.

(1) IT IS IMPERATIVE THAT THE PRESIDING OFFICER MAINTAIN ORDER AT ALL TIMES. THE OFFICER MUST NOT PERMIT DEBATE OR COMMENTS FROM ANY INDIVIDUAL WHO HAS NOT BEEN RECOGNIZED. INTERRUPTIONS MUST BE SILENCED BY VOICE, USE OF THE GAVEL OR OTHER MEANS, AND, IN THE EVENT OF ANY PERSON'S FAILURE TO HEED THE DIRECTIONS OF THE PRESIDING OFFICER, THE OFFICER MAY HAVE THAT INDIVIDUAL REMOVED FROM THE ROOM.

(2) When a measure is presented to the Board for consideration, the presiding officer shall recognize the appropriate individual to present the case. When two or more Board members wish to speak, the presiding officer shall name the Board member who is to speak first and may direct that the other shall speak next. No Board member shall speak first and may direct that the other shall speak next. No Board member shall interrupt another who is speaking except to make a point of order or to make a point of personal privilege.

(3) No member of the public or Board member shall be permitted to indulge in personalities, use language personally offensive, question motives of other members, charge deliberate misrepresentation, or use language tending to hold another Board member or the public up to contempt.

(4) If a Board member is speaking without being recognized or otherwise violating any of the rules of the Board, the presiding officer shall, or any Board member may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The Board shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the disruptions continues, he or she shall be liable to censure or to such punishment as the Board deems proper consistent with state statutes or Town ordinances if applicable.

(5) In accordance to Roberts Rules of Order, the majority of the Town Board may override any decision of the presiding officer regarding the conduct and handling of the Board meeting. In order for a decision of the presiding officer to be overruled, there must be a motion, a second and a vote by the majority of Board overruling the decision of the presiding officer.

(G) Citizen participation at meetings.

(1) All citizens attending any regular or special Board meetings will be asked to sign the visitor's register provided. The Town Clerk, as a matter of record, will add their names to the minutes of said meeting. Persons wishing to speak to the Board, in addition to signing the visitors register, must complete a "speakers card" and indicate the subject that they wish to address. Ordinarily, one who wishes to address an agenda item will be invited to speak when the agenda items comes up for discussion. One who wishes to address a subject not on the agenda will have an opportunity to speak during the citizen comments agenda item. Citizen comments are limited to three minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to a total of six minutes. The Mayor or Board may make a motion to grant additional time for a citizen to continue speaking. A majority of the Board members would be required to grant additional time.

(2) To maintain decorum, the Mayor, at all meetings, will ask the citizens present if they wish to speak for or against any item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the chair. Citizen comments, when speaking on an agenda item, are limited to three minutes. A citizen may be given the time of another citizen to speak if approved by the presiding officer; however, citizen will be limited to six minutes. No citizen may speak nor otherwise interrupt any meeting until recognized by the presiding officer. Citizens will not be allowed to bring placards, banners or any type of sign into the Board chamber.

(3) If a citizen or organization wishes to make a presentation to the Town Board, the time limit restrictions under divisions (G)(1) and (2) of this section will not apply if the citizen or organization complies with this division. A citizen or organization that wishes to make a presentation to the Board on any item, whether on the agenda or not, will receive 15 minutes if the citizen or organization contacts the Town Clerk five business days prior to the scheduled Town Board meeting in order for the presentation to be placed on the Board agenda. A citizen or organization must inform the Town Clerk if any technological support will be required.

(4) Citizens who wish to bring up a matter not on the agenda at a regular meeting may do so, but only under citizen comments agenda item. Citizens must be reminded that the Board is prohibited from discussing or acting on any item that has not been posted on the agenda.

(5) Fire safety. Citizens are welcome and invited to attend Board meetings. However, the number admitted shall be limited to the fire safety capacity of the Board Chamber.

(6) Prohibition. Any attendee to a Town Board meeting is prohibited from drinking alcoholic beverages, smoking or chewing any tobacco products in the Town Hall. This prohibition shall apply to all attendees and shall apply to all business hours of the Town Hall.
(Ord. 2012-01, passed 2-13-12)

VI. Regular Council Meeting Agenda Format--

The agenda for regular and special meetings of the Town of Westcliffe shall be divided into the following types of business:

a. Invocation and Pledges of Allegiance to the USA and Colorado flags. The Mayor, prior to the meeting, shall designate a Board member to lead the Board and audience

in the prayer and pledges.

b. Public Comments Period – A meeting that is “open to the public” under the Open Meetings Act is one that the public is permitted to attend. The act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. A governmental body may, however, give members of the public an opportunity to speak at a public meeting [Id]. If it does so, it may set reasonable limits on the number, frequency, and length of presentations before it, but it may not unfairly discriminate among speakers for or against a particular point of view. The Open Meetings Act permits a member of the public or a Board member to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place that subject on the agenda for a future meeting.

The Public Comment Period on the agenda is for citizens to raise a subject that has not been included in the notice for the meeting. The remarks section is not to allow debate on items on the agenda but to inform Board in regard to subjects not on the agenda. To participate in the remarks from visitor’s citizens must fill out a form outlining the subject they wish to address and turn forms in to Town Clerk prior to the first action item on the agenda. The speaker will be allowed three (3) minutes and Board is restricted from comments other than to direct the speaker to the proper person or foreman or elaborate on current policy.

The Mayor shall prohibit disruptive comments from the public regarding staff or Board members.

The registration form to speak under citizens to be heard will read: “You may speak on any subject other than personnel matters or matters under litigation. A time limit of three minutes per speaker is requested. No Board action or discussion may take place on a matter until such matter has been placed on an Agenda and posted in accordance with law.”

c. Presentations – The Mayor will recognize individuals, groups, firms, etc. for meritorious service to the citizens of Westcliffe and short presentations, requiring no Board action may be made to the Town Board regarding any issue of interest to the citizens of Westcliffe.

d. Consent Agenda – A consent agenda contains routine items, which do not need further discussion and may be approved with one motion and vote. An explanatory note to the public shall precede the consent agenda portion of the printed agenda:

“The following items are of a routine or administrative nature. The Town Board has been furnished with background and support material on each item, and/or it has been discussed in a previous meeting. **All items can be acted upon by one vote without being discussed separately, unless requested by a Board member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in their normal sequence after the items not requiring separate**

discussion have been acted upon. The remaining items will be adopted by one motion and vote of the Town Board:”

The Town Board and Town Administration agree in advance on the general type of items that are to be included on the consent agenda. Routine business found on consent agendas will include:

1. Minutes
2. Monthly Check Register
3. Monthly Financial Reports
4. Approval of revenue license applications and bonds
5. Other Items already seen or approved by the Town Board in past meetings.

When the consent agenda is used, the Town Clerk is to ensure that such consent agenda items are incorporated into the minutes of the Town Board Meeting.

e. Board and Commission Appointments – The Board will vote to appoint, re-appoint, or remove Board and Commission members on:

1. Planning and Zoning Commission
2. Board of Adjustments and Appeals

The Mayor will nominate and the Board will vote to approve/disapprove each member.
Board Member

f. Public Hearings – Staff will provide introduction of request and any background information that needs to be presented. The Mayor will open public hearing for those **in favor** of the change or presenting request, declare that portion of the public hearing closed. Mayor will open public hearing for those **against** the change or presenting request, declare that portion of the public hearing closed. Mayor considers motion for request.

g. Action Items - Any agenda item requiring a Board vote will be placed here. Some items considered are:

1. Ordinances
2. Resolutions
3. Budgets and Amendments
4. Minute Orders
5. All other municipal actions requiring Board Approval except for Bids and Contracts and Purchases

h. Purchases/Bids and Contracts – Any purchase bid, or municipal contract/contract amendment will be done in accordance with state law and will require Board action.

i. **Discussion Items** – any items of interest to the Citizens of Westcliffe that may require future Board action is placed here so Board members can talk about the issue before action is taken or ascertain if any future action is to be taken.

j. **Executive Session** – Executive session must be posted and only may be held regarding specific items. Discussions may be in private, however action must be taken after meeting is reopened to the public.

VII. ORDINANCES AND PUBLICATION OF ORDINANCES.

(A) The Town Board may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that:

(1) is for the good government, peace, and order of the municipality or for the trade and commerce of the municipality; and

(2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

(B) The Town Board may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.

(C) Upon the adoption of any ordinance that imposes a penalty, fine, or forfeiture, the Town Clerk shall publish the ordinance, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in every issue of the official newspaper for two days; or one issue of the newspaper if the official newspaper is a weekly paper.

(D) An affidavit by the printer or publisher of the official newspaper verifying the publication shall be filed in the Office of the Town Clerk.

(E) An ordinance required to be published by law takes effect when the publication requirement is satisfied unless the ordinance provides otherwise. An ordinance that is not required by law to be published takes effect when adopted unless the ordinance provides otherwise.

VIII. BOARD MEMBER OR MAYOR, MOVING FROM TOWN; COMPLAINT PROCEEDINGS.

(A) As provided by Tex. Local Government Code Ann. § 22.041(a), if a Board member or Mayor moves from the town, his or her office is considered vacant.

(B) The following rules of proceedings are hereby adopted and implemented for trial and determination by the Mayor and City Council of a complaint that the Mayor and/or Councilmember has moved from the city:

(1) Councilmember. When a written, sworn complaint or information that charges that

a Councilmember or the Mayor has moved from the city, is presented to the Mayor, the Mayor shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of such complaint or information to be served on the charged Councilmember;

(c) Set a date for trial of the case which shall be conducted after the 35-day written notice to the charged Councilmember as provided in division (B)(1)(d) of this section; and

(d) Notify the charged Councilmember and the other Councilmembers of the municipality to appear on the trial date. Such notice shall be in writing and shall be served upon the charged Councilmember no later than 35 days prior to the date of the trial. Service of that written notice of trial shall be complete upon deposit in the United States mail, certified mail, return receipt requested, in postage paid envelopes addressed to the Council at their last known addresses.

(e) The Mayor and the Councilmembers, except for the charged Councilmember, constitute a court to try and determine the case against the charged Councilmember. The Mayor shall act as presiding officer at the trial.

(2) Mayor. When such complaint is made against the Mayor, the complaint must be presented to a Councilmember of the municipality. The Councilmember shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of the complaint to be served on the Mayor;

(c) Deliver a copy of that complaint to the remaining Councilmembers;

(d) The Mayor Pro Tem shall then, upon receipt of a copy of the complaint against the Mayor, set a date for the trial of the case which shall be conducted after the notice as provided in division (B)(2)(e) of this section; and

(e) The Mayor Pro Tem shall notify the Mayor, along with the other Councilmembers, to appear on that trial date. The notice shall be in writing and shall be served upon the Mayor no later than 35 days prior to the trial date. Service shall be complete upon deposit in the United States mail, certified mail, return receipt requested, postage paid envelopes addressed to the Mayor and Council at their last known addresses.

(f) A majority of the Council constitutes a court to try and determine the charge against the Mayor. The Councilmembers shall select one of the Councilmembers to preside during the trial.

(C) A proceeding under this section is subject to the rules governing a proceeding or trial in a justice court. If two-thirds of the members of the court who are present at the trial of the case find the defendant has moved from the city, the presiding officer of the court shall enter a judgment declaring the charged officer's office as vacant. If the defendant is found not guilty, judgment shall be entered accordingly. (Ord. 21-90, passed 10-8-90)

IX. Council Elections

A. Elections for municipal officers shall be held annually on a uniform election date and in accordance with the Texas Election Code, Annotated. (Tex. Local Government Code ann. Sec. 22.003) (Tex. Election Code, Chapter 41)

B. Councilmembers shall be elected by a Place System and shall be designated as Councilmember Place One, Councilmember Place Two, Councilmember Place Three, Councilmember Place Four and Councilmember Place Five. (Tex. Local Government Code Ann. Sec. 21.001) (Ord. 6-69, passed 12-8-69)

C. The Mayor and Councilmembers shall hold two year staggered terms of office. The Mayor and Councilmember Place One and Councilmember Place Two shall be elected in even numbered years. Councilmember Place Three, Councilmember Place Four and Councilmember Place Five shall be elected in odd numbered years. (Tex. Local Government Code Ann. Sec. 22.035) (Ord. 7-74, passed 9-09-74)

D. Runoff elections for municipal officers, when required, shall be held on the last Saturday of the month, for the month of May, following the regularly conducted election for the city set and held in accordance with Chapter 41 of the Texas Election Code. (Ord. 20-93, passed 5-10-93)

E. Elected officials are allowed to exercise the duties of office no sooner than the fifth day after the election, except for Sundays, after the ballots can be cast, taking the oath of office and signing the statements. The oath of office can be given in accordance with Texas Constitution Article XVI, Section 1, Texas Government Code 602.002, and Local Government Code 22.042.

1.) By giving notice of a called special meeting: by either the Mayor or three Councilmembers. Only 2 elected presiding officials are required to be present to open the meeting in addition to the city secretary and city attorney where the election ballot will be cast and the oath of office shall be given and the elected official shall sign their statement. The oath of office can be administered by anyone with a notary public or higher i.e.: judge, retired judge, clerk of municipal court, also see statutes.

2.) Elected officials must be sworn in within 30 days from the time of the election. If the elected official is not sworn in at a called meeting they shall be sworn in at the start of the first regular city council meeting with notice placed on the agenda. The ballot shall be cast, the oath shall be administered, elected officials sign the statement, and shall take their position on council. The next scheduled order of business shall be the appointment of a mayor pro tempore to be approved by council.

References: Texas Election Code 67.003(b)1, 67.004(a), 67.016, Local Government Code 22.005, 22.006, 22.007, 22.036, 22.037(b), 22.038(b), 22.042, Government Code 602.002, 603.003

3) Election Procedure for the Mayor Pro Tempore.

- (a) The Council will discuss, and with a majority vote, elect the Councilmember to serve as the Mayor Pro Tempore for the City.
- (b) The elected Mayor Pro Tempore must be a Councilmember.
- (c) Term dates for the Mayor Pro Tempore position will begin in June 1st of each year. Terms will sequentially rotate according to Councilmember place, beginning with Councilmember Place 1, then Place 2, etc.
- (d) If the Councilmember place that is up for appointment as Mayor Pro Tempore is vacant, the Mayor Pro Tempore appointment will go to the next Councilmember in the rotation.
- (e) The position will have a term of office of twelve (12) months.
- (f) In accordance with Texas Local Government Code, Council may vote to alter this procedure at any time and appoint any Councilmember to the position of Mayor Pro Tempore.

X. COMPENSATION.

- (A) The Mayor and Board or Trustees shall receive no compensation for their positions.
- (B) Each town official shall be paid his/her actual expenses incurred, or reasonably expected to be incurred, while engaging in activities for or on behalf of the town and based on vouchers, receipts, statements or other evidence satisfactory to the Town Clerk. The Town shall not reimburse food expenses unless dictated otherwise by the Mayor or Town Manager.

XI. Council Travel Policy

- (A) The Town of Westcliffe will reimburse the Mayor and Town Board for reasonable business travel expenses incurred while on assignments away from normal work location. The Mayor must approve all business travel in advance. Board members with approved travel are responsible for their own travel arrangements. Expenses are expected to be limited to reasonable amounts. Expenses that generally will be reimbursed are:
 - Air or train fare for travel in coach or economy class or the lowest available fare
 - Car rental fees, only for compact or mid-sized cars
 - Fares for shuttle or airport bus service, or other public ground travel
 - Taxi fares, only when there is no less expensive alternative
 - Mileage costs for use of personal cars, only when less expensive transportation is not available

- Staying at moderately priced hotel/motel establishments
 - Meals reimbursed with receipts. When approved
 - Charges for telephone calls, fax, and similar charges required for business purposes only
 - Training events or similar events used to provide knowledge to Trustees.
- (B) Board members who are involved in an accident while traveling on business must promptly report the incident to the Town Manager or Town Clerk. Vehicles owned, leased or rented by the Town of Westcliffe may not be used for personal use without approval of the Mayor.
- (C) A family member or friend may accompany Board members on business travel, when the presence of a companion will not interfere with successful completion of business objectives. Generally, Board members are also permitted to combine personal travel and business travel as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the Board member. Costs incurred by personnel other than Board members will not be reimbursed.
- (D) Travel advance may be paid when business travel expenses are expected to exceed five hundred dollars (\$500.00). When travel is completed, town officials shall complete travel expense reports to the personnel clerk on the appropriate forms within 15 days. Town officials should contact the Town Clerk for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other travel arrangements.
- (E) When two or more Board members are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expense. When two or more Board members travel in a single automobile, only one Board member will receive mileage reimbursement.
- (F) Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts or agreements.
- (G) In cases where a rental car is used, Board members do not need the optional insurance coverage; the Town's auto liability coverage (Colorado Municipal League Intergovernmental Risk Pool) will suffice. Board members personal auto insurance will pay for damage to auto unless town official obtains (purchases) the collision damage waiver.
- (H) Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official town business, reimbursement will be at the current 75% of the cost of travel.

- (I) Town Board members are expected to report the shortest distance between points of departure and destinations for all travel. All reimbursements must be approved by the Town Manager or Town Clerk and be within budgeted appropriations.
- (J) Town Officials who travel in a city-owned vehicle may be reimbursed for the actual cost of fuel, oil or other expenses related to the safe operation of the vehicle (with actual receipts).
- (K) Conference registration checks will be made out only to the organization sponsoring the conference.

XII. Council keys to the Balcones Heights Justice Center

A Town Board member may request a key to Patterson Hall. The following rules will apply:

1. Pursuant to the desire of the Town Board, Board member shall be provided a key to Patterson Hall, located at 1000 Main Street, Westcliffe, CO. It will be the responsibility of the Board member to safeguard the key to the Town Hall and shall not allow the transfer or otherwise assign the key to any other person. Any attempt to transfer or otherwise assign the key, even for a one-time use, the Board member will be required to immediately return said key to the Town. Also, once the Board member is no longer an elected official, he must immediately surrender the key
2. If said key is lost, misplaced or no longer in the control of the Board member, he/she must immediately notify the Town. Such notification must take place within twenty-four (24) hours of losing, losing control or misplacing of said key. Any cost the Town incurs in changing locks, or re-keying the Town Hall as a result of the Board member losing, losing control or misplacing of said key, will be the responsibility of the Board member.
3. If said key is lost or misplaced by another Town employee, and a new key is reissued, the Town will provide another key to the Board member at no cost.
4. Board member further agrees that his/her use of the Town Hall will be to provide services and guidance to the Town of Westcliffe. Board member agrees that facilities shall not be used, either directly or indirectly, for any personal business venture, nor political activity including, but not limited to, an activity to further the election or defeat of any candidate for public office.

XIII. Board Access to Town Computers

With the exception to a Town-issued smart phone and/or tablet, no Town Board member shall access a Town computer or the Town computer system without express approval of the Town Manager.

XIV. Board E-Mail

Each Westcliffe Board member shall be assigned a Town e-mail address. Access for Town e-mail shall be in the Town Clerk's office or by a Town-issued or personally-provided device.

XV. Board -issued Equipment

- (A) Any equipment issued to the Mayor or Board member shall be returned immediately to the Town Clerk upon vacating that position.
- (B) Any equipment issued to the Mayor or Board member shall be used for official use only. Any violation of this policy will result in denial of privilege to use Town equipment.

XVI. Media Relations Policy

Refer to Appendix A

Effective Management- In Response to the Review

Timeline of Key Events

- The Town of westcliffe originally had an administrator (manager) in 1986 (Res #2) with an organizational structure.
- In 2001 the Town then hired and created the position of a manager (administrator) in 1999 (Res #1).
- Then in 2006 (Res #9) the Town of Westcliffe repealed the position of administrator (manager).
- By 2010, the Town rehired a manager (unable to find resolution).

1) The town has never adopted Administrative positions by ordinance

From this point on (post '06/pre '10) the Town has always had a manager (administrator) but has never adopted it into the Municipal Code book, but has passed it through Resolution, following and abiding by CRS Section 31-4-304, but falling short of said statute, "The board of trustees shall appoint a clerk, treasurer, and town attorney, or shall provide by ordinance for the election of such officers, **and may appoint such other officers, including a town administrator, as it deems necessary for the good government of the corporation, and it shall prescribe by ordinance** their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services". By not adopting by ordinance, we have failed to adequately define the roles, responsibilities, and organizational structure of our administrative staff.

We need to adopt positions by ordinance.

We need to adopt an organizational structure.

2) The 2020 change in the job description was temporary

In 2020 the board, after the previous manager resigned, had an agenda item to amend the town clerk's job description. From what I gathered, the goal of this was to transfer some administrative duties over to the clerk while the town searched for a new manager in the interim period. Yet, I was unable to find any resolution that affirmed these new responsibilities indefinitely, only a board meeting, which has been the towns way of doing things since 1986. Without having the proper replacement in place at the time the board sat down to review the job descriptions, we have created uncertainty regarding roles and responsibilities as Erin assumes the head clerk position.

The town has always had the manager position separate from the clerk's position. (information based on the town's procedures from the past)

No other statutory government has two managers (information provided by Kevin B. – CML, not a direct quote)

3) Roles and responsibilities, Job Descriptions, and a well-defined Organizational Structure

Why is this important? As a statutory town, we must follow state statute in order to be in compliance with the law and provide clear roles and responsibilities reflecting such. Every organization, whether government, military, corporate, etc. follows an organizational structure like the Town had adopted in 1986. The DOLA local government handbook describes the manager (administrator) as someone who, **“oversees staff and the daily operations of the Town” and the Board as “the legislative and corporate authority”**.

CML under *Governance 101*, describes the Town Manager/administrator as, **“The city council or board of trustees sets policy and adopts an annual budget for the municipality, while the city manager or town administrator is responsible for the day-to-day activities of municipal government, such as hiring staff and carrying out policy directives. In this system, municipal government is run more like a business with the manager in the role of chief executive officer.”**

Under chapter one of the *CIRSA Ethics Liability & Best Practices Handbook for Elected Officials*, CIRSA defines the roles amongst local governments as, **“As in other levels of government, municipal powers and responsibilities are typically allocated among the governing body, judge, staff, and possibly others, according to charter or statutory requirements. Thus, for instance, the governing body is responsible for all legislation, the municipal judge is responsible for determining ordinance violations, and the manager/administrator and staff are responsible for administrative matters.”**

Furthermore, it also states, **“To the extent the charter or statutory provisions set forth a clear allocation of responsibilities, respecting that allocation is part of an elected official’s oath. Inappropriate involvement in administrative matters, then, could be a violation of your oath.”**

When the Board acts as the manager in administrative matters, the board members risk violating their oath. (information provided above)

In addition, the Town is opens itself up to potential liability. (information provided above)

4) Why a Well-defined Organizational Structure [Chain of Command] is important

CIRSA Ethics Liability & Best Practices Handbook for Elected Officials, states the following, **“From a best practices standpoint, inappropriate involvement in personnel matters can effectively destroy the chain of command. While most municipal offices are not operated according to a military-style chain of command, some version of a chain of command is critical for effective functioning no matter how large, small, formal, or informal your operations are. Once you allow inappropriate involvement to occur, you have effectively disempowered managers and supervisors throughout the organization, and sent the message that employees are free to disregard the chain of command. Personnel matters are also a high-risk liability area. **The more you’re personally involved, the more likely it is that your name may someday appear on the wrong end of a lawsuit** or come up in an executive session where your fellow members are assessing the risks your conduct has created. So, you can see that honoring the allocation of responsibilities by staying out of most personnel matters is a means of avoiding or reducing liability.”**

The Town is currently breaking chain of command, however ill defined. (information provided above)

5) Conclusion

Currently, we have two staff members that report to the board. We should be operating as a manager/board form of government, as the original intent to change the clerk's job description in 2020 was temporary, having a single point of contact to the board (manager).

The board needs to decide on whether to have a true administrator/board form of government. If the board does, then I can help the town get to that point. If the board does not want this, then they should adopt a strong mayor government. The town has historically had a single manager position and never two managers.

The Town is asking me to agree to go against the intent of state statute by adopting the two-manager position. I cannot ethically agree to that. The State Statutes clearly state a difference between the two positions. The DOLA local government handbook and the other handbooks clearly state the role of the administrator (manager) position.

The title of the Town Manager implies that the Town has a manager (administrator)/Board government. If that is the case then the town should be following state statute and adopt a system, by ordinance, that reflects CML's, DOLA's, and CIRSA's definition of such offices, and other examples of other towns similar ordinances, laying out clear roles and responsibilities for the manager/ clerk positions.

By creating a two-manager system we have created a system that lacks of transparency, operates with unclear roles, and which promotes discord in the day to day operations of our local government. We, as a team and for the betterment of the community, should adopt a one manager system. As CIRSA states, **"So, you can see that honoring the allocation of responsibilities by staying out of most personnel matters is a means of avoiding or reducing liability."**

If we as a town and one body, can work together to clearly define roles and responsibilities and trust our manager to provide for the efficient administration of our town, we will start to head in the right direction of being a smoother operating and statutory government.

Section 31-4-211

The city manager is responsible to the city council for the proper administration of all affairs of the city placed in his charge and, to that end and except as otherwise provided in this part 2, he shall have the power to appoint and remove all officers and employees in the administrative service of the city except the city attorney and the municipal judge.

Section 31-4-304

The board of trustees shall appoint a clerk, treasurer, and town attorney, or shall provide by ordinance for the election of such officers, and may appoint such other officers, including a town administrator, as it deems necessary for the good government of the corporation, and it shall prescribe by ordinance their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services. The board of trustees may require officers to take an oath or affirmation in accordance

with section 24-12-101. The election of officers shall be at the regular election, and no appointment of any officer shall continue beyond thirty days after compliance with section 31-4-401 by the members of the succeeding board of trustees.

Example Contract

The following is an example of another Municipality. Contract specifics are not westcliffe specific (amounts, provisions etc.)

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement"), made and entered into as of the ____ day of _____, YEAR, by and between THE TOWN OF WESTCLIFFE, State of Colorado, a municipal corporation, (hereinafter referred to as the "Town"), and MANAGER NAME, (hereinafter referred to as the "Manager"), both of whom understand as follows:

WHEREAS, the Town desires to employ the services of MANAGER NAME as Town Manager of the Town of Westcliffe, Colorado; and,

WHEREAS, it is the desire of the Board to provide certain benefits, establish certain conditions of employment, and to set working conditions of said Manager; and,

WHEREAS, it is the desire of the Board to:

1. Secure and retain the services of the Manager;
2. Provide inducement for her to remain in such employment;
3. Assure the Manager's morale and peace of mind with respect to future security;
4. To provide a just means for terminating the Manager's services at such time as she may be unable to fully discharge her duties or upon disability or when the Town may desire to otherwise terminate her employ; and,

WHEREAS, MANAGER NAME desires to accept employment as the Town Manager of said Town.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION I DUTIES

The Town agrees to employ MANAGER NAME as Town Manager of Westcliffe, Colorado, beginning immediately upon the execution, by both parties, of this Agreement to perform the functions and duties specified in the Code of Ordinances of the Town and to perform such other legally permissible and proper duties and functions as the Board shall from time to time assign. The duties of the Town Manager shall be further defined by the job description adopted by the Board of Trustees as amended from time to time.

SECTION II TERM

A. The term of this Agreement shall be indefinite and the Manager shall be an "at will" employee. This Agreement is subject to annual appropriation by the Town. In the event the Town Board fails to annually appropriate money necessary to meet the

Employment Agreement

compensation requirement set forth in this Agreement, the Agreement shall be considered as a termination when the Manager is willing and able to perform the duties of Town Manager as provided in Section S(a).

Contract amounts do not have to be exact, especially since we have budget constraints. You can offset the "hard cost" by introducing "soft costs" such as:

- Putting the truck in the contract as a benefit
- Giving the manager a cell phone to be used for town business
- Increasing the base amount of pay (\$65k-\$75k)
- Honoring roles and allowing the manager to separate the building and zoning position
- Reimbursing the manager a monthly gym fee.

This may sound crazy, but this are taken from other communities. In order to keep and retain a manager you would also sing a 3 year contract with them, to ensure that turnover is reduced.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the rights of the Board to terminate the services of the Manager at any time, subject only to the provisions set forth in Section 5 of this Agreement.

C. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Manager to resign at any time from her position with the Town, subject only to the provisions set forth in Section 5 of this Agreement.

D. Manager agrees to remain in the exclusive employ of the Town and neither to accept, nor to become employed by any other employer until termination or resignation of the Manager, pursuant to Section 5. The term "employed" shall not be construed to include occasional teaching, volleyball officiating, writing, or consulting performed on the Manager's time off.

SECTION III SALARY

A. The initial base salary to be paid to the Manager for her services as Town Manager shall be One Hundred Thousand Dollars and no/100 (\$100,000.00) per year beginning upon the commencement of this Agreement, which shall be paid in equal installments as other employees are paid. Provided the Manager receives a satisfactory job performance evaluation, by the new Board as composed after the April 2020 election, under their objectives and criteria, at a six-month evaluation to be performed on November 3, 2020 then, the salary shall be reviewed by the Board and the Board shall consider a salary increase up to One Hundred and Four Thousand Dollars and no/100 (\$104,000.00).

B. In addition to such base salary, the Manager shall receive health insurance, life insurance, holidays and other benefits as provided to other employees and shall receive vacation, sick leave and other retirement benefits as provided herein.

C. The Town recognizes that certain expenses of a non-personal but job-related nature are incurred by the Manager and agrees to reimburse or pay said general expenses. The Finance Director is authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

D. The Town shall provide the Manager with a computer, software, fax/modem and smart phone required for the Manager to perform the job and to maintain communications.

SECTION IV RETIREMENT BENEFITS

The parties agree that the Manager will participate in PERA on the same basis as all other Town employees.

**SECTION V
TERMINATION AND SEVERANCE PAY**

A. In the event the majority of the full seven-member governing body votes to terminate the Manager (meaning four or more Board members voted to terminate) at a duly authorized public meeting when the Manager is willing and able to perform the duties of the Town Manager or when the Manager is disabled under the provisions of Paragraph 10, then in that event, the Town agrees to pay Manager severance payment equal to three (3) month's compensation and benefits, figured at the rate of compensation of the date of termination; paid in a lump sum or in a continuation of salary and benefits on the existing biweekly basis, at the Manager's option.

B. In the event Manager is terminated as a result of an illegal act related to the performance of the job duties, then in that event, the Town shall have no obligation to pay the aggregate severance sum designated in this paragraph.

C. In the event the Manager is terminated by the Town during the four (4) months immediately following the seating and swearing-in of one or more new governing body members, when the Manager is willing and able to perform the duties, the Town agrees to pay Manager severance payment equal to six (6) month's compensation and benefits, figured at the rate of compensation of the date of termination and contributing the unvested PERA Town portion to the Manager's 401K; paid in a lump sum or in a continuation of salary and benefits on the existing biweekly basis, at the Manager's option.

D. In the event the Manager voluntarily resigns her position with the Town, then the Manager shall give the Town thirty (30) days written notice in advance, or such lesser amount of advance notice as may be otherwise mutually agreed to. The Manager shall not be entitled to, nor shall she receive, severance pay in the event of voluntary resignation.

E. In addition to any and all forms of compensation mentioned in this Section, at the time of termination or of resignation, the Manager is entitled to receive and shall receive:

1. Pay for all accrued time in the current pay period; and,
2. Pay for all accrued paid time off, as set forth herein.

F. If the Town reduces the base salary, compensation or any other financial benefit of the Manager, unless it is applied in no greater percentage than the average reduction of all department heads, such action shall constitute a breach of this Agreement and will be regarded as a termination when the Manger is willing and able to perform the duties of Town Manager. In such an event, the Manager shall be entitled to receive the severance pay stated in this Section.

G. If the Manager resigns following an offer to accept resignation, whether formal or informal, by the Town as decided by a majority of the full seven-member governing body that the Manager resign, then the Manager may declare a termination as of the date of the suggestion. In such an event, the Manager shall be entitled to receive the severance pay stated in this Section.

SECTION VI HOURS OF WORK

It is recognized that the Manager must devote a great deal of her time outside normal office hours to the business of the Town. To that end, the Manager may take reasonable time off during said normal business hours as the work schedule allows to offset time worked outside normal hours. The Manager shall be an exempt employee and is not subject to overtime or compensatory time under the Fair Labor Standards Act.

SECTION VII PROFESSIONAL DEVELOPMENT

The Town agrees to budget for the travel expenses, subsistence expenses and fees or dues incurred by the Manager for professional and official travel, meetings, seminars and occasions adequate to continue the professional development of the Manager and to adequately pursue necessary official function for the Town, which the parties agree, shall include the annual CML and ICMA conference.

SECTION VIII VACATION

The Manager shall accrue and have credited to her personal annual vacation at the rate accordance with the Town's personnel policy manual.

SECTION IX PERFORMANCE EVALUATION

The Board shall conduct a performance evaluation with the Manager in November 2020. From that point forward the Board shall conduct a performance evaluation at least annually in November. The evaluation shall be on the basis of mutually agreed performance indicators and standards that reflect the specific job duties of the position. The purpose of the evaluation shall be:

- A. To determine goals for the next twelve (12) months;
- B. To review the performance of the Manager based on the previously agreed job indicators;
- C. To use a basis for determining the compensation of the Manager for the succeeding year; and,
- D. The Board (as composed after the April 2020 election) agrees to provide the Manager with specific criteria for performance review within the first three (3s) months of employment.

**SECTION X
DISABILITY**

If the manager is permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) successive weeks beyond any accrued vacation and sick leave, the Town shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 5.

**SECTION XI
SICK LEAVE**

The Manager shall accrue sick leave at the rate in accordance with the Town's personnel policy manual.

**SECTION XII
AUTOMOBILE**

The parties agree that the Manager must have access to an automobile for the Town business at all times. The Town shall pay the Manager an automobile allowance of Three Hundred Twenty-Five Dollars and no/100 (\$325.00) per month for providing that automobile. The Manager shall be responsible for the purchase and for all maintenance, insurance, taxes, registration, fuel and other upkeep of the automobile. The Manager shall assure that the Town is appropriately named as an additional insured in any insurance policy in accordance with the policies of the Colorado Intergovernmental Risk Sharing Agency (CIRSA). In the event automobile travel is required outside of Custer County, then the Manager shall be additionally reimbursed for that travel at the prevailing rate then approved by the Internal Revenue Service.

**SECTION XIII
INDEMNIFICATION AND INSURANCE COVERAGE**

The Town will provide indemnification of the Manager against claims arising from her duties as Town Manager in accordance with State Law. The Town is insured by Colorado Intergovernmental Sharing Agency (CIRSA), and the Town shall maintain that coverage or similar coverage which will provide for the payment of the costs and defenses and which provide for payment of any judgment, compromise or settlement arising from any suit or claim brought against the Manager as a consequence of her employment either in her official capacity or as an individual, under the current terms of the Town's policy, which excludes coverage for claims for punitive damages or claims arising from criminal acts.

**SECTION XIV
RESIDENCE IN PROXIMITY TO THE TOWN**

The Manager is a key employee of the Town whose duties require that she be close to the Town. Therefore, the Manager after three (3) months of employment is required to reside within ten miles of the boundary of the Town, unless otherwise agreed by the Board of Trustees. The parties agree that this requirement is necessary to assure reasonable response time in the event an urgent or immediate response is required on behalf of the Town.

**SECTION XV
RELOCATION EXPENSES**

The Town shall pay the Manager, at the time she commences work for the Town, a total of \$1,000.00 for relocation expenses.

**SECTION XVI GENERAL
PROVISIONS**

A. The text herein shall constitute the entire Agreement between the parties. Any amendment to this Agreement must be in writing and signed by the parties in order to be effective.

B. This Agreement shall become effective commencing on the date first above written.

C. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in full force and effect.

TOWN OF Westcliffe

MANAGER

Mayor

Attest

By: _____

Town Clerk

#1 GOAL: INCREASE THE QUALITY OF LIFE FOR THE CITIZENS OF WESTCLIFFE

1.1 ACTION: AFFORDABLE HOUSING

- a. Once More Housing Now grant is approved, work on engineering and RFP for 2025.
- b. Work with CHFA to complete the Technical Assistance.
- c. If awarded work with entities to get an updated Housing Needs Assessment

1.2 ACTION: STREET AND SIDEWALK INFRASTRUCTURE

- a. Once RMS grant is approved, get engineering, RFP, and concrete installation completed by the end of 2025
- b. Install Chip Seal in the Town of Westcliffe.
- b. Once HSIP grant is approved, work on engineering and RFP for 2025.

1.3 ACTION: Beautify Main Street

- a. Work with the garden club to create a new planting schedule
- b. Install some planter boxes on main street
- c. Install trees on main street

1.4 ACTION: PARKS AND OPEN SPACES

- a. Work with the parks committee to design Memorial /Hermit Park complex
- b. Once approved, work with the grantors to install musical equipment in Memorial Park.
- c. Find innovative ways to install a bathroom at Hermit Park

#2 GOAL: TRANSPARENT AND EFFICIENT GOVERNANCE

2.1 OBJECTIVE: CITIZEN ENGAGEMENT

- a. Work with the communications manager on innovative ways to engage the public and create transparency for public projects
- b. Work with the communications manager on innovative ways to expand ways for citizens to volunteer in local projects, programs, and activities

2.2 OBJECTIVE: STRENGTHEN THE TOWN'S ORGANIZATIONAL STRUCTURE

- a. Create an organizational structure in line with state statute and CML, CIRSA, and DOLA recommendations and adopt by resolution into policy handbook
- b. Work with the Board to reorganize the boards roles and responsibilities. **Create specific roles for each board member**
- c. Adopt by ordinance, the rules, responsibilities the objectives in 2.2
- d. Work on monthly report to the board by creating a template reporting sheet

2.3 OBJECTIVE: FINANCIAL TRANSPARENCY

- a. Create policies on budgets, reserves, purchasing, etc
- b. Ensure that the budgeting process is participatory and reflects the community priorities

#3 GOAL: EXCELLENCE IN QUALITY SERVICE

3.1 OBJECTIVE: IMPROVE ON STAFF CAPACITY

- a. Support staff retention with professional development opportunities, rewards, and administrative support
- b. Evaluate positions and organizational structure to ensure efficiency and address capacity needs
- c. Hire a part time HR representative for the town
- d. Hire a new Building and zoning official and project inspector

3.2 OBJECTIVE: ORGANIZE INTERNAL POLICIES AND PROCEDURES

- a. Create department standards and operating procedures with agreed upon processes
- b. Explore ways to make payment by direct deposit and bi-monthly
- c. Work with different local and state departments to create policies and procedures for effective governance

The Board will meet prior to planning the yearly budget to review manager progress. The manager prior to this meeting will prepare a report on what has been accomplished from this list. After the board and the HR rep meets in private to discuss this, they will then invite the manager in to talk about the boards conclusion. The manager will include comments he may have in response to the board, then the board will discuss and inform the manager about pay and set goals for next year.

Town manager report to the board on yearly progress

#1 GOAL: INCREASE THE QUALITY OF LIFE FOR THE CITIZENS OF WESTCLIFFE								
		2025						
		NOV	DEC	FEB	APR	JUN	AUG	OCT
1.1 ACTION: AFFORDABLE HOUSING								
a. Once More Housing Now grant is approved, work on engineering and RFP for 2025.								
b. Work with CHFA to complete the Technical assistance.								
c. If awarded work with entities to get an updated Housing Needs Assessment								
1.2 ACTION: STREET AND SIDEWALK INFRASTRUCTURE								
a. Once RMS grant is approved, get engineering, RFP, and concrete installation completed by the end of 2025								
b. Install Chip Seal in the Town of Westcliffe								
c. Once HSIP grant is approved, work on engineering and RFP for 2025.								
1.3 ACTION: BEAUTIFY MAIN STREET								
a. Work with the garden club to create a new planting schedule								
b. Install some planter boxes on main street								
c. Install trees on main street								
1.4 ACTION: PARKS AND OPEN SPACES								
a. Work with the parks committee to design Memorial /HermitPark complex								
b. Once approved, work with the grantors to install musical equipment in Memorial Park.								
c. Find innovative ways to install a bathroom at Hermit Park								

DOLA will respond in April. Engineering can take up to 4 months. The RFP can be released in August and close in October.

TA should be completed just before April.

RFP in Oct. Answer from DOLA in Oct. RFP to run 2 months. Candidate to complete in July.

Apply early. Engineering 2/3 months. Construction in late spring. Completion late summer.

Approximate dates

Apply in February. Answer from CDOT in may. Engineering to take all of 2025. Construction in 2026.

Talk in december. Use list to create Main St. Standards

Buy in early April. Install in July

Buy in April. RFP in June. Install in August

Ayres to design/engineer the park (per contract)

Buy in December. Install in mid/late spring.

Planning in December. RFP for SI to oversee. Town and citizens work together for a community project to cut costs.

#2 GOAL: TRANSPARENT AND EFFICIENT GOVERNANCE																				
2024																				
2025																				
NOV			DEC			FEB			APR			JUN			AUG			OCT		
2.1 OBJECTIVE: CITIZEN ENGAGEMENT																				
a. Work with the communications manager on innovative ways to engage the public and create transparency for public projects																				
b. Work with the communications manager on innovative ways to expand ways for citizens to volunteer in local projects, programs, and activities																				
2.2 OBJECTIVE: STRENGTHEN THE TOWN'S ORGANIZATIONAL STRUCTURE																				
a. Create an organizational structure in line with state statute and CML, CIRSA, and DOLA recommendations and adopt by resolution into policy handbook																				
b. Work with the Board to reorganize the boards roles and responsibilities.																				
c. Adopt by ordinance, the rules, responsibilities the objectives in 2.2																				
d. Work on monthly report to the board by creating a template reporting sheet																				
2.3 OBJECTIVE: FINANCIAL TRANSPARENCY																				
a. Create policies on budgets, reserves, purchasing, etc																				
b. Ensure that the budgeting process is participatory and reflects the community priorities																				
Plan and implement before building bathroom																				
Brainstorm with Tabitha. Inform board. Put into affect.																				
Work with the manager. Workshops and a sub committee. involve legal																				
Stay relevant to State Statutes. Different BOT members on different boards/sub committees.																				
Get it done																				
Create with other department heads. Implement in BOT meetings.																				
Ask BOT what they want																				

#2 GOAL: TRANSPARENT AND EFFICIENT GOVERNANCE												
2024												
NOV			DEC			FEB			APR		2025	
									JUN		AUG	
											OCT	
3.1 OBJECTIVE: IMPROVE ON STAFF CAPACITY												
a. Support staff retention with professional development opportunities, rewards, and administrative support												
b. Evaluate positions and organizational structure to ensure efficiency and address capacity needs												
c. Hire a part time HR representative for the town												
d. Hire a new Building and zoning official and project inspector												
3.2 OBJECTIVE: ORGANIZE INTERNAL POLICIES AND PROCEDURES												
a. Create department standards and operating procedures with agreed upon processes												
b. Explore ways to make payment by direct deposit and bi-monthly												
c. Work with different local and state departments to create policies and procedures for effective governance												
Ask supervisors what they want/need. Work as a team												
Get to right away. Efficient management.												
Work with department heads, lawyer, and BOT to implement. Ask other managers.												
Work with clerk/treasurer on costs, implementation, etc.												
Work with CCWHC, Commissioners, Silver Cliff, and other state entities on working together to keep each other informed												

Town Manager Performance Evaluation

Purpose of Evaluation

The purpose of the performance evaluation process to be conducted by and between the Supervisor and Employee are:

1. To strengthen the relationship between the Supervisor and Employee.
2. To provide a mechanism for regular evaluation.
3. To celebrate the past year's accomplishments and identify future performance objectives for the Employee.
4. To provide open, honest feedback and growth opportunities for the Employee and the Town. The review is not given anonymously.
5. To identify future goals of the Supervisor to assist the Employee in fulfilling those growth areas.

Frequency

The Supervisor will evaluate the Employee at least annually on or before January 24th of each calendar year or as set forth in this policy. The schedule for the evaluation will be established jointly by the Supervisor and Employee.

Evaluation Procedure

The evaluation procedure remains at the will and direction of the Supervisor and may be modified at any time as long as it is not in conflict with this policy. In general, the evaluation process will include the following steps.

1. The Supervisor will complete the Employee Evaluation Portion of the evaluation form, providing a self-assessment of performance over the prior year, as well as a narrative on the status of the performance objectives set by the Supervisor.
2. At a minimum of an annual basis, and initiated by the Supervisor or Town Manager, the Supervisor will be given an evaluation form to complete on the assessment of the services and performance of the Employee along with the Employee's self-evaluation.
3. Supervisors will be asked to complete the evaluation forms and forward them to the Town Manager.
4. The Town Manager will then review these applications with the department heads and discuss in depth, the Employees evaluations.
5. Once Employees are evaluated by their department heads, the Town Manager will then review the department heads, with this same form.

6. The Manager, after following similar procedures from above, will then file them away in his office, for all department heads.

2024 Employee/Supervisor/Manager Evaluation Schedule

The review schedule and deadlines for the Employees Evaluation is as follows:

- **September 1** –Employee’s self-evaluation and performance evaluation provided to the Supervisor for completion
 - **September 15** – Supervisor discuss with Employee his/her remarks.
 - **September 30** – Supervisor will hand in their Employee’s reviews along with their own self-evaluation and performance evaluation to the Town Manager.
 - **October 15** – Town Manager and Department heads will then discuss with Supervisor his/her remarks.
- It should be best practice to include the HR Representative in ALL reviews, in order for the Town to follow best practices and liability protections. *HR rep is contracted under the Town Manager.*

Section 1: Employee Self-Evaluation Narrative

Items	Description	Start writing here:
Summary	Provide a brief narrative of how you see your performance this year.	
Key Accomplishments	What were your KEY accomplishments this year?	
Challenges	What significant challenges did you encounter/overcome?	
Personal Development	What skills or knowledge would you like to develop in the coming year?	

Employee Performance Objectives

Items	Goal Description
Goal #1	<p align="center">Objective/Action</p>
	<p align="center">Description</p>
Goal #2	<p align="center">Objective/Action</p>
Goal #3	<p align="center">Objective/Action</p>

	Description	

Section 2: Evaluation Section – 5 Point Rating Scale

Please rate the Town Manager using the following scale. Please supplement your quantitative ranking with comments.

- 5 – Outstanding
- 4 – Exceeds Expectations
- 3 – Meets Expectations
- 2 – Does Not Meet Expectations
- 1 – Needs Improvement

I. BOARD/MANAGER RELATIONS	Section Rating 1-5
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	<p>Provides regular communication to the Board keeping them informed about current and critical issues affecting the Town including public and private issues. Makes a reasonable effort to speak with members in and out of the regular meeting and communicates with the Board effectively.</p> <p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Prepares all items for Board meetings, including agendas and informational documents. • Provides researched and analyzed, professional recommendations to the Board on items requiring Board action. • Makes an effort to be accessible to Board Members as necessary. • Handles issues that are brought by the Board in a consistent and timely manner. • Maintains a professional relationship with each Board Member. • Communicates with the Board on a regular basis keeping everyone generally informed of the affairs of the Town. <p>Comments:</p>
	<p>II. MANAGEMENT OF THE ORGANIZATION</p> <p>Effectively manages the operations of the organization.</p>
	<p>Section Rating 1-5</p>

<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Creates a collaborative team building environment for Town staff. • Recognizes the accomplishments of staff and other agencies working on behalf of the Town. • Supports professional growth and opportunity within the organization. • Accepts full accountability for staff and the outcome of Town projects or decisions • Identifies organizational problems and takes remedial action to address and resolve the issues. • Effectively manages staff and the overall operations of the Town. • Delegates to staff where necessary and manages the operations of the Town in the most efficient possible manner. 	
<p>Comments:</p>	

<p>III. FISCAL AND BUSINESS ADMINISTRATION</p> <p>Budget preparation, analysis, monitoring, and documentation. Efficient utilization of town resources. Timely reports on revenues and expenditures.</p>	<p>Section Rating 1-5</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Plans and organizes the preparation of an annual budget. • Plans, organizes and administers the adopted budget within approved revenues and expenditures. • Maintains budget control resulting in adequate annual fund balance. • Strives to continually identify innovative and creative revenue generating and budget reduction opportunities; effectively conserving and protecting resources while maximizing opportunities to improve service to the community. 	<p>Comments:</p>
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<p>IV. STRATEGIC PLANNING AND PROGRAM DEVELOPMENT</p> <p>Planning, organization, and implementation of programs and services. Analysis and recommendations regarding staff and council proposals.</p>	<p>Section Rating 1-5</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Facilitates and prepares the development of goals and objectives for municipal departments and operations. • Attains goals and objectives within established time frames and with allocated resources. • Monitors progress toward achievement of goals and objectives; promoting goal achievement among staff. • Facilitates and prepares the development of goals and objectives for municipal departments and operations. 	<p>Comments:</p>
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<p>Section Rating 1-5</p>	<p>V. LONG RANGE PLANNING Identification of needs, issues, legislation, and judicial rulings that will likely affect public policy.</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Presents/communicates analysis of policy in a factual, analytical, and comprehensive manner that provides the Board the information needed to make decisions on behalf of the citizens of the Town. • Works with the board to establish strategic and long-term goals to address community needs. 	
<p>Comments:</p>	

<p>VI. COMMUNITY RELATIONS</p> <p>Responsiveness to requests, issues, and complaints of citizens and citizen groups. Promotion of positive image of the city in accordance with our mission, vision, and values statements.</p>	<p>Section Rating 1-5</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Represents the Town in a professional and positive manner. • Participation in community events and activities. • Educates the community on Town goals, issues, and services. • Executes the Town's Communications Strategic Plan and related goals. 	
<p>Comments:</p>	

<p>VII. INTERGOVERNMENTAL RELATIONS</p> <p>Awareness of and responsiveness to developments and plans of other jurisdictions that affect the Town.</p>	<p>Section Rating 1-5</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Builds and maintains effective relations with diverse groups and constituencies in the Town and surrounding areas. • Works proactively with the media and press. • Works effectively with community organizations including Custer County and Silver Cliff, School District, Fire District, Rec. District and other agencies. • Works with state and other agencies in matters relating to policies and programs. Review, analyze, and represent the Town and Board position relative to implemented and proposed legislation. • Maintains awareness of developments and plans in other jurisdictions that may relate to or affect Town government. <p>Comments:</p>	
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<p>VIII. PROFESSIONAL AND PERSONAL DEVELOPMENT</p> <p>Continuing professional education and development activities that encourage professional participation, growth and advancement for the good of the Town. Involvement with professional organizations and associations.</p>	<p>Section Rating 1-5</p>
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<p>Some key indicators that can be considered as part of this section are below:</p> <ul style="list-style-type: none"> • Active membership in state and national professional organizations, including but not limited to attendance at professional meetings, seminars and conferences. • Demonstrates continued personal growth in the position by recognizing and addressing areas of improvement. 	
<p>Comments:</p>	

Board Member

Date

Westcliffe, COLORADO
JOB DESCRIPTION

JOB TITLE:	Human Resources Director
DEPARTMENT:	Human Resources
FLSA Status:	Exempt

JOB SUMMARY:

This position is responsible for leadership, strategic direction and oversight of all functions of the Human Resources Department, including the Risk Management Division. Responsible for originating Human Resources practices and objectives that will provide balanced programs throughout all divisions/departments, aligning them with the mission, vision, values, goals and objectives of the Organization. This position serves as a member of under the Town Manager, carrying out Council goals and directives, developing internal policy and guiding interdepartmental initiatives.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

The following statements are illustrative of the essential functions of the job and do not include other nonessential or peripheral duties that may be required. The Town of Westcliffe retains the right to modify or change the duties or essential functions of the job at any time.

- Organizes and directs the activities of the Human Resources Department in a manner that optimizes the use of financial, physical and human resources in accomplishing assigned functions and achieving organizational objectives.
- Works with the Manager to recommend policies for adoption by the Town Council. Oversees development and implementation of policies and procedures and applies them consistently throughout the organization. Implements compliance with numerous laws, such as, but not limited to, the FLSA, ADA, Civil Rights Act, etc.
- Ensures the development, implementation and administration of compensation and benefits programs and policies according to legal plan documents, organizational philosophies and recognized human resource standards.
- Ensures the design, delivery and evaluation of comprehensive training and development programs and skill development workshops in response to business needs.
- Provides direction, oversight and support to the Risk Management Division and its collective policies, procedures and programs.

- Establishes and administers employee relations programs and support systems designed to increase equity, improve quality of work life and limit potential sources of employee conflicts and grievances; develops and implements dispute resolution systems, exit interviews, wellness programs, and reward and recognition programs.
- Directs human resource functions. Determines staffing, hiring criteria, testing, training, performance standards, and disciplinary actions/recognition of all personnel.
- Provides leadership and direction in the development of short and long range goals, plans and organizational initiatives.
- Provides excellent customer service; communicates courteously and responsibly; provides effective and efficient service both internally and externally.
- Establishes and maintains a working environment conducive to positive morale, individual style, quality, creativity, and teamwork.
- Provides professional advice on human resource management issues to the departments. Works with all employees on numerous aspects of employment.
- Presents departmental issues and recommendations on major issues requiring policy direction to the Manager to present to the Town Council.
- Prepares and administers the departmental budget. Ensures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
- Ensures that all records are maintained, distributed and retained as required based on all applicable laws and established human resource standards.
- Directs the development, administration and evaluation of wage and benefit surveys to determine a competitive compensation plan and benefit structure; monitors and reports consumer price index impact in cost-of-living adjustments.
- Represents organization at personnel related hearings and investigations.
- Directs preparation and distribution of written and verbal information to inform employees of benefits programs such as insurance plans, retirement plans, paid time off, bonus pay, and special employer sponsored activities.
- Analyzes existing benefits policies of organization, and prevailing practices among similar organizations, to establish competitive benefits programs.
- Acts as Retirement Plan Administrator, consulting with the Executive Team, Town Manager and Clerk as the need for changes arise.

- Writes directives advising department managers of local, state, and federal policy regarding equal employment opportunities, compensation, and employee benefits.
- Develops and maintains a human resources system that meets top management information needs.
- Acts as Privacy Officer, overseeing all ongoing activities related to the development, implementation, maintenance of, and adherence to the organization's policies and procedures covering the privacy of, and access to, protected health information in compliance with federal and state laws and the Town's information privacy practices.
- Oversees the analysis, maintenance, and communication of records required by law or local governing bodies, or other departments in the organization.
- Evaluates services, coverage, and options available through insurance and investment companies to determine programs best meeting needs of organization.
- Works under the Clerk to oversee biweekly payroll processing for all employees and the associated benefits within payroll.

EXPERIENCE AND TRAINING:

Minimum Education: Bachelor's degree in Human Resources, Public Administration, Business Management or a closely related field. Three to Five (3-5) years of HR Generalist experience, including experience in a management/supervisory role in an HR Department. Master's degree strongly preferred. SPHR or SHRM-SCP certification highly desired.

Job Requirements: Valid Colorado Driver's License.

Language Skills: Ability to read, write and speak English fluently. Ability to respond to common inquiries or complaints from customers, regulatory agencies or authorities, or members of the local business community. Ability to create and present oral presentations to a variety of audiences including Town staff, the community and Town Council.

Compensation and hours: This position will be a part time position with a mixture of remote work and in office duty, when the Manager sees fit.

Estimated hours per week: 10-20

Salary pay: \$17,500-\$27,500

REPORTING RELATIONSHIPS:

This Position Reports to: Town Manager

KNOWLEDGE, SKILLS AND ABILITIES:

- Considerable knowledge of modern policies and practices of public personnel administration; through knowledge of employee classification, compensation and

benefits, recruitment, selection, training, and labor relations; working knowledge of risk management and safety practices.

- Must be a well-organized, decisive, self-directed, intelligent and articulate team player who can relate to all levels of the organization. Must be able to effectively present information to top management, public groups and Council members.
- Skill in preparing and administering municipal budgets; skill in planning, directing and administering personnel programs and systems; skill in operating the listed tools and equipment.
- Ability to prepare and analyze comprehensive reports; ability to carry out assigned projects to their completion; ability to communicate effectively verbally and in writing; ability to establish and maintain effective working relationships with employees, Town officials and the general public; ability to efficiently and effectively administer a human resource system and effectively supervise and motivate division staff.
- Office procedures, methods, and equipment including computers and applicable software applications. Computer systems, interfaces, and data warehousing
- Knowledge of roadway and street construction, drainage, concrete and parks.
- Adhere to State and Federal laws and regulations governing Human Resources and dynamic employment issues.
- Ability to interpret a variety of instructions furnished by management in written, oral, diagram, or schedule form.

EQUIPMENT USED:

Standard office equipment—includes computers and peripherals, copy machine, fax, telephone, two-way radio, pager, calculator, and other related equipment. Also, may use/operate a variety of construction/maintenance/engineering instruments, tools, or equipment associated with this particular area of responsibility.

ENVIRONMENTAL CONDITIONS:

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.
- Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.
- While performing the duties of this job, the employee frequently works in a climate controlled office environment. The noise level in this environment is usually quiet to moderate.
- The duties listed are intended only as illustrations of the various types of work that may be performed, and are in no way construed or perceived to be exhaustive.
- The job description does not constitute an employment agreement between the employer and the employee, and is subject to change by the employer as the needs of the employer and requirements of the job change.

PHYSICAL REQUIREMENTS:

- While performing the duties of this job, the employee is regularly required to sit, stand, walk, talk, use hands, fingers, handle, feel, or operate objects, and stoop, kneel, crouch, or crawl. The employee is occasionally required to reach with hands and arms.
- Employee must communicate clearly and effectively; must understand and be understood.
- On rare occasions, the employee may be required to climb and balance. The employee must occasionally carry, pull, push, or lift up to 20 pounds.
- Specific vision abilities required by this job include close and distance vision acuity and the ability to adjust his or her focus, allowing a broad field of vision.
- It is essential that the employee be physically able to operate a variety of computer and office equipment successfully in order to fulfill the essential functions of this position. Ability to conduct activities involving walking 20% of the time, standing 20% of the time, and sitting 60% of the time.

OTHER REQUIREMENTS:

- Ability to understand verbal information and instruction. Ability to exchange information with others and to develop and present recommendations.
- Ability to read and understand written information. Ability to compose information and instruction in written form.
- Ability to translate verbal communication into effective written material, e.g. reports and other documents.
- Ability to use mathematical reasoning is necessary to carry out the budgeting and regulatory requirements.
- Ability to utilize analytical skills and apply results.
- Ability to use and apply technology.
- Multilingual ability is desirable. The ability to speak Spanish is particularly desirable.

1) Parental Leave

The Town should be willing to adopt a parental leave policy for employees. The policy should reflect the following:

General

The Town provides eligible employees up to twelve (12) weeks of paid parental leave for bonding with a new child. This leave may be taken in the 6-month period following the:

- Birth of the employee's child;
- Placement of a child with the employee for adoption;
- Placement of a child with the employee for foster care; or
- Placement of a child with the employee for parenthood by surrogacy.

Mothers shall get advantage of the full 12 weeks and fathers shall get advantage of 6 weeks.

IF LEGAL^ This policy is subject to ongoing evaluation and budgetary considerations; as such, the program can be modified or discontinued at any time.

Eligibility

To be eligible for paid parental leave benefit, employees must:

- Have been employed by the City for at least 12 consecutive months on the day the leave will commence, and
- Work an average of at least 20 hours per week over a 12-month period.

Benefit

A. Amount of Leave

Paid parental leave consists of a maximum eligible paid leave of twelve (12) weeks after the birth, foster placement, or adoption of a child for the purpose of family bonding.

- Full-Time Employees – the 12 weeks is defined as a maximum of up to 480 hours of paid parental leave. For fire department staff working a 24-hour shift, 12 weeks is defined as a maximum of 672 hours.
- Part-Time Employees – the amount of hours provided over the parental leave period (up to 12 weeks maximum) will be based on an employee's average work hours per week over the previous 12-month period. For example, if an employee worked an average of 24 hours a week over the previous 12-month period, the employee would be eligible for a maximum of 288 hours (24 hours x 12 weeks) of paid parental leave.

Upon termination of employment, an employee will not be eligible for payment of any unused parental leave.

Each officer, employee, or department head must inform the Town Administrator 4 weeks prior to taking parental leave

Conditions of Leave Use

1. Use of Leave

Eligible employees may take paid parental leave for the purpose of family bonding following the birth, surrogacy, adoption, or foster placement of a child. The paid parental leave must be taken within six months from the date of the qualifying event. Prior approval for intermittent leave is required by the City Administrator if the leave is not used in a continuous block of time. Otherwise, paid parental leave will be treated as a continuous block of time immediately following the first day of leave. Paid parental leave must be taken before any employee utilizes any of their own personal paid leave for bonding with a new child.

2. Requests for Paid Parental Leave

Absent unforeseen circumstances, employees must provide their Supervisor and Human Resources with at least two weeks' notice of the anticipated start date of the leave, if practicable. In the event of unforeseen circumstances, such as a premature birth or the unexpected placement of an adopted or foster child, notice must be given as soon as possible.

3. Family and Medical Leave Act (FMLA)

For employees eligible for FMLA, FMLA will run concurrently with paid parental leave. FMLA leave is unpaid, and employees are required to use paid parental leave to substitute for unpaid leave while on FMLA. Employees who are not eligible for FMLA leave may still qualify for parental leave provided they meet the eligibility rules as defined by this policy.

4. Multiple City Employees

Consistent with FMLA, if both parents or legal guardians work for the City, and are eligible for paid parental leave under this policy, each employee will be eligible for 6 weeks of parental leave for a combined total of 12 work weeks off for the birth, adoption, or placement of the same child.

5. Multiple Qualifying events

If multiple births or placements occur (e.g. the birth of twins or the placement of siblings or multiple placements not related), the length of paid parental leave for that event does not increase. In no case will an employee receive more than 12 weeks of paid parental leave in any 12-month period, regardless of whether more than one qualifying event occurs during that 12-month period.

C. Benefits, Paid Leave, and Service Credit

An employee is not required to exhaust paid leave such as sick leave or vacation leave to be eligible for paid parental leave. Paid parental leave will be counted as time worked for purposes of benefit accrual and service credit.

During paid parental leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on parental leave.

Unpaid Parental Bonding Leave

Employees not eligible for paid parental leave and/or FMLA may take up to 12 weeks of unpaid parental bonding leave for the purposes of bonding with a new child immediately following the birth, adoption, or placement of a child with the employee. All Part-Time, Regular Part-Time, and Full-Time employees are eligible for Unpaid Parental Bonding Leave effective their first day of employment. Seasonal and Temporary employees are not eligible for unpaid parental bonding leave.

Employees may take this leave unpaid or use their own leave banks to pay for their time off. Employees may take the unpaid parental bonding leave intermittently during the 12-week period following the qualifying event, provided they have obtained approval from their supervisor to do so. However, the unpaid parental bonding leave must be taken within 12 weeks from the date of the qualifying event, and the use of intermittent leave does not extend past the 12-week period.

Eligible employees may continue to participate in the group insurance program(s) provided they continue to pay their portion of premiums or contributions. The City will continue to pay its portion of benefit contributions for the time the employee is on approved unpaid parental bonding leave.

During unpaid personal leave of more than thirty (30) calendar days, paid leaves (e.g., vacation, sick, and holiday leave) will not accrue, nor will service time be credited for the purposes of anniversary date longevity awards and vacation accruals.

Should an employee become eligible for FMLA while on Unpaid Parental Bonding Leave, FMLA will supersede the Unpaid Parental Bonding Leave.

Interpretation and Application

Employees with questions or concerns regarding this policy should contact Human Resources.

Exceptions/Changes

This policy supersedes all previous policies covering the same or similar topics. Any exception to this policy may be granted by the City Administrator or Human Resources Director. This policy is subject to review and change at any time. This document is not intended to be an employment contract.

Purpose

The purpose of this policy is to ensure all Board members, Supervisors, employees, and department heads use the Town owned vehicles in a safe, ethical, and responsible manner. While adding benefits to job descriptions at a "soft-cost" to the Town.

Safety and Ethics

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Equipment owned by the Town may be used only for official Town business.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, will not be tolerated.

Employees shall not have an expectation of privacy with respect to any Town property, except as required by law. Such property includes, but is not limited to the contents of Town offices and building, desks, furniture, lockers, vehicles and data on Town computer equipment, telephones and other electronic equipment. No employee shall remove Town equipment from the Town premises or the work site without proper authorization.

~~Personal vehicles shall be used for Town business only with the supervisors' approval. Mileage shall be reimbursed at the current IRS published rate.~~

No Town vehicle is to be operated without a valid Colorado driver's license appropriate for the type of vehicle being operated. Some Town vehicles require a Commercial Driver's License to operate legally.

All employees using a Town vehicle or their personal vehicle on Town business must utilize appropriate safety devices and seat belts.

Business Travel, Training and Education Expenses

The Town will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department heads for employees. Supervisors must go to the Town Manager for approval.

When approved, the actual costs of travel, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town. One exception is that meals will not be reimbursed. Employees are expected to limit expenses to reasonable amounts.

Costs reimbursed from Town

Town of Westcliffe Vehicle usage Policy

- Air or train fare for travel in coach or economy class or the lowest available fare
- Car rental fees, only for compact or mid-sized cars
- Fares for shuttle or airport bus service, or other public ground travel
- Taxi fares, only when there is no less expensive alternative
- Mileage costs for use of personal cars, only when less expensive transportation is not available, to the full cost of the receipt.
- Staying at moderately priced hotel/motel establishments
- Meals reimbursed with receipts. When approved:
 - Breakfast: \$25.00, Lunch: \$25.00, Dinner: \$45.00
- Charges for telephone calls, fax, and similar charges required for business purposes only
- Training events or similar events used to provide knowledge to direct supervisor.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town may not be used for personal use without prior approval (unless otherwise stated for contracted employees).

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 15 days. Reports should be accompanied by receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

Education leave is available, at the Town's discretion, to assist employees in developing professional and technical skills related to employment with the Town. Such leave may be granted to attend professional or technical conferences, training seminars, schools or programs. Termination or resignation by any employee during the first year will require reimbursing the Town for 100% of all expenses paid for educational purposes. Prior to two years of employment will require a 50% reimbursement and a 0% reimbursement if termination or resignation occurs prior to three years of employment. These reimbursements may, in the sole discretion of the Manager be deducted from the employee's final pay check, but may at his discretion, delay reimbursement. The Town agrees to pay the fees and costs for any initial training, education, and/or testing required by and related to employment with the Town according to the termination reimbursement policy outlined above. However, if an employee fails to successfully complete any required initial training and/or education or fails to pass any required and/or standardized tests associated with such training and/or education, then the employee

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shall be responsible for any fees and costs of re-training, re-education, and/or re-testing required for continued employment with the Town.