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EXPLANATORY MEMORANDUM

TO: Mountain Village Town Council
FROM: Garfield & Hecht, P.C.
RE: Attendance Policy Changes
DATE: March 14, 2025

Issue Presented

This memorandum explains changes made to the Town Council Attendance Policy. These changes are suggested at the direction of the Mayor.

Explanation of Changes

The Mountain Village Town Council Rules for the Conduct of Meetings and General Business (“Rules of Conduct”) set out the Town Council attendance policy. Changes are being made to encourage in-person attendance, clarify the process for attending virtually, and limit the number of unexcused absences allowed.

Under these changes, Councilors will be permitted to virtually attend up to four (4) meetings in a calendar year. Any virtual attendance beyond the permitted four (4) meetings will qualify as an unexcused absence and the Councilor shall not be permitted to vote, make motions, or otherwise actively participate in the meeting. These changes further specify what platforms may be used for virtual attendance and require Councilors virtually attending executive sessions to verify that they are the only individual able to see or hear the session.

Changes to the Rules of Conduct also limit the allowable number of unexcused absences to four (4) in a calendar year. If a Councilor accrues more than four (4) unexcused absences in a year, then the Town Council may take appropriate disciplinary measures, including censure. Councilors are expected to arrive on time, but the policy provides for a fifteen (15) minute grace period before tardiness becomes an unexcused absence. These changes permit any Councilor to make a motion to excuse any absence and directs Councilors to provide written notice of an upcoming absence to the degree possible.

MOUNTAIN VILLAGE TOWN COUNCIL
Rules for the Conduct of Meetings and General Business
Revised February 2022 and February 2025

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I. Conduct

- Council is expected to uphold a high standard of civility toward each other and to abide by the Town's Code of Ethics.
- Civility is expected between Council and the public, and among members of the public while in meetings; rude behavior will not be tolerated.
- All participants in Council meetings are to refrain from profanity.
- Robert's Rules of Order shall generally govern the conduct of meetings, but no action shall be invalidated for lack of strict compliance.
- Council is to strive for brevity and to avoid redundancy and will encourage the same of the public.
- The Mayor is charged with the primary role of enforcing Council's rules of conduct. Council is also encouraged to courteously ask each other to refrain from inappropriate behavior if it occurs (that is, Council can "call" each other on inappropriate behavior to reinforce the ethic of the group as a whole or to support the Mayor's efforts to achieve the same effect).
- Council members are encouraged to speak with staff if they have questions or objections to recommendations coming before the body. Discussions between Council members regarding Town business shall at all times comply with the Colorado Open Meetings Law.
- Cell phones should be turned off during meetings and only if absolutely necessary left on in silenced mode. In a quasi-judicial hearing, cell phones must remain off.
- Council is expected to refrain from sidebar conversations to the extent possible so as not to detract from another speaker

II. Setting the Town Council Agenda

- The Mayor sets the agenda.
- Council members wishing to add an item to the agenda should contact the Mayor by the agenda deadline which is noon two weeks prior to the meeting date. Council members desiring to amend the agenda during the meeting for the purpose of adding an item shall first consult with the Town's legal counsel to determine the appropriateness of the proposed amendment. If deemed appropriate by legal counsel, the Council member desiring to amend may do so after being recognized by the Mayor and then offering the motion to amend the agenda. The Council member so moving shall briefly explain the appropriateness of the amendment but may not substantively address the item until such time as the Council has considered the motion and approved it. Motions to amend the agenda require a 2/3 vote of the quorum present. If the motion to amend the agenda is approved, the item shall then be considered, and action taken, if appropriate. If the motion to amend fails, the issue dies without further discussion.

III. Public Hearings on Action Items

- Mayor opens public hearing.
- Mayor introduces item (reading the item from the agenda and making any prefatory remarks).
- Staff provides report, including brief relevant history of and context for the item.
- Council may pose questions to staff, the Applicant, or members of the public as they address Council. Council members shall refrain from answering questions, expressing opinions, or stating how they intend to vote until after the public hearing is closed.
- The Applicant may address Council and present exhibits, which shall be included in the record.
- Public Comment is opened.
 - The Mayor reads the Public Comment Policy.
 - Each member of the public is asked to speak only once.
 - The public is asked to refrain from duplicating the comments of others if possible.
 - The public is asked to avoid engaging in dialogue with each other or the Applicant but instead to address the Council and the audience in general.
 - The Mayor may set a time limit (i.e. 2-3 minutes) for each speaker.
 - If a member of the public presents any exhibits, copies shall be provided to the Town Clerk and shall be included in the record.
- The Applicant may respond to public comments once the public comment period is over.
- The public hearing is closed, or it may be left open and continued to a date certain for further evidence by motion of the Council.
- After the hearing is closed, Council should discuss the matter including the reasons for any proposed decision.
- Council motion is placed on floor and acted on consistent with Robert's Rules of Order for making and entertaining motions.

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IV. Work sessions

- Work sessions are designed to permit less formal discussion among Council members and the public on issues of importance to the community. No formal action by Council shall be taken in a work session.
- The Mayor, in his/her discretion may entertain commentary from the public either in the form of a public hearing or in a more interactive format depending on the topic, number of speakers present and time constraints.
- While no formal action may be taken at work sessions, Council may provide direction to staff for further work or other related matters.

V. Public Discussion

- Public Discussion shall not last more than forty-five (45) minutes per council meeting unless otherwise directed by the Mayor.
- Any member of the public wishing to address the Council during public discussion shall first approach the podium and state their name and address as well as their relation to the topic of discussion for the record and then proceed to make their comments. If any member of the public claims to represent one or more persons, they shall, after making an introduction and prior to making comments, disclose who they represent and state the name and address of the person or persons so represented.
- Public comment by members of the public is not designed for interactive dialogue between the Council and the public but is designed for members of the public to make a public statement of position. Consequently, members of the public shall make their statement of position known to the Council without an expectation of a response from Council.
- Members of the public will be asked to speak only once on the topic unless additional comments are approved by the Mayor and/or Council. If a member of the public would like to ask a question of Council, they must first request permission of the Mayor to do so. If the Mayor consents, members of the public shall be allowed a three (3) minute maximum for questions and Council's response unless otherwise directed by the Mayor. If more than three (3) minutes is necessary, an appointment with a Council member or staff should be scheduled.
- No personal attacks or arguments.
- No grandstanding for the audience.
- People speaking on the same issue will be asked to refrain from redundancy.

VI. Flow of Information

Information requests from Town Council to staff:

- For minor or readily available information from Town Hall (i.e. a copy of an ordinance or minutes to a meeting), Council should ask the Town Manager for assistance and will be provided the item without further ado.
- Council should refrain from making individual requests for information from staff other than through the Town Manager.
- Council, except through the Mayor or Town Manager, should refrain from instructing or requesting an individual staff member to perform any task.
- For items that require substantial research, analysis or compilation of information not readily available, requests should be made to the Town Manager. Staff, at the Town Manager's direction, will undertake the task and provide the information requested if it is reasonable in terms of time. Information so provided will be copied to all Council members. If the Town Manager believes the request for research or analysis is too onerous to be coming from one member of Council or has concerns regarding its appropriateness, she will bring the matter before the full Council to determine if there is agreement that the task should be undertaken.

Information going to Council:

- Mail addressed to individual Council members is held by the Town Clerk and given to Council members on meeting days.
- Mail that is time sensitive or emails received by staff will be forwarded via email to Council.
- If an email is sent from Staff to the entire Council, Council members may respond directly to Staff but shall not "reply all" to other Council members

VII. Appointments to Boards and Commissions

See Attached Policy

VIII. Intergovernmental Meetings

The purpose of these gatherings is to provide a forum for informal dialogue between local governments. If items are not controversial and can be administratively implemented the relevant parties may simply take action as a result of discussion. If an issue has more of a policy or legislative nature the elected officials use this forum to gather input for subsequent consideration through their respective public hearing decision-making processes.

- Participating San Miguel local governments staff take turns preparing a draft agenda for comment.
- Town staff will circulate the draft agenda to Council members.
- Council members wishing to add items to these agendas should contact the Town Clerk, who will in turn advise the appropriate entity.
- Council members are encouraged to use this forum more proactively to discuss issues and ideas with the other entities.

IX. REMOTE ATTENDANCE OF MEETINGS POLICY IMPLEMENTED APRIL 2014 AND REVISED FEBRUARY 2022

Attendance Policy

- Council members are expected to attend each Town Council meeting. As a result, Council members may not accrue more than four (4) unexcused absences in a calendar year. Council members who accrue more than the permitted number of absences may be disciplined by the Town Council as appropriate, by censure or otherwise.
- The Town Council may, upon the motion of any member, vote to excuse any absence.
- Council members who are unable to attend a work session or Council meeting shall make a reasonable effort to provide written notice to the Town Clerk, Town Manager, and Mayor prior to the beginning of the meeting or as soon as possible thereafter.
- Councilors shall arrive on time, but a fifteen (15) minute grace period shall be permitted before tardiness is to be considered and excused absence.

Remote Attendance Policy

- Council members attending a meeting remotely will be allowed to participate and vote, are permitted to virtually attend four (4) meetings per year. Any virtual attendance beyond the allowed four (4) meetings shall constitute an unexcused absence and the Councilmember shall not be permitted to vote, make motions, or otherwise actively participate for the duration of the meeting.
- Council members may attend an Executive Session remotely only through a secure phone line or a secure video meeting platform such as Zoom, WebEx, Microsoft Teams, etc. as determined by Town Staff.
- Council members attending remotely shall ensure that no unauthorized person is in the room with them or able to view or listen to any Executive Session.
- Council members who miss a meeting have a responsibility to "catch up" by listening to the audio recording or viewing the video recording of the meeting.
- Questions may be sent in advance to staff or to the Town Attorney by email during a meeting.

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APPOINTED POSITIONS

For all positions appointed and filled by Town Council the following policy shall be followed:

1. Clerk's Office - Review the board and commission spreadsheet for any term expirations.
2. Designated staff as set forth below will notify current members via phone call and written correspondence of the end of their term immediately following the Council meeting where the term expiration was discussed.
 - a. Ethics Commission – Town Clerk
 - b. Design Review Board – Planning and Development Services
 - c. Town Council – Town Clerk
 - d. TRAA – Town Clerk
 - e. CFA – Town Clerk
 - f. Board of Appeals – Planning and Development Services
 - g. Grant Committee – Town Clerk
 - h. Green Team Committee – Business Development and Sustainability Director/Town Clerk
3. Once notification of the incumbents is complete, advertise the open positions by posting on the website until the deadline for letters of interest and send out an e-mail blast. E- mail changes and vacancies to the Marketing and Communication Coordinator for the website posting and emailblast.
4. **Require candidates to provide a letter of interest and a bio, both of which must be submitted no later than the day prior to the Council packet deadline at 5:00 p.m. for the meeting at which appointments will be made.**
5. When a letter of interest is received for any seat the Clerk or designee will check their qualifications to ensure they are eligible for that seat.
6. Appointments are placed on the Council agenda after the advertised deadline has expired. If fewer than two applicants are received a re-advertisement of the vacancy may be recommended, but not required.
7. Notify candidates that Council appointments will take place at the Council meeting following the above deadline.

All departments must notify the Town Clerk of designated terms for members as well as titles (such as Chairman, Secretary, etc.) to include in the overall schedule maintained by the Clerk.

The exception to this policy is for Town Council members and staff serving on advisory committees (i.e. finance committee, transportation committee, etc.) which appointments are made in the course of Town Council meetings by Council action.

AFTER THE TOWN COUNCIL MEETING AND SEAT APPOINTMENTS ARE MADE

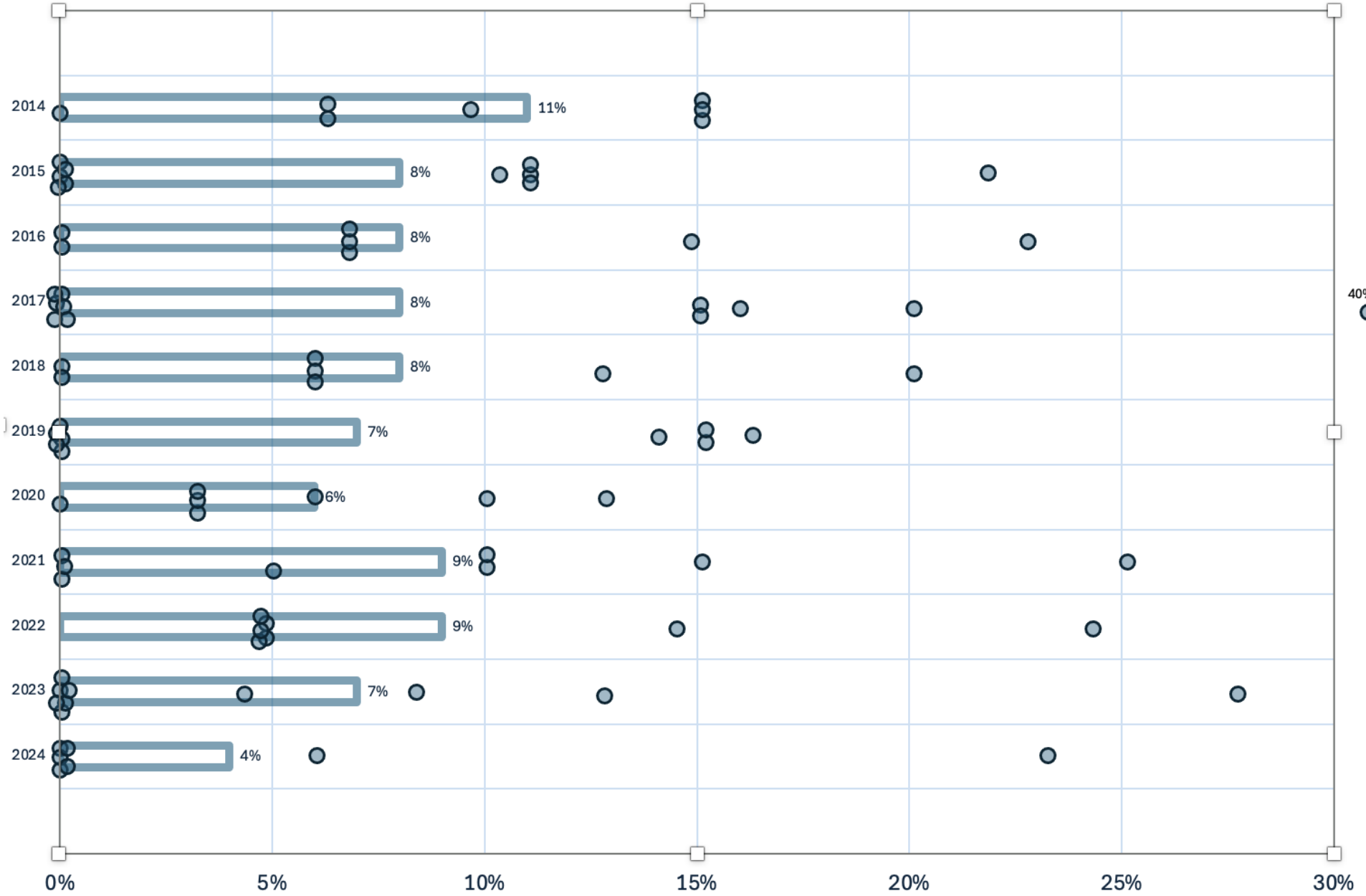
- 1) Notify applicants of appointments by e-mail. Verify the new term dates.
- 2) If the applicant has not served on a commission before, send them a copy of the current ethics code.
- 3) Update board and commission spreadsheet. Email the staff person of the board with contact information of the new board member. Redistribute the spreadsheet to staff as necessary.

ADDITIONAL COUNCIL OPTIONS

- 1) The Mayor may elect to re-advertise a position if he/ she believes the applicant pool is too limiting for Council.
- 2) Council members may "move to direct staff to re-advertise the vacancy" in lieu of making an appointment if they believe the field is too limited or the public interest would be better served through re-advertisement.
- 3) Late applications will be brought to Council's attention by staff to afford Council the opportunity to postpone the appointment and extend the deadline if it is believed that postponement would be in the public interest. Walk-in candidates may be given similar consideration at Council's discretion. Late or walk-in applicants may not be appointed at that Council meeting; they may only be considered at a subsequent meeting. Council is under no obligation to consider late or walk-in applicants.

● = Indiv. Council Member

Absentee Rates



● = Indiv. Council Member

Telephonic / Video Rates

