



# J. David Reed, P.C.

ATTORNEYS AT LAW

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MONTROSE • RIDGWAY • TELLURIDE

Agenda Item #11

## Memo

To: Mayor and Town Council

From: Andrew M. Boyko

Date: February 13, 2020

Re: *Resolution establishing and adopting bylaws for an Advisory Committee on Compensation and Benefits.*

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### Introduction.

The Town Council expressed an interest in a committee made up of Council Members and Town Staff whose task involves the review of the Town of Mountain Village's policies concerning compensation and benefits of Town Staff. Legal and Staff have reviewed several comparable boards, commissions, and committees from both the public and private sectors. Attached are the draft bylaws for the Town of Mountain Village Advisory Committee on Compensation and Benefits.

### Discussion.

Pursuant to the proposed bylaws, the Advisory Committee on Compensation and Benefits ("Advisory Committee") shall be made up of a total of four members. The Membership will include two Town Council Members, who will be joined by the Town Manager, and the Town Human Resource Director as the remaining Committee Members. The Advisory Committee shall meet three times per year to review and discuss the Town's policies on compensation and benefits for Town Staff. The goal and intent, as represented in both proposed resolution and bylaws, is for the Advisory Committee to allow a portion of the Town Council to more directly review the Town's policies related to compensation and benefits packages. The Advisory Committee will be tasked with the review and subsequent advice concerning such policies while mindful of the Town's employment objectives of the recruitment, motivation, and retention of a qualified and competent staff.

While the Advisory Committee is generally tasked with policy review and providing recommendations to the Town Council based on compensation and benefits, the Advisory Committee will have to be mindful of its authority over Town Staff. Council, as a legislative and policy making body, has certain restrictions outlined in the Town Charter regarding its authority over Town Staff. Specifically, the Mayor and Town Council have the authority to make employment decisions concerning a delineated list of employees. All other employment decisions concerning Town Staff are within the discretion of the Town Manger.

The Advisory Committee role is to execute three specific tasks and one general task. First, the Advisory Committee is tasked with providing a review and determination of market comparisons. Second, the Advisory Committee is tasked with performing an internal review of the Town's goals and objectives concerning the recruitment, motivation, and retention of a qualified and competent work force. Third, the Advisory Committee is to provide the Town Council with a report based upon the aforementioned findings, and review and advise on the development of succession plans. While the Advisory Committee is made up of four Members, the Town Staff may provide staff support in the performance of these tasks. More generally, the Advisory Committee may be tasked with further review and recommendations at the request of the Town Council while being mindful of the limitation of the Advisory Committee.

### **Conclusion.**

The proposed resolution and bylaws establish the Advisory Committee and provides that committee with tasks and direction to proceed with the evaluation of the Town's policies on compensation and benefits. Again, the Advisory Committee is tasked to proceed with the overarching goal and objective of the recruitment, motivation, and retention of a qualified and competent staff.

**BYLAWS OF THE TOWN OF MOUNTAIN VILLAGE  
ADVISORY COMMITTEE ON COMPENSATION AND BENEFITS**

**ARTICLE I  
Formation and Authority**

**Section 1 Name.** The name of this Committee shall be the Advisory Committee on Compensation and Benefits ("Advisory Committee"). The Advisory Committee is authorized by the Town of Mountain Village ("Town") Town Council to perform the tasks set forth herein. The Advisory Committee shall not have any binding authority on the Town and shall be limited to the scope specifically set forth herein.

**Section 2 Formation.** This Advisory Committee shall be formed at the direction and approval of the Town Council. This Advisory Committee is organized pursuant to Section 3.6(d) of the Town Charter, which states that the power to create and dissolve advisory or fact-finding boards, commissions, committees in the course of carrying out its legislative responsibilities.

**Section 3 Authority.** In the performance of the Responsibilities outlined in Article II of these Bylaws, the Advisory Committee shall comply with all requirements and provisions of local and state law, including but not limited to the Town Charter and Municipal Code. Specifically, the provisions of Article VI of the Town Charter, which states that all Town personnel, other certain expressly stated administrative staff, shall be hired, suspended or dismissed by the Town Manager, with the advice and consent of the Mayor. The Advisory Committee shall at all times act in an advisory capacity to the Town Council and shall not have the authority to unilaterally make employment decisions or make changes Town compensation and benefits packages.

**ARTICLE II  
Responsibilities**

**Section 1 Tasks.** With the purpose of ensuring the recruitment, motivation, and retention of a qualified and competent work force and advising the Town Council with regard to the same, the Advisory Committee shall be tasked with the following:

- A. Task 1: Review and determine a comparable market, considering both public and private employers, to provide reliable and comparative comparisons to the Town's compensation and benefits policies.
- B. Task 2: Perform an internal review of the Town's goals and objectives concerning the recruitment, motivation, and retention of a qualified and competent work force.
- C. Task 3: Provide for consideration of the Town Council an annual report concerning the Town's compensation and benefits policies in light of the Town's goals and objectives regarding employment and recruitment.

- D.** Task 4: At the request of the Mayor and Town Council, perform further review and further advise within the scope of the above outlined tasks and in accordance with the limitations imposed by the local and state law, including but not limited to the Town Charter and Municipal Code.

### **ARTICLE III Membership**

#### **Section 1 Appointments.**

- A.** The Town Council shall appoint the Members of the Advisory Committee. There shall be a total of not more than four (4) Members of the Advisory Committee, which shall include two (2) currently serving Town Council Members, the Town Manager, and the Human Resources Director.
- B.** The Town Council may discuss candidates prior to appointment to the Advisory Committee as an action at its regular meeting.

**Section 2 Purpose.** The responsibilities of the Advisory Committee members are outlined in Article II.

**Section 3 Term.** The Advisory Committee shall continue at the discretion of the Town Council. Town Councilors appointed to the Advisory Committee shall serve for a period of two (2) years provided they meet the qualifications as set forth herein.

**Section 4 Qualifications.** Members of the Advisory Committee shall be either currently serving Town Council Members, and must meet all qualifications of such, or current employees of the Town.

**Section 5 Replacement.** Upon the vacation, removal or expiration of an Advisory Committee member seat, a replacement Advisory Committee member(s) shall be appointed by the Town Council following the same process as the original appointment.

**Section 6 Removal.** An Advisory Committee member may be removed from the Advisory Committee by majority vote of the non-committee members of the Town Council. Either Member may request the Town Council to remove an Advisory Committee member who is absent from 50% of the regularly scheduled meetings within a 12-month period. (In case of extenuating circumstances, the Advisory Committee may choose to make an exception to this point).

### **ARTICLE IV Officers and Staff Support**

**Section 1 Officers.** Due to limited membership, the Advisory Committee shall not elect officers. Membership shall share duties and responsibilities to efficiently and appropriately conduct the business of the Advisory Committee.

**Section 2 Staffing Support.** The Office of the Human Resources, the Town Manager, and other Town Staff at the discretion of the Town Manager shall provide staff support to the Advisory Committee to accomplish the tasks set forth above or as directed by the Town Council. Secretarial duties for the Advisory Committee will be maintained by the Department of Human Resources. Secretarial responsibilities involve the following:

1. To keep minutes at the discretion of the Advisory Committee; and
2. To keep records of the Advisory Committee; and
3. To attend all Advisory Committee meetings; and,
4. To assist with other matters as the Advisory Committee may direct to accomplish the tasks outlined above.

The Advisory Committee shall not direct any Town Staff member in any manner in how to perform their duties as a Town employee.

## **ARTICLE V Meetings**

**Section 1 Regular Meetings.** The schedule for the meetings shall be collectively determined by the Advisory Committee in consultation with Advisory Committee Members. The Advisory Committee shall hold no more than three (3) regular meetings, which shall be held within the first three fiscal quarters. Attendance by Advisory Committee members shall be in person.

**Section 2 Special Meetings.** The Advisory Committee shall not call any special meetings outside of the regular meetings.

**Section 3 Order of Business.** At regular meetings of the Advisory Committee, the following outline presents the recommended order of business:

1. Approval of the meeting summary of last meeting
2. Old business
3. New business
4. Adjourn

**Section 4 Voting.** Due to limited membership, the Advisory Committee shall not have voting authority; rather any and all actions arising out of the Advisory Committee regular meetings shall require unanimous consent of the members. Any such action of the Advisory Committee is intended only to provide a means of creating a recommendation to the Town Council for consideration.

**Section 5 Quorum.** A majority of members of the Advisory Committee shall be necessary to constitute a quorum for the transaction of business.

**Section 6 Rules of Order.** Unless otherwise specified in these bylaws, the Advisory Committee will follow procedures outline in Robert's Rules of Order, Newly Revised.

**Section 7 Agenda.** A Member or appointed staff shall prepare the agenda with input from other Members of the Advisory Committee, and copies distributed in advance of the meeting. Other items of the agenda shall include but not be limited to disposition of minutes of the previous meeting and Committee reports, as well as old and new business.

**ADOPTED AND APPROVED** by the Town Council at a regular public meeting held on the \_\_\_\_ day of February, 2020.

TOWN OF MOUNTAIN VILLAGE,  
TOWN COUNCIL

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Kim Montgomery, Acting Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jim Mahoney, Assistant Town Attorney

**RESOLUTION OF THE TOWN OF MOUNTAIN, COLORADO  
ESTSABLISHING AND ADOPTING BYLAWS OF AN  
ADVISORY COMMITTEE ON COMPENSATION AND BENIFITS**

**RESOLUTION No. 2020 - \_\_\_\_**

**RECITALS:**

**WHEREAS**, the Town Council of the Town of Mountain Village, pursuant to the Town of Mountain Village Home Rule Charter Section 3.6(d), has the authority to create and dissolve advisory or fact-finding boards, commissions or committees which are considered necessary or desirable by the Town Council in the course of carrying out its legislative responsibilities of enacting, amending or repealing ordinance; and

**WHEREAS**, while pursuant to the Town of Mountain Village Home Rule Charter Section 6.1(a)(2)(I) the Town Council does not have the authority to hire, suspend, or dismiss Town Staff, the Town Council does desire to ensure the recruitment, motivation, and retention of a qualified and competent work force of public servants within the Town of Mountain Village (“Town”); and

**WHEREAS**, the Town Council wishes to create an Advisory Committee on Compensation and Benefits (“Advisory Committee”); and

**WHEREAS**, the Advisory Committee will provide advice and recommendations to the Town Council in order to meet the Town’s goals and objectives for the recruitment, motivation, and retention of a qualified and competent staff; and

**WHEREAS**, the Town Council desires to adopt bylaws for purposes of setting forth the operational structure and mission of the Advisory Committee.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. The Bylaws of the Town of Mountain Village Advisory Committee on Compensation and Benefits attached as Exhibit A are hereby adopted and approved.

Section 2. This Resolution shall be in full force and effect upon its passage and adoption.

**ADOPTED AND APPROVED** by the Town Council at a regular public meeting held on the \_\_\_\_\_ day of February, 2020.

TOWN OF MOUNTAIN VILLAGE,  
TOWN COUNCIL

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Kim Montgomery, Acting Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jim Mahoney, Assistant Town Attorney