



# **COLORADO**

## **Department of Local Affairs**

Division of Local Government

**Town of Oak Creek Board Orientation - May 9, 2024**  
**Kate McIntire, Northern Mountains Regional Manager**

# First.....

What were you thinking about on the way to our session?

What is the one thing you hope we accomplish?

Where is your favorite place in town?

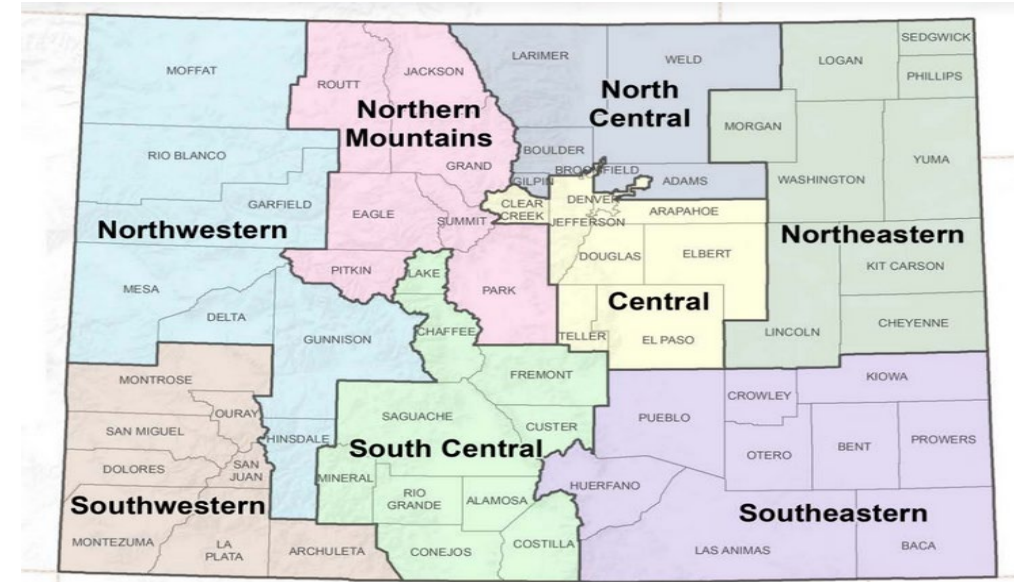
# Presentation Overview

- Who is DOLA?
- Board Roles & Responsibilities
- Building Relationships - Board and Staff Working Together
- Budgeting
- Legal and Ethical Issues
- Next Steps

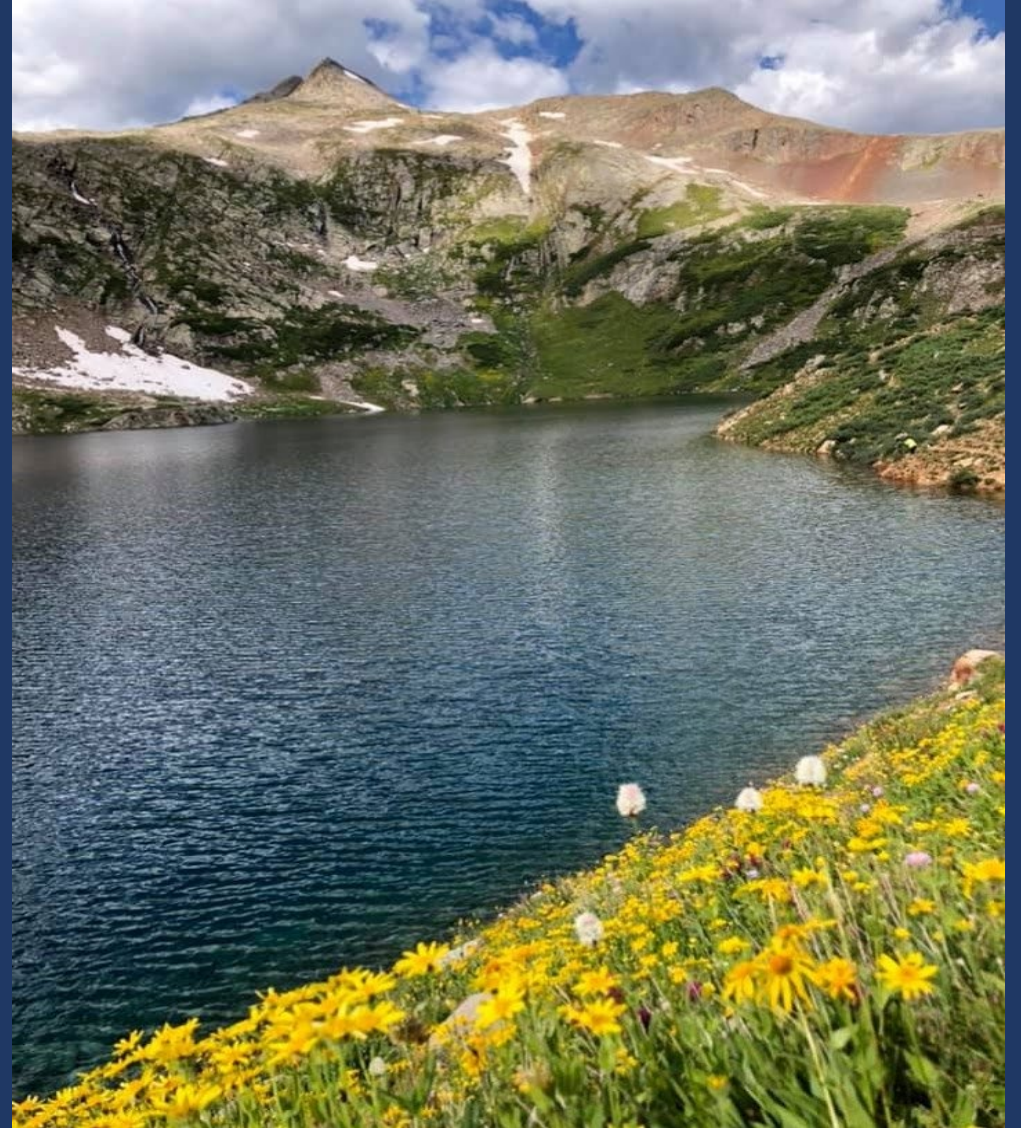
# Colorado Department of Local Affairs

## DOLA's Mission: Strengthening Colorado Communities

- Equitable & consistent implementation of property tax laws
- Community development that is revitalizing and sustainable
- Technical & financial support for community development needs
- Safe, affordable housing
- Emergency preparation, mitigation, response and recovery



# Roles & Responsibilities



# Local Governments

Health and Safety – police, fire, immunization, hospitals, roads, drinking water and groundwater protection

Welfare – education, libraries, museums, parks, recreation facilities, housing and economic development

Housekeeping – birth/death records, marriages, property ownership, tax collection and elections.

# Elected Officials

- Set and support **policy** (commander vs advisor)
- **Fiduciary responsibility** for the budget (taxpayer dollars/public assets, reserve funds, TABOR)
- Use enabling authority and statute to **protect public interest**
- Hire staff and appoint boards that will further the mission
- Provide general direction and ongoing two-way communication
- Support staff
- Emergency Readiness
- Relationship with other elected officials (within the town, County, other municipalities, special districts, State of Colorado)



# Elected Official Roles

## Newspaper Headlines

As a member of the Board, it is important that you:

- Do not favor any particular special interest
- Not use this Board for your own personal advantage or for the advantage of friends or supporters
- Keep privileged information confidential
- Approach all Board issues with an open mind
- Never exercise authority as a Board member except when acting in a meeting with the full Board, unless delegated by the Board



### City Council set to censure Mayor

Dennis Anderson  
dennisa@montrosepress.com Jan 5, 2020

*Censuring of Mayor stops with  
the mayor's statement of  
apology*  
By Lucas Vader Staff Writer Jan 8, 2020  
Updated Jan 8, 2020



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# Decision-Making

**A strong chair helps making a meeting effective**

Great communicator  
Sets the tone  
Ensures civility  
Strong listener  
Time-keeper  
Enforcer

**Don't hand over control of a meeting**



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# Relationship Building – Board and Staff Working Together



# Keys to a successful Board/Staff partnership

- The Board clearly defines policy goals and outcomes to be achieved
- The Staff defines the means for achieving these outcomes and successfully carries them out

# Town Administrator

- ❖ Prepares a budget for the Board's consideration
- ❖ Recruits, hires, terminates, and supervises staff
- ❖ Makes policy recommendations to the Board for consideration and final decision
- ❖ Carries out the Board's policies
- ❖ Provides complete and objective information
- ❖ Discusses the pros and cons of alternatives and offers an assessment of the long-term consequences of a Board's decisions
- ❖ Serves at the pleasure of the governing body
- ❖ Is bound by whatever action the Board takes, and control is *always* in the hands of the elected representatives of the people



<b><i>Role of the Board</i></b>	<b><i>Role of the Administrator</i></b>
Elected and accountable to the citizens	Appointed by and accountable to the Board
Appoints the Administrator (and possibly others)	Appoints all remaining staff
Represents the organization to the wider community/stakeholders	Manages day-to-day contact
Ensures the organization is abiding by the law	Manages the organization in order to ensure its compliance
Governs the organization	Manages the organization
Responsible for policy formation	Responsible for policy implementation, informing and guiding the Board on realistic and achievable goals
Develops and prioritizes long term goals	Delivers on short-term goals and implements long-term Board goals
Approves annual budget	Prepares annual budget
Establishes financial and other policies	Implements financial and other policies
Ensures annual audit is complete	Serves as liaison with auditors and provides all financial records
Manages Board/Council Meetings	In conjunction with Mayor or District Chair, sets agenda for Council Meetings



# Staff

Staff and consultants provide technical expertise and guidance

Provide information and training

Assist with research

Write staff review/report

Notice meetings, communicate with applicants, etc.

Ensure good communication

Offer professional opinions



# Use your administrator (and other staff) as a resource

Use your administrator to help you do what you want to do and look good while you are doing it

Provide clear direction and messaging to help your administrator implement your collective and agreed upon policy direction

# When working together....

Your conduct impacts your effectiveness

You set the tone for the entire organization

Your words and actions may have unintended consequences, which could affect others

Discussion and disagreement are part of the process, but it must be done respectfully

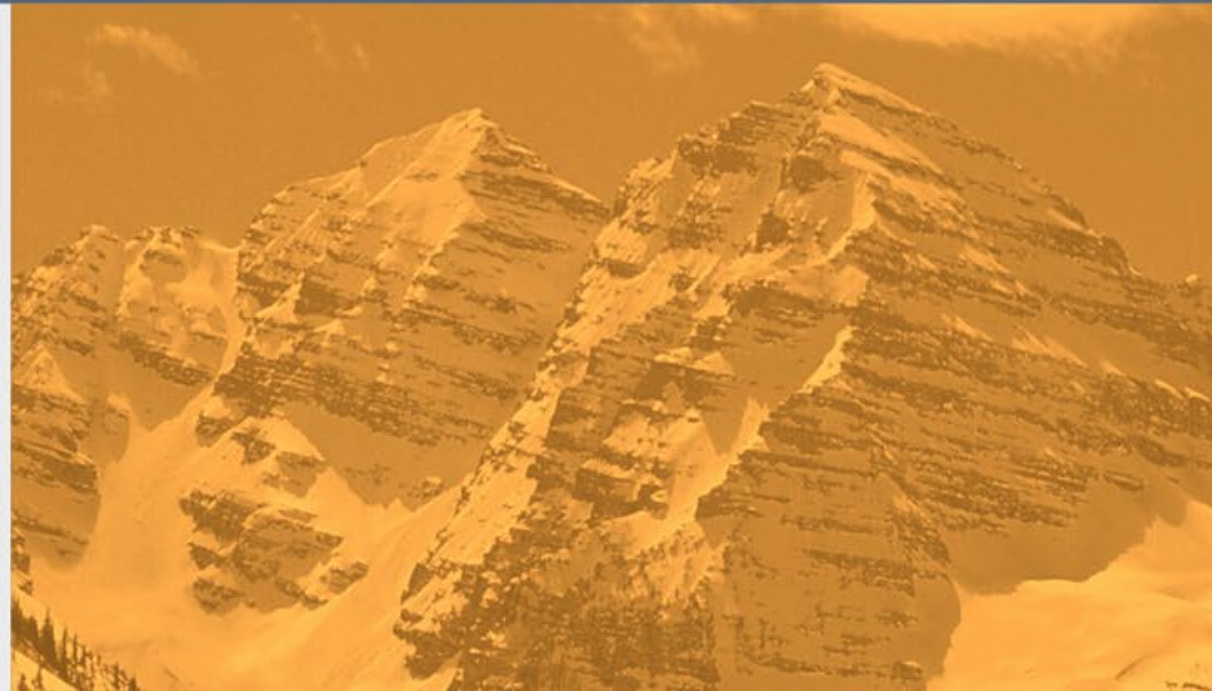
# Budgeting



# Budget

A tool to **communicate** with your community about your financial health, priorities, and how you're **planning** to get there. It is the allocation of your entity's **values**.

A document prepared by the government presenting its anticipated revenues and proposed spending/expenditures for the coming fiscal year. Most governmental systems present the budget to the governing body for review and approval. In Colorado, the budget must be presented to the governing body per Colorado Revised Statutes.



# Fiscal Accountability and Transparency

A government has a responsibility to justify its use of public resources.

We need to ensure that public money is spent appropriately, prudently, and responsibly and in accordance with all rules and legal restrictions.

Who is '**we**'?

- **Organization as a whole**
- **Each employee**

# Fiscal Accountability and Transparency

- Individually and collectively we are held responsible by citizens for upholding the mission of their organization
- We must understand that our professional activities are being funded by the citizens both directly and indirectly and behave as such
- **Everything we do and spend is open to the public.**

# Budgets – What's Required

C.R.S. 29-1-103 Budgets required.

1. Each local government shall adopt an annual budget...Such budget shall present a complete financial plan **by fund** and by spending agency within each fund for the budget year and shall set forth the following:
  - a. All proposed **expenditures** for administration, operations, maintenance, debt service, and capital projects to be undertaken or executed by any spending agency during the budget year;
  - b. Anticipated **revenues** for the budget year;
  - c. Estimated **beginning and ending fund balances**;

# Budgets – What's Required (cont.)

C.R.S. 29-1-103 Budgets required. (continued)

- d. The corresponding **actual figures for the prior fiscal year and estimated figures projected through the end of the current fiscal year**, including disclosure of all beginning and ending fund balances, consistent with the basis of accounting used to prepare the budget;
  - e. A **written budget message** describing the important features of the proposed budget, including a statement of the budgetary basis of accounting used and a description of the services to be delivered during the budget year; and
  - f. Explanatory schedules or statements classifying the expenditures by object and the revenues by source.
2. No budget adopted pursuant to this section shall provide for expenditures in excess of available revenues and beginning fund balances.

# Budget Calendar Statutory Dates




- **August 25<sup>th</sup>** – Assessor certification of values to DOLA & taxing entities (C.R.S. 39-5-121 (2)(b) and C.R.S. 39-5-128)
  - **October 15<sup>th</sup>** – Statutory deadline for 1<sup>st</sup> budget meeting with governing board (C.R.S. 29-1-105(3)(d))
  - **December 10<sup>th</sup>** – Final certification of assessed values due to DOLA and governing board (C.R.S. 39-1-111(5))
  - **December 15<sup>th</sup>** – Deadline for certification of mill levy (C.R.S. 39-5-128 (1)) and deadline for adoption of budget for entities *with* a mill levy (C.R.S. 29-1-108)
  - **December 31<sup>st</sup>** – Deadline for adoption of budget for entities *without* a mill levy (C.R.S. 29-1-108)
  - **January 31<sup>st</sup>** – Statutory deadline for budget submittal to DOLA (C.R.S. 29-1-113)
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# All the details ...



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DOLA > Divisions & Programs > Individual Assistance > Community Resources > Funding & Technical Assistance

[Home](#) > [Local Government Services](#) > [Budgeting and Finance](#) > Budget Information and Resources

## Budget Information and Resources

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Civil Asset Forfeiture Reporting

Colorado Main Street Program >

Colorado Resiliency Office

Community Development & Planning >

Funding Programs >

Local Government Information System

Local Government Services ▾

Budgeting and Finance ▾

**Budget Information and Resources**

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Water & Wastewater Management

Research and Publications

Regional Managers

In providing services to citizens, local governments determine which and what levels of services they provide through a budget process. Colorado local governments are required to prepare, adopt and file a budget with the Division annually.

### Important Budget Dates

- Aug 25: Preliminary assessed values available from county assessors
- December 10th: Final assessed values released
- December 15th: Certification of mill levy to county commissioners ([DLG70 Form](#))
- December 31st: Deadline to adopt budget
- January 31st: Budgets due to DOLA via eFiling (Electronic Submissions instructions below)

### Resources

- [Budget Requirements](#)

Statute requires a few items be included with a budget filing. Use this checklist to ensure your budget meets the standards.

- [Budget Calendar](#)

This budget calendar provides general dates to consider in the preparation and adoption of the budget. Each local government should use these to guide the creation of their own budget process calendar.

- [Budget Amendments](#)

Budget amendments are occasionally necessary, and should be filed with the division when adopted by a local government.

- [E-file](#) your budget

<https://dlg.colorado.gov/budget-information-and-resources>

# Legal & Ethical Issues (a.k.a. How to stay out of trouble)



# Ex Parte Contact Defined

**Any written or verbal communication initiated outside of a regularly noticed public hearing** between an official with decision-making authority and one or more of the parties (but not all the parties), about a subject that is under, or about to be under, consideration by that official and that **seeks to influence or present information** about that subject.

# Ex Parte Contact Defined

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To preserve public confidence and due process, the board/commission should **ensure the public and interested parties have the opportunity to know, and respond to, all information** the board considers in making its decisions. The board should also ensure that each board member has the opportunity to know and consider the information available to other board members.

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# Ex Parte Contact

**“Help!** What should I do if someone attempts an ex parte contact with me before a hearing?”



# Ex Parte Contact

- Stop the person
- Explain why contact is inappropriate
- Disclose the contact (first to staff, then again at meeting)
- Recusal, leave the room
- Consider adopting formal procedures



# Conflicts of Interest

**There is a conflict of interest when:**

- You are a member of the governing body,
- and**
- You have a “personal or private interest” in the matter proposed or pending before you.



# What Should I Do if I Have a Conflict?

**Colorado law requires you to do ALL of the following:**

- Disclose (staff, hearing)
- Do not vote
- Do not attempt to influence the votes of others

**31-4-404(2)**



*... except ... ?*



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# Open Meetings

- Colorado Sunshine Law - **24-6-402, CRS**
- Public notice required for meetings where formal action occurs, public business is discussed, OR quorum present
- Minutes required when formal action occurs
- Suggested rule of practice: All open, all noticed, and minutes for formal actions

Public policy is public business.

# Colorado Governmental Immunity Act

Protects government officials when acting within the scope of their duties.

24-10-101, et. seq.



# How to Lose Your Immunity

- Prejudge a matter
- Engage in ex parte contacts
- Make a decision that clearly violates established laws
- Act beyond scope of your authority
- Ignore or go against publicly given legal advice
- Ignore or act outside bounds of established procedures or ordinances



# Ethical Scenario

The Mayor, who has been a community leader for decades, calls up the newest Board member a few days before the public hearing to give some background information on the development application that will be on the agenda at the next meeting. **Is there an issue with this approach?**

- a) While the intention may be noble, the Mayor is engaging in an ex parte contact and threatening the decision of the board, which could be overturned if challenged on these grounds.
- b) It is inappropriate because the new board member may feel pressured to vote in alignment with the Mayor's view.
- c) As long as the Mayor just gives background this new member probably doesn't know (from years ago) and doesn't tell the new member how to vote, it is fine.

Being an elected official is not always easy. But you are here because you are passionate about your community, you want to make a difference, and the community asked you to represent them. Remember your oath of office, and that the right decision is not always easy. Be decisive and act in the best interest of the community. Always ask yourself, "Is this in the best interest of the Town?"

The vocal minority will always be there, so do not forget to consider the silent majority. Consider what you want to leave as a legacy from your service, communicate that with your colleagues and your manager.



# Final Thoughts

You do not need to know EVERYTHING – use the resources available, take part in training

Governing is complicated – take your time to make good decisions

Take care of yourself as much as you are taking care of your community

Be respectful to each other, staff and the public

Thank you for your commitment to your community!

# Thank You!

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