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## **AN OVERVIEW OF SAGUACHE'S MUNICIPAL GOVERNMENT**

### **A Guide for Town Board Candidates**

#### **Your Role and Responsibility**

As a Town Board member, 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 Council and staff activity. All department heads maintain an open door policy for discussing non-personnel departmental issues with the Town Board. Board members are encouraged to call department heads with any questions regarding agenda items prior to meetings.

"Administration and Departmental Overview" below explains further the structure of the Town's departments with regard to specific staff activities.

#### **Organizational Structure and Form of Government**

Saguache is a statutory town. This means that we as a community have to follow statutory state laws. The Town of Saguache was incorporated in 1878.

The chosen form of government is Council-Mayor. The Town Board is the legislative body that determines laws and policy for Saguache. The Town Clerk, along with staff, is charged with carrying out the decisions of Town Board and for the administration and day-to-day decisions required in the operations of the Town.

There are six Town Trustees and one Mayor, all representing the Town at-large. Four-year terms are staggered so that at each regular election three Council seats are available.

The Mayor presides at all regular and special meetings of the Board and has the same voting powers as any member of the Board. The Mayor is the ceremonial head of government of the Town. He or she executes legal documents requiring his or her signature as such official.

At the first regular meeting following a general election, the Board appoints one of its Members as Mayor Pro Tem, who acts as Mayor during the absence of the Mayor.

#### **Town Council Essentials**

Meetings and work sessions. Regular Board meetings are held on the third Monday of each month at 7:00 p.m. Special meetings are called as needed, but are rare. These official meetings are the only time that Board may make decisions.

Work sessions are held for the purpose of informal discussion and study outside the official meetings. These are scheduled as Board desires.

Board Members are required to attend monthly regular scheduled board meetings of the Town Board. Any Board member may be removed from office [CRS 31-4-307. Removal of officers – causes - notices].By majority vote of all members of the Board of Trustees any officer of the Town may be removed from office.

Board meeting agenda packets are distributed on Fridays prior to regular meetings. The deadline for inclusion on the agenda is Friday at 12:00 p.m. This schedule may vary with holidays. Board Members have mailboxes at Town Hall, used for delivering packets and mail of a general nature.

Four Board members 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 Board Member 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. If you believe that a conflict exists, it may be appropriate to refrain from participating in discussion, or to even leave the room during discussion. See the attached outline and consult the Town Attorney for guidance.

### Public Hearings

A public hearing is for the purpose of obtaining testimony from the public regarding a certain issue or decision. Liquor license and zoning issues may require public hearings.

A public hearing may be prefaced by staff comments and/or general statements by the requesting party. Like all Board regular meetings, the hearing is recorded on audio tape. This necessitates only one person speaking at a time. After the public hearing has closed, the Board may discuss the issue or direct additional questions to staff.

### Ordinances

Ordinances are the local laws that the Board enacts and staff carries out. An ordinance is needed to make budget appropriations, fix compensation, 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 Board and/or recommended by staff.

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the Board follows this procedure to enact an ordinance:

- The ordinance is introduced at any regular or special meeting of the Board.
- The ordinance is read in full, or in cases where copies of the ordinance are available to the Board and to those persons in attendance at said Board meeting, the ordinance may be read by title only.
- After the first reading of the ordinance, the Board approves or rejects the ordinance.
- If passed on first reading, the ordinance is published by title only in a local newspaper of general circulation.

### Resolutions and Policies

A resolution may enact legislation or policy that is not subject to penalties for violation. It may also state the Board'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 and policies are not laws. No penalties are imposed for violation.

### Proclamations

Proclamations are used to designate an appreciation event, and are usually requested by a supporting organization.

### Basic Parliamentary Procedure

The object of parliamentary rules of order is to facilitate the smooth functioning of meetings. For the most part, Board meetings tend to be informal, with no need to refer to Robert's Rules of Order. However, these are recognized customs in Board meetings:

- The Mayor is referred to by his or her title, "Mr./Madam Mayor."
- No Board Member should speak until recognized by the Mayor.
- The maker of a motion has the right to speak first in debate. No member should speak a second time in debate until all other members have had a chance to speak once.
- Speakers should always yield the floor to the Mayor.

These are the steps for presenting a motion:

- A Board Member addresses the Mayor: "Mr. Mayor?"
- The Mayor recognizes the Member: "Trustee Smith."
- The Member proposed a motion: "I move that . . . ."
- Another member seconds the motion: "Second" or "I second the motion." This only shows that the member agrees that the motion should be debated, not necessarily that s/he favors it.
- The Mayor states the motion and opens debate: "It has been moved and seconded that . . . . Is there any discussion/debate?"
- Board debates the motion.
- The Mayor calls for a vote on the motion. The Town Board replies votes by "aye" or "nay". Roll call votes are taken on ordinances; votes on other matters may be by voice vote only. Every Board Member, when present, must vote upon ordinances and resolutions, except when s/he has a conflict of interest.
- The Mayor announces the results of the vote.

### Open Meetings/Executive Sessions

The Colorado Open Meetings Law, also known as the "Sunshine Law," provides that any meeting of a quorum of the Board, or 3 or more Board Members, whichever number is less, at which public business is discussed, is **a meeting open to the public**, and with respect to such a meeting, 24 hours' notice of the meeting must be given and minutes of the meeting must be kept. Board Members should take care to discuss public business with each other only in Board meetings. An exception to this is a chance meeting or social gathering for a purpose other than discussing public business.

Another exception to the open meeting requirement is the executive session. 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 subject that is protected by law. See the attachment on executive sessions.

*Ex parte* communications, i.e., communications with Board Members, citizens, or others, outside of Board meetings on certain public business, should be avoided. Town Board takes 2 types of actions: legislative action and quasi-judicial action. Legislative action occurs when the Board takes action that applies generally to the Town as a whole. Quasi-judicial action occurs when the Board applies rules to a particular set of facts (e.g., subdivision approval, zoning variance, liquor license). The Board's decisions in quasi-judicial actions must be based on the record made during the Board's review of the facts, and not on events that occur outside of the record. Inevitably, citizens will approach Board Members to discuss upcoming quasi-judicial actions. The most conservative response would be to refuse to talk about such matters and advise citizens to state their positions during the Board meeting on the matter. Another response would be to not state one's opinion on the matter.

Budget

The Town uses a fund budgeting system. Monies collected from specific revenue sources are kept separate from others and used only to pay for certain activities that are related to that source. For example, revenue gathered from utility bills can only be used for expenses related to supplying utility services. In this manner, the Town actually operates a number of different "companies," each with their own revenues and expenses. The reason for this budgeting system is to assure the public that fees and taxes collected are being used only for the purposes for which they are intended. Each fund has its own set of accounting records detailing its financial condition. Thus, it is possible for one of the Town's "businesses" to be financially healthy while another has a deficit that is funded by reserved monies. One major difference is that while a private company can move money from a healthy fund to one that is not doing as well, the Town is more restricted in making such transfers. Those restrictions work to assure that the public is paying the true cost of whatever services they are receiving and that they are not subsidizing other services.

The Town operates the following funds:

<u>Fund Name</u>	<u>Major Revenues</u>	<u>Major Expenses</u>
General Fund	Sales taxes, property taxes, franchise fees, license and permit fees	Administration, Police, Park Maintenance, Recreation, Street and Public Building Maintenance
Water/Sewer Fund	Payment of utility bills and tap fees	Costs associated with providing water, sewer services
Conservation Trust Fund	State lottery proceeds	Improvements to new and existing parks
General Improvement Fund	2/3 sales tax proceeds	Maintenance of Town streets and alleys, ditch maintenance, sub-water drainage system and tree trimming.
Saguache Recreation Fund	Private Company and Saguache Tourism Council donations,	Providing community events for children and adults throughout the year.

In its budget, the Town of Saguache follows the procedures set forth in the Colorado Local Government Budget Law when preparing annual budgets for each fund.

Budget procedure includes:

- 1) Preparation of budget documents by administrative staff which will be submitted to the Board.
- 2) Publication of a notice stating that the budget is available for public inspection.

- 3) Discussion of the budget in a meeting open to the public.
- 4) Adoption of the budget in a public meeting by appropriate resolution.

By October 15<sup>th</sup> of each year, the Town Clerk presents the Town Board a draft budget for the following calendar year. Work sessions on the budget are scheduled as needed. Following a public hearing, the Board adopts the budget by resolution in early December.

### Elections

Regular elections are held in even-numbered years on the first Tuesday following the first Monday in April. Town Board candidates are voted upon, as well as any measures referred by the Board or initiated by citizens. Candidate petitions are available in early February.

All municipal elections are non-partisan. No candidate for any municipal office may run under a party label of any kind.

A Special Election may be conducted if needed. If Saguache County is conducting an election at the same time as the Town's special election, the Town and County will conduct a coordinated election.

### Liquor Licensing

Town Board serves as the Local Licensing Authority with regard to liquor licensing issues. The Town Clerk's office administers the licenses, with the Board having the decision-making authority.

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

A Special Event Permit is a one-day liquor license and may be requested by a non-profit organization that meets certain qualifications.

### Administration and Departmental Overview

Attached is an Organizational Chart for Saguache Town Government.

The **Town Clerk** is Administrator of the Town staff and acts as the Personnel Director. This office prepares the budget. The Clerk is responsible for preparing agendas, packets and minutes for Council and Town Commissions, customer reception at Town Hall, managing Town records, issuing licenses, billing for utility services, conducting elections, and providing support services to other town departments. The Town Clerk conducts all fiscal activity of the Town, including investments, debt, accounting, and payroll, and provides fiscal control and support for implementing the annual budget.

The **Deputy Clerk** is responsible for billing for utility services, issuing of building permits, business licenses, dog licenses, community building rentals, and customer reception at Town Hall. The Deputy Clerk also assists the Town Clerk with the minutes, preparation of Board packets and any other reports that need to be completed.

The **Maintenance Department** maintains and improves the Town's streets, sidewalks, public buildings, utilities and parks.

The **Water / Wastewater Department** operates the Town's water treatment facilities and sanitary sewer collection system.

The **Police Department** is charged with protecting the safety of the public and enforcement of Town ordinances, as well as state and federal laws. The Town has a part time contract with the Saguache County Sheriff's Department.

The **Municipal Court** has a part-time Judge and a part-time Court Clerk, appointed directly by and accountable to Town Council. The Town Clerk's office provides clerical support for court activity. The Court convenes on the 2nd Wednesday of each month at 6:00 p.m. at Town Hall.

The Town Board retains a **Town Attorney** and a **Town Engineer**, each on a contracted basis.

#### Commissions and Committees

The Town Board has appointed the various citizen Commissions and Committees, as well as Board committees:

Planning Commission

Tree Board

Saguache Recreation Board

Historic Commission