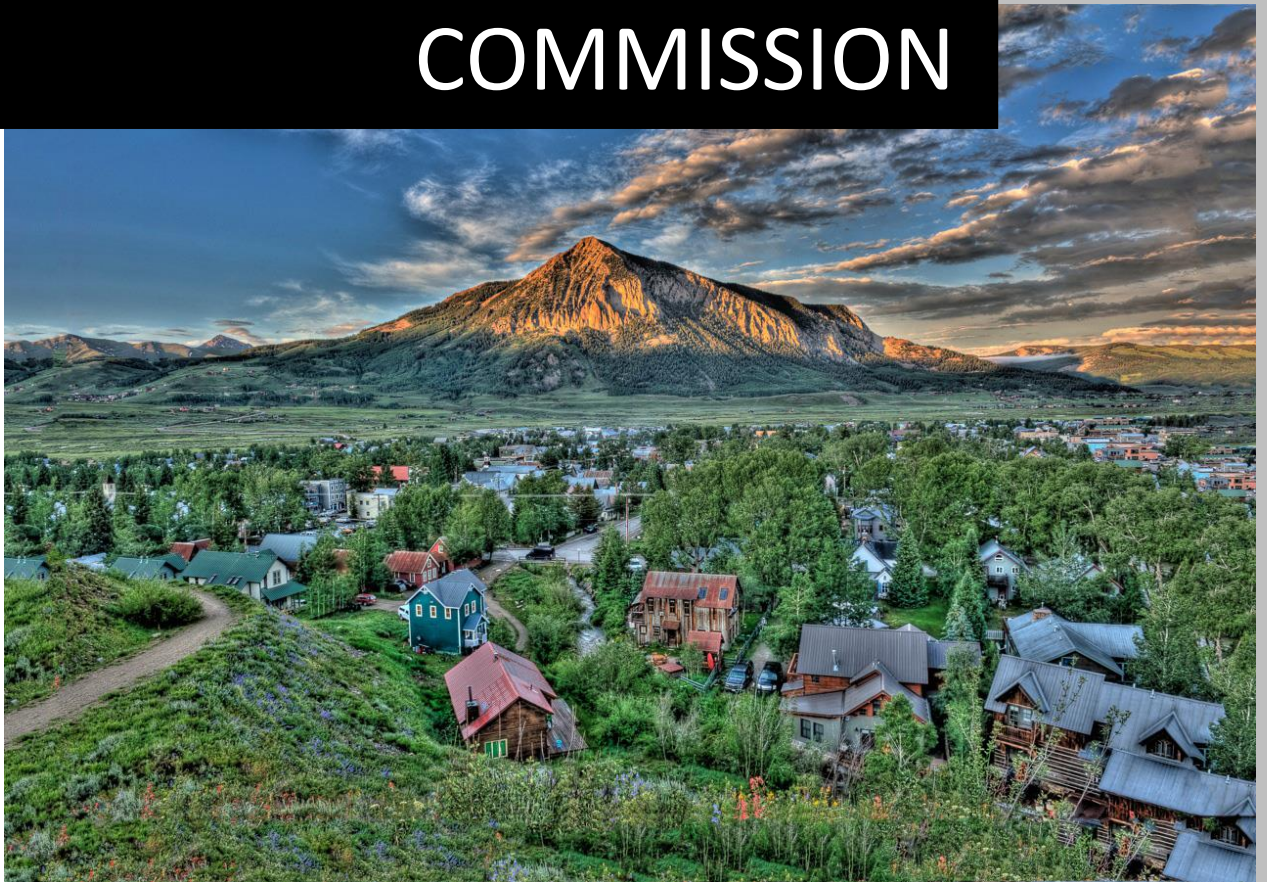


2016

HANDBOOK FOR THE CRESTED BUTTE CREATIVE DISTRICT COMMISSION



Town of Crested Butte, Colorado

1/1/2016

Photo Credit: R.J. Faulkner, Town Sunset

TABLE OF CONTENTS

Purpose.....1
Board Member Expectations..... 1
Attendance
Conflicts of Interest
Training for New Board Members
Board Responsibilities
Organization of the Board.....3
Chair
Vice Chair
Recording Secretary
Terms of Office
Council Liaison
Conduct of Meetings5
Open Public Meetings
Quorum
Special Meetings
Public Notice
Rules of Order
Public Hearings
Appointment and Vacancies.....7
Expense Reimbursements.....9
Liability.....9
Boards and Commissions.....9

PURPOSE

The purpose of this Handbook for the Crested Butte Creative District Commission is to explain the role of the commission in working with and advising the Town Council and to set forth guidelines to assist in carrying out their work.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, “unexcused absences” shall be all absences other than for illness, family emergency, or participation in other town business. The chairperson shall monitor attendance and forward attendance information to the Staff Liaison when a member fails to meet the attendance requirements stated herein.

The Staff Liaison shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

Conflicts of Interest

The objective of Town Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered:

If a board member has acquired confidential information in the course of official duties that information cannot be used to substantially further the member's personal financial interests.

State law provides that a commissioner shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected by any official action of the member's board.

A commissioner shall not perform an official act causing an economic detriment to the commissioner's business or personal competitors.

For six months following termination of office, a commissioner should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A commissioner shall not engage in a substantial financial transaction for private business purposes with a person under the direction of that commissioner's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest.

If you are unsure of your legal responsibilities on any matter coming before your commission, the commissioner should seek the advice of the Town Attorney's Office as soon as possible before the meeting.

Training for New Board Members

Recognizing that a newly appointed commission member will need a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission, the town will provide informal and/or formal training opportunities for each newly appointed member. The Council liaison, staff liaison, and chairperson of the board or commission shall work cooperatively to establish a training process which will provide to the new member a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission. Where appropriate, in-service training should be provided which may include presentations on the responsibility of the commission and commission members, parliamentary procedure, conflicts of interest, specific board or commission mission, consensus and decision making model, town administration overview, open meetings, and language of local government and commonly used abbreviations and acronyms.

Board Responsibilities

The commission is responsible to investigate and make thoughtful recommendations to the Town Council and staff on issues coming before it. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which the commission makes recommendations can come from the Town Council, from Town staff, the citizens of Crested Butte, and from the board members themselves. The Town Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate with the consideration and adoption of goals by the Town Council. The commission will be asked to consider such goals.

The normal channels for communication between the Town Council and the commission are through the Town Council liaison to the board and staff liaison in the affected department. Such persons will report to the Council the deliberations and recommendations of the board. The commission, and their individual members, are always free to communicate directly with the Town Council on any matter concerning their areas of responsibility.

In considering recommendations from the commission, the Town Council will attempt to balance the many diverse interests in the community.

ORGANIZATION OF THE BOARD

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary. If a Town staff person is not made available to serve as recording secretary, a board shall also choose a recording secretary.

Chairperson

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to ensure that all members fully understand the wording of the item upon which they are voting. It is also the chairperson's responsibility to sign all documents on behalf of the commission, see that all of the decisions of the board are carried out properly, and perform any other duties and functions requested by the board.

The chairperson, working with the staff liaison, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the commission and other persons who have requested notification and to ensure public notice of the commission's regular and, if any, special meetings.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

Recording Secretary

The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. A copy of the approved minutes from each meeting shall be deposited with the Town Clerk. Minutes from meetings shall be recorded as soon as possible.

Officers' Terms of Office

The term of office for the chairperson and the vice chairperson shall be 1 year. Each officer shall be eligible for reelection. However, chairpersons are encouraged not to serve for more than 2 consecutive years so that other commissioners may gain experience as a chairperson. Officers shall be elected at the next regular meeting following the month of the year in which the terms of office of the members of the board expire.

Council Liaison

The Town Council liaison assigned to a board or commission shall serve the following roles:

1. Communicate with the commission when Town Council communication is needed and to serve as the primary two-way communications channel between the Town Council and the commission.
2. Participate in filling vacancies, reviewing applications, and interviewing candidates for the commission.
3. Serve as the primary informal Town Council contact.
4. Help resolve questions the commission may have about the role of the Town Council, municipal government, and the commission.
5. Establish formal or informal contact with the chairperson of the commission and effectively communicate the role of the liaison.
6. Provide procedural direction and relay the Town Council's position to the commission, and to communicate to the commission that the liaison's role is not to direct the commission in its activities or work.
7. Serve as Town Council contact rather than an advocate for or ex-officio member of the commission.
8. Vote in the event of a tie on a Commission Decision.

CONDUCT OF MEETINGS

Open Public Meetings

All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times. No commission shall conduct any closed meeting without first consulting with the Town Attorney's Office concerning its propriety.

Quorum

The majority of all of the members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn and set a future meeting date the meeting to a future date.

Special Meetings

A special meeting may be called by the chairperson or vice chairperson, or upon the written request of three members of the board. Notice should be given to each of the board members by personally serving them, by an email, or by leaving notice at their usual place of residence. Notice of special meetings should be given as much in advance as possible. The notice of a special meeting shall set forth the time, place, date and purpose of the meeting. Attendance at a special meeting constitutes a waiver of the notice of the meeting.

Public Notice

Public notice of all meetings where the board may take any formal action or at which a majority or quorum of the board is expected to attend shall be given. The public notice shall be given no less than twenty-four hours in advance of the meeting and shall be posted at a location designated by the Town Council, including the bulletin board outside the Town Council Chambers, old Town Hall and the Library. The public notice should also be posted on the Town's website. The notice shall contain a specific agenda if possible, and should be in the format specified by the Town Clerk.

Rules of Order

Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If commissioners have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, commissioners should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the Town Attorney's Office.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or by the ordinance establishing the particular commission, the following guidelines will be used in dealing with appointments and vacancies to the commission.

When a vacancy occurs on the commission by removal of a member or resignation, with approval of the interview committee, the Council-appointed alternate shall be recommended to the Town Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the Town Council:

1. The chairperson shall notify the Town Manager's Office of the vacancy.
2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the Town Manager's Office will notify the Town Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the Town. The Town Manager's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper advertisement. Applications received after the closing date shall not be considered by the interview committee.
3. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.
4. Applications shall be in a form determined by the Town Manager, but shall include, without limitation, a question related to the applicant's current service on other Town commissions.
5. Private interviews for the position shall be required for all applicants, including existing commission members seeking reappointment to a new term on the same commission. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the Town Council, the interview committee shall consist of at least the following persons: the Town Council liaison; a Town staff member appointed by the Town Manager; and the chairperson.
6. Immediately following the interviews, the interview committee shall advise the Town Manager's Office of the recommendation. The Town Manager's Office will endeavor to place the matter on the next available Town Council agenda for consideration of appointment. Recommendations shall be presented in writing to the Town Council.

7. The recommendation of the interview committee and the appointment by the Town Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, residency, the need for a diverse cross-section of the community, and other factors deemed relevant by the Town Council. The recommendation of the interview committee shall be considered but shall not be binding upon the Town Council.

8. The Town Manager's Office shall forward a letter of appointment and a Handbook for the Commission to the newly appointed member. Commissioners shall serve for their appointed term as specified in the Town Code. Alternates appointments shall be effective until the expiration of the term of any other member on the commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the commission are specifically set forth in state law or in the Town Charter or Code. In addition, commission members may not serve on more than one board and commission at a time, unless:

- (i) the member is the only qualified applicant for the position;
- (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law or by the Town Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the Town; or (b) where the Town Council determines that the duties and functions of the commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the Town or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the Town Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the Town Council.

Further, unless otherwise provided by state law or by the Town Charter or Code, no appointment of a person to the commission shall have the effect of increasing the number of nonresident members on that the commission to more than 50% of the total membership of the commission.

A person shall not be eligible for appointment to the commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a town employee who in his or her capacity as a town employee regularly appears before or

advises the commission. This does not prohibit such person from being eligible for appointment to any other commissions not affected by this eligibility limitation.

EXPENSE REIMBURSEMENT

The town will reimburse any member of the commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the Town Manager's Office.

LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the Town of Crested Butte, and is entitled to the protection of the Governmental Immunity Act.

The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The Town Attorney's Office is available for further discussions regarding liability.

BOARDS AND COMMISSIONS

For specific information regarding the Town's boards and commissions and a description of their membership requirements and duties, please see Town Code Chapter 2. Article 8 Creative District Commission, or contact the Town Planner's Office at (970) 349-5338.