

# **Boards and Commissions Manual**

Information, Rules and Procedures



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# Table of Contents

Town Government Structure	Page 3
Boards & Commissions Origins	Page 3
Listing of Town Council Members and Key Town Staff	Page 4
Types of Boards and Commissions	Page 5
Appointee Guidelines	Pages 6-8
Conduct of Meetings	Pages 9-10
Quasi-Judicial Public Hearing Procedure	Page 11
Code of Conduct Section of Castle Rock Municipal Code	Pages 12-13
Notice of Resignation Form	Page 14

# Town Government Structure

Town Council is the legislative body of our Town government, made up of seven members including the Mayor and Mayor Pro Tem. Each Councilmember is elected on a nonpartisan basis for a four-year overlapping term to represent an election district, and the Mayor is elect to represent the Town at large. The Mayor Pro Tem is elected from among the Councilmembers by a majority vote and serves a two-year term.

Council has a responsibility to adopt ordinances that become law or resolutions related to public policy; to confirm consensus on internal and administrative issues; to approve the budget and necessary appropriations; to approve major contracts or agreements; and to provide direction to Town staff on land use decisions including annexations, zoning, subdivision and development agreements. Additionally, Town Council appoints the Town Manager, Town Attorney and Municipal Judge.

Council also appoints members to the Town's boards and commissions. Boards and commissions serve in an advisory role to Council and present recommendations, through the department staff liaison, as part of the overall review of certain agenda items before Council.

The Town of Castle Rock operates within a Council-manager form of government. The Town Manager is responsible for implementing policy decisions and legislative actions taken by Town Council. The Town Manager is also responsible for the overall management and day-to-day operations of the Town.

## Boards & Commissions Origins

The Town of Castle Rock was incorporated as a municipal corporation in 1881 and remained a statutory town under the Colorado constitution until 1987, when a Home Rule Charter was adopted. The Town's advisory boards and commissions, created in the early 1990s, were a way to engage the community in civic responsibility. Some commissions are required by State Statute or the Town Charter. New boards or commissions may be created by Town Council to advise Council and perform such functions as the Council may designate. Typically, most boards and commissions are created to perform defined duties within a specific area of interest for an indefinite period of time.

## TOWN COUNCIL

Jason Gray, Mayor

Desiree LaFleur, Mayor Pro Tem - District 4

Ryan Hollingshead, District 1

Laura Cavey, District 2

Kevin Bracken, District 3

Max Brooks, District 5

Tim Dietz, District 6

## Town Manager

David L. Corliss

## Town Attorney

Michael J. Hyman

## Town Clerk

Lisa Anderson

# Types of Boards and Commissions

Advisory boards and commissions review information, gather public input and make recommendations in an advisory role to Town staff and Council.

## **Advisory Boards & Commissions**

Castle Rock Water Commission

Parks & Recreation Commission

Public Art Commission

Public Safety Commission

Public Works Commission

Quasi-judicial boards and commissions have decision-making powers within their areas of expertise. Quasi-judicial proceedings must be conducted in accordance with procedural due process, including the required adequate prior notice, the opportunity for public input and the guarantee of an impartial and neutral finding. Any conflict of interest, ex parte contacts or prejudgment must be avoided.

## **Quasi-Judicial Boards & Commissions**

Board of Adjustment

Board of Building Appeals

Design Review Board

Historic Preservation Board

Planning Commission

The Election Commission is an independent body charged with overseeing the implementation of election procedures consistent with the State statutes, the Town Charter and Town ordinances related to election conduct. The commission also reviews and adjusts the election district boundaries.

## **Independent Boards & Commissions**

Election Commission

# Appointee Guidelines

## **General Provisions**

- Town of Castle Rock residents are preferred for appointment to Town Boards or Commissions, followed by those who live outside of Town but within Douglas County.
- If residency status changes during the term of service, the appointee shall resign his or her appointment
- Employees of the Town of Castle Rock are not eligible to serve on Town boards and commissions
- All board and commission members are appointed and serve at the pleasure of Town Council
- Any member is subject to removal, with or without cause, by a majority vote of Town Council
- Appointees serve in an advisory role and without compensation
- Council appoints replacements for unexpired term vacancies, as needed, for the remainder of the vacated term
- If appointee experiences recurring attendance problems for reasons other than emergency, medical condition or military leave, the member's appointment shall be terminated per the applicable bylaws of the board or commission
- Each member is expected to work cooperatively with other members to be objective, fair, honest and respectful of all viewpoints
- Appointees should exhibit a strong commitment to public service through a thorough and impartial review of all matters presented before the board or commission
- Members should represent the overall public good and not that of any exclusive group or interest
- Boards and commissions may require specific qualifications for appointment that satisfy occupational background, professional knowledge, experience or education requirements

## **Term Limitations**

- No appointed member may serve concurrently on more than one board or commission
- Terms run from June 1 through May 31
- The term for all board or commission members (with the exception of the DDA, Board of Building Appeals and Election Commission) is two years
- No appointee may serve more than three consecutive terms, or six years, with the exception of members of the Historic Preservation Board
- A partial term is defined as any period of time less than one-half of a term
- Some boards and commissions have other terms of appointment as identified below:
  - DDA appointees, by Statute, serve four-year terms, with a maximum of two terms, or a total of eight years
  - Board of Building Appeals appointees, by Municipal Code, serve three-year terms, with a maximum of two terms, or a total of six years
  - Election Commission appointees, by Charter, serve three-year terms, with a maximum of two terms, or a total of six years
  - Historic Preservation Board members may serve four consecutive terms, or a total of eight years
- Once an appointee is termed out, s/he is eligible to serve on a different board or commission immediately
- Appointees who have termed out are not eligible to re-apply to serve on the same board or commission until a four-year break in service has occurred
- Appointees must be confirmed by Town Council prior to voting as a member of a board or commission
- Appointments to the Design Review Board, which arise from membership on a parent commission, are terminated if member resigns or is terminated from the parent board or commission
- A formal notice of resignation should be submitted to the Town Manager's Office to substantiate the vacancy. The effective date of the resignation notice is the date received unless a future date is indicated

## **Responsible Membership & Conduct**

- Members of Boards or Commissions are subject to rules of ethical conduct as established by the Town Charter and Code
- Members should recuse themselves from voting on – and from attempting to influence – any decision, involvement, discussion or consideration of any issue in which they have a financial or personal conflict of interest
- When a conflict of interest exists, a member shall make a verbal disclosure and recuse themselves, physically removing themselves from the proceedings at hand
- Members shall not use any confidential or privileged information for private personal gain
- Members shall not knowingly disclose confidential or privileged information to any third party
- Members should remember that their actions and statements assume special significance and, if not responsibly discharged, could result in a situation detrimental to the Town's best interests
- Members shall not speak on behalf of a board or commission unless specifically authorized to do so. Among the actions that require such authorization are the member using his/her position as part of a signature line in correspondence. Members are welcome to participate in public dialogue as private residents but should use care to not give the impression that their input has any relationship to their board or commission service
- Liability acting individually as a board or commission member is far greater than liability for actions of the board or commission as a whole
- Members should represent the overall public good and not that of an exclusive group or interest
- Acceptance of gifts from persons doing business with the Town or desiring to do business is prohibited

Following these procedures will ensure the validity and integrity of our Town boards and commissions. Further Code of Conduct requirements are included in the Town's Municipal Code and are also shown beginning on Page 12 of this document.

# Conduct of Meetings

- Notices of meetings are published on CRgov.com, in addition to the designated location for posting notices at Town Hall
- Meetings are required to be noticed 24 hours in advance
- Public hearings related to quasi-judicial commissions are required to be noticed in advance per legal guidelines
- All board and commission meetings shall be open to the public, and Councilmembers may also attend
- Public comment at regular meetings may be allowed to address items not on the scheduled agenda at the discretion of the Chair
- Public comment by speakers may be time limited, and there may also be an overall time limit for public comment
- The public may also comment during a public hearing on the hearing subject in accordance with procedures established by the board or commission for this purpose
- Each board or commission shall conduct their meetings in a manner that is procedurally correct
- Boards and commissions are empowered to promulgate their own internal rules and regulations not in conflict with the ordinances of the Town
- Any matter not addressed by the Bylaws shall be governed by Robert's Rules of Order
- To conduct business and any formal action, it is necessary that a quorum of the membership be present at the meeting
- A quorum consists of the majority of the total number of members comprising the board or commission
- If a quorum is not present for a meeting, those present can adjourn the meeting for a later date and time with a majority vote
- Members should notify the Town staff liaison as far in advance as possible of a known meeting absence for purposes of determining a quorum

- Each board or commission shall appoint a Chair and Vice Chair officer from among its members, by a majority vote, for a term of one year. The Chair and Vice Chair are to be elected at the first meeting in June
- The responsibility of the Chair is to preside at all meetings of the board or commission to expedite the business of the agenda
- The Chair shall sign all correspondence on behalf of the board or commission
- The Chair may call a special meeting or cancel a regular meeting
- The Vice Chair shall be empowered with the same duties and authorities as the Chair in the absence of the Chair
- If both the Chair and Vice Chair are absent from a meeting, members present at such meeting may designate a Chair Pro Tem to temporarily preside over said meeting
- Chairpersons are permitted to participate in debate of matters before the board or commission and shall also be permitted to vote on all matters
- Notice of a meeting cancellation will be published on CRgov.com, in addition to the designated location for posting notices at Town Hall, at least 24 hours in advance of the meeting
- Rescheduling a canceled meeting will be considered a special meeting and will be noticed appropriately
- All agenda packets are posted to CRgov.com for appointees to review prior to the meeting and for general public knowledge
- It is the responsibility of the board or commission to provide complete, concise and accurate reporting and recommendations, as well as the voting record, to Town Council through the Town staff liaison and the Council agenda, enabling Council to act knowledgeably and expeditiously

# Quasi-Judicial Public Hearing Procedure

Public hearings are held before quasi-judicial boards and commissions as required by law. In such quasi-judicial proceedings, public hearings should be conducted in substantial compliance with the following provisions:

- Notice of public hearings are mandated by law, including the form of notice and the timing of the advance notice. These legal requirements are properly handled by the staff liaison;
- Conduct of a public hearing will include the Chair stating the purpose of the hearing, and the introduction of the applicant and subject or application. After the staff report and applicant presentation, public comment is taken. Documentation of all pertinent records in support of the testimony become part of the record. An opportunity for rebuttal testimony by the applicant will be allowed, as well as questions from the board or commission, in follow up of presented testimony;
- The Chair's primary responsibility is to ensure that all points of view and individual interests are heard;
- Speakers are limited to five minutes for public comment;
- The applicant is limited to five minutes for rebuttal response;
- Once the Chair has closed the public hearing, the item is referred to the board or commission for purposes of discussion and recommendation;
- The action taken is recorded in the form of a motion, properly seconded and voted upon. Action must be by an affirmative vote of at least a quorum;
- Action taken may recommend approval, approval with conditions, denial, or a continuation to a later meeting date.

## Chapter 2.05 – Code of Conduct

### 2.05.020 – Restrictions generally

- A.** Members shall not disclose or use any confidential or privileged information in furtherance of any personal or pecuniary interest or to further the personal or pecuniary interest of any other person.
- B.** Members shall not vote or render a final decision on an issue that directly affects a business or project in which the member either has a financial interest or is engaged as counsel, consultant, representative or agent.
- C.** Unless expressly permitted by state statute, members shall not solicit or accept any gift, compensation, reward, gratuity or any item of value which would tend to influence a reasonable person in the member's position to depart from the faithful and impartial discharge of his or her public duties; or which the member knows or which a reasonable person in a similar position should know is primarily for the purpose of influencing public action.
- D.** Members shall not assist any person for a fee or other compensation in obtaining any contract, claim, license, permit, permission, approval or other economic benefit from the Town.
- E.** Members shall not hold a substantial financial interest in any business or enterprise which is a party to a Town contract made by the Town Council or board upon which the member has been appointed or elected.
- F.** Members shall not accept a fee, contingent fee or any other compensation for promoting or opposing passage of legislation, except for the member's official compensation as provided by the Town Charter, ordinance or contract.
- G.** Members shall not appear on behalf of any private person, business or entity before the Town Council or board upon which the member has been appointed or elected.

### 2.05.025 – Prohibited gifts

Unless permitted under Section 2.05.026, members and employees shall not solicit or accept any gift from any person, either directly or indirectly through the member or employee's spouse or dependent child, which gift the member or employee knows, or which a reasonable person in the member or employee's position should know under the circumstances, is either:

- A.** A gift that would tend to improperly influence that member or employee to depart from the faithful and impartial discharge of his or her public duties; or

**B.** A gift being solicited or given for the primary purpose of rewarding the member or employee for an official action he or she has taken or may take.

#### **2.05.030 – Appearances by members**

**A.** No member shall appear on behalf of another person concerning any matter before the Municipal Court, unless ordered to do so by subpoena of the Court.

**B.** Nothing in this Section shall be construed as prohibiting members from addressing a Council or a board of which they are not a member.

#### **2.05.040 – Misuse of confidential information**

A member shall not knowingly disclose confidential or privileged information to any third party unless the Town Council authorizes the disclosure of the information. This Section is not intended to impair or limit public access to information that is otherwise publicly available.

#### **2.05.050 – Conflict of interest disclosure; stepping down procedures**

**A.** A member who has a conflict of interest in any matter proposed or pending before the official body shall disclose the conflict of interest to the official body upon which the official sits prior to action of the official body on such matter, shall not vote thereon and shall refrain from attempting to influence the other members of the official body voting on the matter.

**B.** A member shall be excused from voting on any matter for which he or she has a conflict of interest, shall refrain from discussing the matter with any other member of the official body of which the person is a member and shall physically absent himself or herself from the room in which the matter is being considered.

**C.** For purposes of a quorum and calculating the number of votes necessary to pass a matter, the excused official shall not be counted as part of the quorum.

**D.** The provisions of this Section concerning disclosure and leaving the meeting room shall be in addition to any requirement of state law.



## Notice of Resignation from Town Board or Commission

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Board or Commission: \_\_\_\_\_

Effective Date: \_\_\_\_\_

My Appointed Term is: \_\_\_\_\_

Reason for Resignation

\_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
Please send a copy to the Executive Assistant – Other written formats are also acceptable (e.g. email)