

AN OVERVIEW OF WESTCLIFFE'S MUNICIPAL GOVERNMENT A GUIDE FOR TOWN TRUSTEES

Adopted March 5, 2014

I. INTRODUCTION

This overview is meant as just that -- a concise guide to Westcliffe's Town government. All of the information in this document is taken from the Colorado Revised Statutes, Ordinances, or other documents. If something you read here inspires questions or desires for greater detail, more information can be found in these documents.

This overview, however, is not meant to replace the human element. You are encouraged to direct any and all questions you may have to Town staff or other members of the Board. Use this opportunity to get to know the Town's administrative staff. They are your best resource to help make your job easier.

The Colorado Municipal League (CML) conducts periodic training for elected officials. This is normally offered twice each year.

II. YOUR ROLE AND RESPONSIBILITY

As a Town Trustee, your job is to represent your constituents and make legislative decisions for the good of the community.

The Town Clerk is the liaison between Town Board and the public. All department heads maintain an open-door policy for discussing non-personnel departmental issues with Town Board. Trustees are encouraged to call department heads with any questions regarding agenda items prior to meetings.

Section Number VII. "Overview of Individual Departments" will explain further the structure of the Town's departments with regard to specific staff activities.

III. ORGANIZATIONAL STRUCTURE AND FORM OF GOVERNMENT

Westcliffe is a statutory Town incorporated on July 25, 1887. This means that we as a community have not adopted our own charter, and thus defer to statutory state laws.

The form of government is a Board of Trustees made up of the Mayor and the Trustees. The Town Board is the legislative body that determines laws and policies for Westcliffe. The Town Manager and Town Clerk/Administrator, along with staff, are charged with carrying out the decisions of the Town Board and for the day-to-day administration required in the operations of the Town.

There are a total of six Trustees and one Mayor. All Trustees represent the Town at-large. The Mayor is also elected at large. Four-year terms are staggered so that at each regular election three Trustee seats are available.

Westcliffe has opted out of term limits by voter approval at the April 1998 election. Trustees and Mayor may serve an unlimited number of terms but must run for election at the end of each four-year term.

IV. TOWN TRUSTEE ESSENTIALS

A. Meetings and work sessions.

Regular Trustee meetings are held on the third Tuesday of each month at 5:30 p.m. Special meetings may be called as needed but are rare. These official meetings are the only time that Trustees may make decisions.

Work sessions are held for the purpose of informal discussion and study outside the official meetings. These may be scheduled as the Board desires. During the budget season (August – October and in December) additional meetings may be held.

Board meeting agenda binders and/or the electronic packets are distributed on Thursdays prior to Regular meetings. **The deadline for inclusion on the agenda is fifteen days prior to the Tuesday meeting.** This schedule may vary with holidays. Items received after the deadline may be added to the agenda at the discretion of the Mayor or the Board during the meeting.

It is important that you become familiar with the contents of the binder and the electronic packet so that full reading of ordinances may be waived when possible (see more information later in this section).

The information in your binder and/or the electronic packet is meant for your use in preparing for the meeting. Please take the time to read the information in advance. If you have specific questions regarding an agenda item, you may discuss it in advance with the Town Manager or the Town Clerk, or the appropriate department head.

Four members of the Board are needed to make a quorum and conduct business at a meeting. For most items, a majority vote of those present is needed for passage.

A Trustee should abstain from voting when a conflict of interest exists. A conflict, or perceived conflict, normally involves having a financial interest in the matter at hand (but may involve other matters). If in doubt, consult with the Town Attorney prior to voting. If you find that a conflict exists, it may be appropriate to refrain from participating in the discussion or to even leave the room during the discussion. Again, consult with the Town Attorney for guidance.

B. Public Hearing Process

A public hearing is for the purpose of obtaining testimony from the public regarding a certain issue or decision. The most common reason for a public hearing is the passage of an ordinance. Liquor License and zoning issues may also require hearings (see later section).

A public hearing may be prefaced by staff comments and/or general statements by the requesting party. During the actual hearing, from the time it is opened until the time it is closed, the minutes may be taken either verbatim or in extreme detail. **This necessitates only one person speaking at a time, and speaking clearly.** After the public hearing has closed, a Trustee may discuss the issue or direct additional questions to staff.

C. Ordinances

Ordinances are the local laws that Board enacts and staff carries out. An ordinance is needed to borrow money, levy a tax, establish regulations for which a penalty is imposed, limit the use of private property, or for various other purposes.

Ordinances are proposed by the Board and/or recommended by staff. Some ordinances may be discussed at a work session(s) prior to the first reading.

Any ordinance adopted by the Town of Westcliffe is adopted in the manner prescribed in CRS 31-16-105 and 31-16-107. Ordinances require only one reading and the requirement of "one reading" is deemed to be satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption.

The Board may hold a public hearing before the adoption of an ordinance. As mentioned above, the public hearing is for the purpose of receiving public input and testimony both for and against the ordinance. If such a public hearing is held, following completion of the public hearing, the Trustees may vote on the proposed ordinance.

Once passed, the ordinance is published by title only as soon as possible (normally the second Thursday following the Tuesday Trustee meeting) and takes effect 30 days after it has been published although a different effective date beyond the 30 days may be specified within the ordinance itself. Exceptions include ordinances adopting a code by reference which must be published in full instead of by title. Other exceptions are ordinances calling for special elections or ones which are necessary to the immediate preservation of the public health or safety which do not have to be published and take effect upon adoption by an affirmative vote of 3/4 of the members of the Board of Trustees.

D. Resolutions and Policies

A resolution may enact legislation or policy that is not subject to penalties for violation. It may also state the Trustee's opinion or position on an issue.

Policies may be adopted to regulate procedures or requirements within varying areas, such as within Town departments, and may control the use of Town facilities. Resolutions may also be used to set fees if allowed by ordinance.

Resolutions and policies are not laws. No penalties are imposed for the violation.

E. Proclamations

Proclamations are used to designate an appreciation event and are usually requested by a supporting organization. A proclamation may be presented during a Trustee meeting, or signed by the Mayor and presented outside of the meeting. This is usually an act of the Mayor, rather than the Board of Trustees, although proclamations can be initiated by a Trustee; and the Mayor often asks for a vote by the Board on the proclamation.

F. Open Meetings/Open Records/Executive Sessions

ALL MEETINGS, WHETHER FORMAL OR INFORMAL, ARE OPEN TO THE PUBLIC. The “Sunshine Law” allows public access to all meetings, with the exception of Executive Sessions. Executive Sessions must meet limited legal criteria, and be for the purpose of receiving legal advice regarding a specific negotiation, litigation, personnel issue, or other subjects that is protected by law.

All records and documents are public in the same manner, and may only be considered confidential for the same limited reasons. If you receive anything in your packet marked “confidential” it will be limited to discussion during an Executive Session.

The Trustee binder and/or the electronic packet can be provided to the media, and agendas can be mailed to anyone requesting to be included on the email list. The agenda and packet are published on the Town website.

G. Budget

The budget process entails a continuous analysis of fiscal needs. During August through October, work sessions can be held to allow a Trustee to determine specific budget needs. The Town Clerk is the budget officer and presents the proposed budget to the Trustees in October of each year. Changes can be made until the budget is ready for final approval through the annual appropriation ordinance. A public hearing on the budget and the final approval is done by December 15th in order that the mill levy may be certified to the county.

H. Funds

The Town maintains two separate funds. The Governmental funds include the General Fund and the Conservation Trust Fund.

The General Fund is the general governmental fund and receives income from property taxes, sales taxes, highway users tax fund, building and liquor license fees, grants, traffic and ordinance violation fines, and miscellaneous fees. This fund provides the monies to provide administrative, public safety, and public works (streets, parks, maintenance, etc) services for the Town.

The Conservation Trust Fund receives income from the Colorado lottery. These funds are limited in use by state statutes to parks, outdoor recreational areas, and open space uses, primarily capital improvements only.

Funds are distributed by the Department of Local Affairs quarterly. Funds are distributed based on population and lottery ticket sales. Westcliffe's annual revenue has ranged from \$5,000 - \$5,500 over the last six years.

V. ELECTIONS

Regular elections are held in even-numbered years on the first Tuesday in April. Trustee and mayoral candidates (every 4 years) are voted upon, as well as any measures referred by Trustee or initiated by citizens. Candidate petitions are available in January. Municipal elections are non-partisan. By state law, no party affiliation can be placed on the ballot for municipal candidates.

A Special Election may be conducted if needed. If the County is conducting an election at the same time, the Town and County may conduct a coordinated election if timing allows. In this case, the Town follows the Uniform Election Code. If not, the Town may conduct its own election and will follow the Municipal Election Code.

VI. LIQUOR LICENSING

The Board of Trustees serves as the Local Licensing Authority with regard to liquor licensing issues. The Town Clerk's office administers the licenses, with Trustee having the decision-making authority. The Town Clerk is authorized to act as the Local Licensing Authority for processing and issuance of special event permits, annual license renewals, changes in shareholders, officers, directors, or trade names of a license and changes in registered manager of a license by ordinance approved on a year to year basis by the Board of Trustees.

The most common actions requested of the Board include new license applications, transfers of ownership of existing licenses, and modification of premises. The Board also has the authority and responsibility to take action and call for hearings in the event of liquor code violations.

Liquor laws are complex and ever-changing. A handout with the summary information is given to applicants when applying for a new or transferred license and is available for the Trustees. The Colorado Liquor Code is available in the Town Clerk's office or on the Division of Liquor Enforcement website <https://sbg.colorado.gov/liquor-enforcement>.

Special Events Permits are a one-day liquor licenses and may be requested by a non-profit organization that meets certain qualifications. These can be approved like routine renewals and are not required to be approved by the State.

VII. ADMINISTRATION AND DEPARTMENTAL OVERVIEW

A. Town Clerk

The Town Clerk is appointed by and is directly accountable to the Board of Trustees. The Clerk is responsible for the administration of liquor licensing, elections, oversight of the Deputy Clerk, municipal court, records management, reception for Town Hall, and support services to Trustees. The Town Clerk is also the town treasurer, and conducts all fiscal activity of the Town, under the policies of the Board of Trustees, including investments, accounting, budgeting, and payroll. As treasurer, the Town Clerk provides fiscal control and support for implementing the annual budget.

B. Municipal Court

The Judge hired by the Town Trustees is a part-time position. The Deputy Clerk provides clerical support for day-to-day court activity as the Court Clerk.

C. Public Works

The department consists of Fleet Maintenance, Building Maintenance, Streets, Animal Control, and Parks. This department grades and repairs streets provides snow removal and maintains the parks.

D. Law Enforcement

The Town of Westcliffe contracts with the Custer County Sheriff to provide for the safety of the public and enforcement of Town ordinances, as well as state and federal laws.

E. Legal Services

The Board retains a part-time attorney to provide routine legal advice, prepare legal documents, and attend Trustee meetings in an advisory capacity. This service is on a contracted basis, and the attorney is directly accountable to the Board of Trustees with the Mayor being the direct supervisor. For purposes of accountability and coordination, legal services requests should be channeled through the Mayor and/or Town Clerk.

F. Auditor

This service is on a contracted basis, and the auditor is directly accountable to Town Trustees. A Request for Proposal may be advertised typically every five years by the request of the Board of Trustees.

G. Fire Protection

Wet Mountain Fire Protection District is an all-volunteer agency that provides structural fire suppression, wildland fire suppression, and rescue services for the Town of Westcliffe.

H. Water and Sewer

Round Mountain Water and Sanitation District provide water and sewer service within the town of Westcliffe.

VIII. BOARDS AND COMMISSIONS

Boards may be one of several types.

- 1) Advisory Boards make recommendations to Town Trustees. The Board of Trustees has the final decision-making authority but relies on the board to sort through preliminary information and in some cases conduct public hearings. The Planning Commission falls into this category.
- 2) Quasi-Judicial Boards. These boards are given specific powers to make final decisions without Town Trustees' involvement. The Town of Westcliffe has two quasi-judicial boards; The Town Board, acting as the Local Liquor License Authority and the Board of Adjustments, is also a quasi-judicial board.
- 3) Standing Committees are created to work on a specific project, such as the Bluff Event Committee. These committees may have a limited life span according to the project.

IX. THE LANGUAGE OF LOCAL GOVERNMENT

ACCRUAL BASIS ACCOUNTING: A method of accounting in which revenues are recorded at the time they are incurred and expenditures are recorded when goods are received and services performed.

APPROPRIATION: Money set aside for specific use by formal action of the Town Board. Appropriations are made for fixed amounts by the fund and are granted in the operating budget for a one-year period.

ASSESSED VALUATION: An appraisal of real or personal property that serves as the basis for levying property taxes. Property values in Westcliffe are established by the Custer County Assessor's Office. A percentage is applied to the appropriate market value in order to arrive at the assessed value. The percentage used depends on the type of property and is set periodically by the state legislature.

AUDIT: An examination of the Town's accounting records by an independent firm to determine the accuracy and validity of records and reports and the conformity of procedures with established policies. The Governmental Accounting Standards Board (GASB) sets standards for financial reporting for units of government that are referred to as Generally Accepted Accounting Principles (GAAP).

BALANCED BUDGET: A budget in which identified sources of funds are equal to or greater than expenditures.

BUDGET: The official written statement of the Town's comprehensive financial program that is adopted annually by the Town Board and consists of proposed expenditures for specified purposes and the proposed means of financing those expenditures.

BUDGETARY CONTROL: The standard practices established to monitor departmental compliance with approved budgets. The Town's budgetary control practices include regular review of monthly reports of actual to budgeted expenses.

CAPITAL ITEM: Any single item that the Town purchases (including equipment, truck, heavy equipment, etc.) with a value of \$5,000 or greater and an expected useful life of one year or more.

CAPITAL OUTLAYS: Expenditures for the acquisition, construction or improvement of capital projects or for the acquisition of capital items.

CAPITAL PROJECT: New infrastructure (buildings, roads, parks, etc.) or replacement of or improvements to existing infrastructure.

CASH BASIS ACCOUNTING: A method of accounting in which revenues are recorded when received in cash and expenditures are recorded when paid.

CHARTER: A charter is the governing document of a town if the town is Home Rule. A citizen-adopted document that spells out the powers and limitations of the town government. It may only be amended by a vote of the registered electors of the town. **The Town of Westcliffe is not a Home Rule town and has not adopted a Charter.**

DEBT SERVICE: Payment of principal and interest on an obligation resulting from the issuance of bonds and notes according to a predetermined payment schedule. The timetable for paying off debts.

DEPARTMENT: A major administrative section of the Town government. **Westcliffe has 2 departments: Administration, Public Works, and Parks.**

ENTERPRISE FUND: Account for operations where the town runs the operation like a private enterprise. Enterprise funds are used to account for activities financed, in whole or in part, by fees collected from customers (e.g., golf course and utilities). **In Westcliffe, there are no enterprise funds.**

EXPENDITURE: The actual outlay of funds from the Town treasury. Spending money.

FIDUCIARY FUND: A fund that is held in trust for others and that cannot be used to support government's own programs.

FIDUCIARY RESPONSIBILITY: Fiduciary person, company, or association holding assets in trust for a beneficiary. The fiduciary is charged with the responsibility of investing the money wisely for the beneficiary's benefit. (Barron's Dictionary of Finance and Investment Terms)

FISCAL ACCOUNTABILITY: Responsibility of governments [and the governing board thereby] to justify that their actions in the current period have complied with public decisions concerning the raising and spending of public money in the short term (usually one budgetary cycle or one year). (GAAFR)

FISCAL YEAR: The twelve-month period designated in the Town Ordinances which establishes the beginning and ending period for recording financial transactions. The fiscal year of the Town of Westcliffe is from January 1 to December 31.

FRANCHISE TAX: A tax charged for the privilege of using public rights-of-way and property within the Town for public or private purposes. The Town charges franchise taxes to electric utilities.

FUND: An accounting concept used to separate or subdivide the financial activity of a city for legal and managerial purposes. All financial activity of a municipality must be classified in relation to a fund. The Town's budget consists of a general fund, an enterprise fund, special purpose funds (Conservation Trust Fund and Cemetery Fund) and fiduciary funds.

FUND BALANCE: The difference between the debits and credits of a particular fund. In other words, how much money, working capital and/or retained earnings are left over in the fund at the end of the time period in question. Does not apply to enterprise funds.

GENERAL FUND: The general operating fund of the Town that accounts for all financial resources whose use is not restricted to any specific purpose(s). The General Fund pays for services such as Town Administration, Street Maintenance, Public Safety, and Parks.

INFRASTRUCTURE: The physical assets of the Town, such as streets, public buildings, and parks.

INTERGOVERNMENTAL REVENUES: Revenue the Town receives from other governments in the form of grants, entitlements, shared revenues, or payments in lieu of taxes.

LINE ITEM BUDGET: A budget in which expenditures are classified by detailed expense categories.

MASTER PLAN: The document that sets goals and standards to guide the future growth of Westcliffe.

MILL LEVY: A percentage that is applied to the assessed value of real property to calculate the property tax.

OPERATING BUDGET: The comprehensive financial plan of the Town, in its most basic form, consists of a listing of anticipated revenues and proposed expenditures for each function of government for the designated fiscal year. The budget contains appropriations for such expenditures as personnel, supplies, utilities, materials, training, and fuel.

ORDINANCE: A municipal regulation approved by the Town Board that has the force of law.

RESERVE: The portion of a fund balance or retained earnings that are legally restricted to a specific future use or are not available for appropriation or expenditure.

RESOLUTION: A formal expression of opinion, will or intent passed by the Town Board. A resolution does not have the force of law.

REVENUE: Funds that the government receives as income, such as tax payments, fees from specific services, receipts from other governments, fines, forfeitures, grants, and interest income.

REQUEST FOR PROPOSAL (RFP): A document that serves as a formal request for entities outside the Town to submit proposals for providing goods or services. The Town may be required by law to give notice to the public if it needs to buy goods or services. The RFP is the standard procedure for meeting this requirement. RFPs must usually be advertised publicly in newspapers or by other means.

SALES TAX: A tax imposed on the sale or use of all tangible personal property. The Town's sales tax rate is 3.0%.

TAX: Compulsory charges levied by a governmental unit for the purpose of raising revenue. Tax revenues are used to pay for services or improvements provided for the benefit of the general public.

3-MILE PLANNING AREA: An area around Westcliffe that has been designated as a growth area, has the potential to be annexed into the Town and is included in the Master Plan.

USE TAX: A complementary tax to the Town sales tax, imposed on building and construction materials that are purchased outside the Town for use or consumption within the Town. **The Town does not have a use tax.**

USER FEES/CHARGES: The payment of fees or charges for receipt of a service by the user who benefits from using the service, e.g., fees for utility services.

X. COMMONLY USED ABBREVIATIONS AND ACRONYMS

A

AARP	American Association of Retired Persons
ACE	Army Corps of Engineers
ACLU	American Civil Liberties Union
ADA	Americans with Disabilities Act
AF	Acre-Foot
AG	Attorney General
APA	American Planning Association
APWA	American Public Works Association

B

BANANA	Build Absolutely Nothing Anywhere Near Anybody
BLM	Bureau of Land Management
BOA	Board of Adjustment (Zoning)
BOCC	Board of County Commissioners

C

CAVE Citizens Against Virtually Everything
 CC&R Covenants, Conditions & Restrictions
 CD Certificate of Deposit
 CDBG Community Development Block Grant
 CDOT Colorado Department of Transportation
 CFS Cubic Feet per Second
 CGFOA Colorado Government Finance Officers Association
 CIP Capital Improvement Program
 CIRSA Colorado Intergovernmental Risk Sharing Agency
 CMC Certified Municipal Clerk
 CMCA Colorado Municipal Clerks Association
 CML Colorado Municipal League
 CO Certificate of Occupancy
 COBRA Consolidated Omnibus Budget Reconciliation Act
 COST Costilla County
 CPA Certified Public Accountant
 CPF Campaign and Political Finance (Amendment 27 to Colo. Constitution)
 CRS Colorado Revised Statutes
 CTF Conservation Trust Fund
 CUP Conditional Use Permit

D

DEA Drug Enforcement Administration
 DLG Division of Local Government (State)
 DMV Department of Motor Vehicles (State)
 DOLA Department of Local Affairs (State)
 DOR Department of Revenue (State)
 DOW Division of Wildlife (State)

E

EEOC Equal Employment Opportunity Commission (Federal)
 EIS Environmental Impact Statement
 EPA Environmental Protection Agency
 EQR Equivalent Residential Unit

F

FAA Federal Aviation Administration
 FAQ Frequently Asked Questions
 FCC Federal Communications Commission
 FCPA Fair Campaign Practices Act
 FDIC Federal Deposit Insurance Corporation
 FEMA Federal Emergency Management Agency
 FHA Federal Housing Agency
 FICA Federal Insurance Contribution Act
 FLSA Fair Labor Standards Act
 FMHA Farmers Home Administration

FNMA Federal National Mortgage Association (FannieMae)
FONSI Findings of No Significant Impact
FOSI Findings of Significant Impact
FSLIC Federal Savings and Loan Insurance Corporation
FUTA Federal Unemployment Tax Act

G

GAAP Generally Accepted Accounting Principles
GFOA Government Finance Officers Association
GNMA Government National Mortgage Association (GinnieMae)
GOCO Great Outdoors Colorado

H

HAVA Help America Vote Act
HB House Bill
HOA Homeowners Association
HPC Historic Preservation Commission
HUD Department of Housing and Urban Development (Federal)
HUTF Highway Users Tax Fund

I

I-9 Employment Eligibility Verification Form
IBC International Building Code
ICMA International City/County Management Association
IGA Intergovernmental Agreement
IIMC International Institute of Municipal Clerks
INS Immigration and Naturalization Service
IRA Individual Retirement Account
IRC International Residential Code
IRS Internal Revenue Service

J

JTPA Job Training Partnership Act

K

L

M

MBE Minority Business Enterprise
MOU Memorandum of Understanding
MTC Model Traffic Code
MUTCD Manual of Uniform Traffic Control Devices

N

NAACP National Association for the Advancement of Colored People

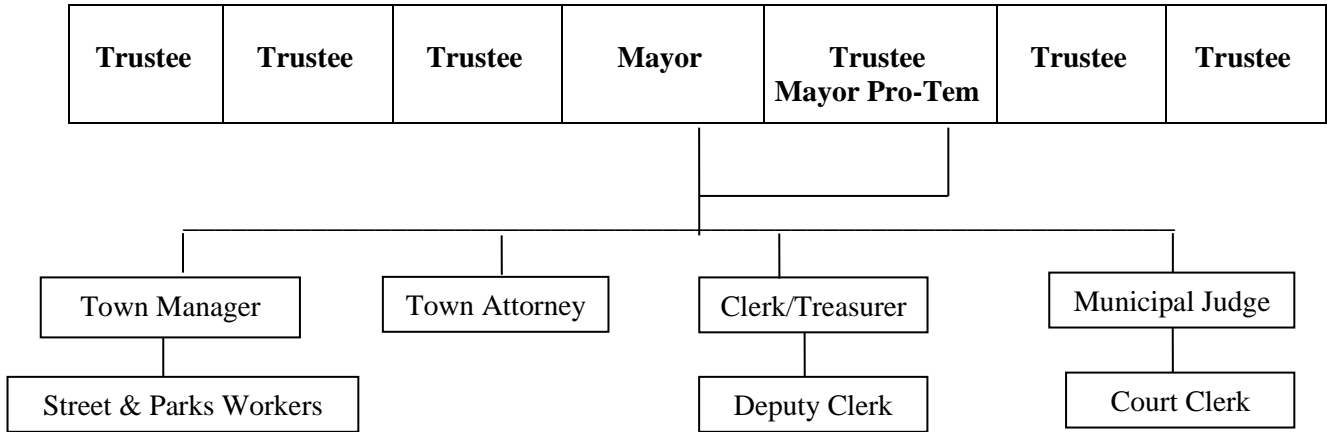
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NIMBY	Not in My Back Yard
NIMEY	Not in My Election Year
NIMFYE	Not in My Front Yard Either
NIMTOO	Not in My Term of Office
NOPE	Not on Planet Earth
O	
OMB	Office of Management and Budget (Federal)
OSHA	Occupational Safety and Health Agency
P	
P&Z	Planning and Zoning
PA	Planning Area
PAC	Political Action Committee
PD	Police Department
PIITBY	Put It in Their Back Yard
PILT	Payments in Lieu of Taxes
PO	Purchase Order
POST	Police Officer Standards and Training
PUC	Public Utilities Commission
PUD	Planned Unit Development
R	
R&D	Research and Development
RC&D	Resource Conservation and Development
RFP	Request for Proposal
RSVP	Retired Seniors Volunteer Program
S	
SB	Senate Bill
SBA	Small Business Administration (Federal)
SRU	Special Review Use Permit
SSA	Social Security Administration
SSI	Supplemental Security Income
T	
TABOR	Taxpayer's Bill of Rights (Amendment 1)
T-Bills	Treasury Bills
TEFRA	Tax Equity & Fiscal Responsibility Act
U	
UAACOG	Upper Arkansas Area Council of Governments
UBC	Uniform Building Code
UEC	Uniform Electrical Code

UFC Uniform Fire Code
UPC Uniform Plumbing Code
USDA U. S. Department of Agriculture
USFS U. S. Forest Service

V
VA Veterans Administration
VISTA Volunteers in Service to America

W
W-2 Earnings Statement
W-4 Withholding Statement
WIC Women, Infants, and Children Nutrition Program

ORGANIZATIONAL CHART



FUNDING CHART

SAMPLE

CHANGES YEARLY

