

# COLORADO MUNICIPALITIES



## ALL ABOUT CLERKS

THE MUNICIPAL CLERK: REQUIRED BY LAW,  
OTHER DUTIES AS ASSIGNED,  
BOARDS AND COMMISSIONS OVERSIGHT,  
THE COLORADO OPEN RECORDS ACT, AND MORE



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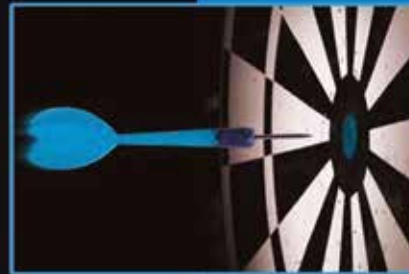
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1144 Sherman Street  
Denver, CO 80203-2207  
(p) 303-831-6411 / 866-578-0936  
(f) 303-860-8175  
[www.cml.org](http://www.cml.org)  
[cml@cml.org](mailto:cml@cml.org)

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Morgan Cullen, legislative & policy advocate  
Meghan Dollar, legislative & policy advocate  
Monique Grant, receptionist/administrative assistant  
Kathleen Harrison, meetings & events coordinator  
Sam Mamet, executive director  
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The Colorado Municipal League is a nonprofit association organized and operated by Colorado municipalities to provide support services to member cities and towns. The League has two main objectives: 1) To represent cities and towns collectively in matters before the state and federal government; and 2) To provide a wide range of information services to help municipal officials manage their governments.

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**GET TO KNOW:**

**JAMIE TURRENTINE, LAKE CITY TOWN CLERK**

*On the cover: Longhorn drive in downtown Castle Rock.*

*Correction: In the August 2018 issue of Colorado Municipalities magazine, the "About Some of Our Contributors" article should have identified the Philadelphia mayor under whom Dana D'Orazio and served under as Michael Nutter. Our apologies for the error.*

## COLORADO MUNICIPALITIES

# COLORADO MUNICIPALITIES

## ABOUT SOME OF OUR CONTRIBUTORS



In 2014, **Judy Egbert** left behind 27 years with the City of Alamosa and embarked on the adventure that is GovPro Consulting.

Over the past four years of consulting, she has assisted more than 20 jurisdictions with 30-plus projects. She has been a member of the Colorado Municipal Clerks Association (CMCA) since 1988, serving in leadership roles and on committees, as well as receiving several awards. As a retiree and consultant, Egbert remains active in CMCA and involved in the professional development of municipal clerks.



**Randi Gallivan** was hired as town clerk/treasurer for the Town of Foxfield in April 2011, without any previous municipal

experience. Her 30-plus years of office and administrative experience, from an entry bank clerk to vice president of operations of an apparel company, however, laid the groundwork for success. Gallivan earned her Certified Municipal Clerk designation in 2014, and has been active on several Colorado Municipal Clerks Association committees. She knows there will always be more to learn.



**Jerry Harvey** has been one of Greeley's assistant city clerks since January 2018. His primary function is coordinating boards

and commissions, but he is also involved in records management and elections, and serves as clerk to the mayor and councilmembers. He graduated from Oklahoma State University (OSU) with his bachelor's and master's degrees in political science. Harvey has volunteered with a number of organizations at OSU and in the community. Harvey is a member of the International Institute of Municipal Clerks, Colorado Municipal Clerks Association, and Association of Records Managers and Administrators.



**Kathie Novak** is an assistant teaching professor for the Daniels College of Business at the University of Denver.

She also serves as director for the Colorado Municipal Clerks Institute. Novak has almost 19 years of elected public service, both as a Northglenn councilmember and as mayor. She has served as president and in other leadership positions for the National League of Cities. Novak has received many awards, including the 2012 John V. Christensen Award for promoting good local government, and 9NEWS Leader of the Year.



**Bruce Roome** is the 2017–2018 president of the Colorado Municipal Clerks Association. He has more than 20 years of local government

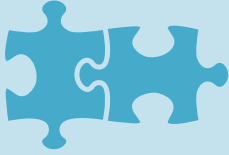
experience with a diverse career that started in 1994 with the Arvada Fire Protection District. Roome has been with the City of Arvada since 2016, first as deputy city clerk of records management and now as records management coordinator.



**Wayne Williams** served as the El Paso County clerk and recorder before being elected secretary of state in 2014 with more

votes than any other secretary of state candidate in Colorado history. Williams previously served two terms as an El Paso County commissioner and prior to that was the chairman of the Colorado Springs Housing Authority. The Secretary of State's office is known for innovation. Colorado became the first state in the country to offer free business certification services online. And the *Washington Post* recently reported on how Colorado became the safest state to cast a vote.





## THE MUNICIPAL CLERK: REQUIRED BY LAW

ASK ANY GROUP OF ELEMENTARY school-aged children what they want to be when they grow up and you will hear answers like firefighter, police officer, doctor, singer, teacher, and astronaut. According to my mom, the 5-year-old me wanted to be a garbage man, which I think was really the desire to stand on the back of the truck while it was moving. One job I can guarantee that no kid will say is a municipal clerk (also known as a city or town clerk). As a matter of fact, I have discovered as I have gotten to know many municipal clerks from all over this country, and from conversations I have had, that not one clerk started out his or her career with the intent to be a municipal clerk!

When I was hired at the City of Wheat Ridge in 2008 as an assistant to the purchasing agent, I would walk by the municipal clerk's office and think to myself, "I wonder what a municipal clerk does?"

History tells us "the role of the municipal clerk has been around for ages" — literally. Whether we are talking about Industrial, Renaissance, Medieval, or even Ancient eras, leaders have always needed someone to record what goes on within the governing body."<sup>1</sup>

Fast forward 10 years and I have served in several different roles as part of a municipal clerk's office. When people ask me what I do for a living now, I tell them that I am in local government in the municipal clerk's office for the City of Arvada. After the initial confusion settles, they then usually smile and say, "I bet you see a lot dealing with all of those criminals." I smile back and explain to them that those are court clerks and that is an entirely different department at the City. But I then quickly follow up with, "However, many municipal clerks are also the court clerks."

I probably should not do that, but I want them to realize that a municipal clerk can wear a variety of hats throughout the course of his or her day. If a person were to take a look through the various titles of members of the Colorado Municipal Clerks Association (CMCA), they would find the obvious titles such as "municipal clerk" and "deputy municipal clerk." As you look further, there is often the title of municipal clerk, followed by a slash followed by various titles such as treasurer, town administrator, interim city manager, municipal court clerk, public information officer, town manager, human resources director,

activities director, director of finance, assistant to the town manager, administrative services director, court administrator ... Other titles found in the municipal clerk's office are records manager and licensing administrator or specialist.

Wow! That is a large variation of titles. As you can imagine, these clerks have a lot of knowledge when it comes to their municipalities.

Looking at these titles, one can see how important the role of municipal clerk is. But what if I were to tell you that, per Colorado State Statutes, the position of municipal clerk is required?

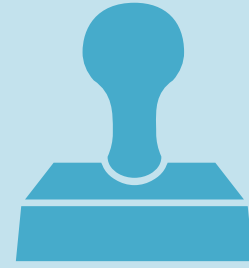
I had to enlist the expert help of Amanda Blasingame, CML law clerk, to help me figure out exactly what that meant. Amanda helped me understand that the way the Colorado laws are written, the requirement of a municipal clerk is basically implied through less direct laws.

First off, the duties of the clerk are listed under the section for "organizational structure and officers of statutory cities" of the Colorado Revised Statutes (C.R.S.), and it indicates that part of the required structure is to have a clerk. C.R.S. Section 31-4-305 is titled

<sup>1</sup> Ng, D. (2015, February 07). The Evolution of Government Clerks in History. Retrieved Aug. 03, 2018, from [laserfiche.com/ecmblog/the-evolution-of-government-clerks-in-history](http://laserfiche.com/ecmblog/the-evolution-of-government-clerks-in-history).







“Clerk – duties” and states: “The clerk shall attend all meetings of the board of trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the board of trustees.”

Records of the town shall be open to inspection at all reasonable times and under reasonable regulations established by the town as provided by article 72 of title 24, C.R.S.

Also, C.R.S. 31-4-110, “City clerk – duties – city seal,” dictates that the clerk is the person who has custody of all the laws and ordinances of the municipality. So, without a clerk, local governments would not be able to operate effectively and have law-making power.

This same section states that city council will provide a seal that the clerk will be in possession of and will use to affix that seal to all official documents.

So like I said, required! (Thanks again for the assistance, Amanda!)

I think by now we can all agree just how important the position of municipal clerk is — and so much so that every municipality has to have one. Yet, I still find myself in the situation that I described earlier when

I tell people what I do for a living. After I convince them I do not work in the municipal court, I try to list some of the things we do throughout the course of the day. I have to admit that at times I find myself at a loss — which I think stems from the wide variety of duties and tasks that we accomplish on a daily basis. Here is my pretty standard list of what I rattle off to those who are asking: liquor licensing, marijuana licensing, election administration, passport acceptance processing, and records management.

The next time I am asked to describe what I do and explain what the city clerk’s office is all about, I am going to remember an article I found that states: “The clerk is sometimes described as ‘the hub of the wheel’ in local government because of the central role that she or he plays in the governmental communication network” (Bell II, 1996).<sup>2</sup>

Municipal clerks relish this role of “the hub” as they are happy to help anyone and everyone that comes through their doors. This can be anyone from Joe Q. Public to the mayor to the city manager — and each knows that the clerk will have the answer.

As I write this, I think of how often I have heard clerks say that they are often the intermediary between city council or town board and the rest of the municipal staff.

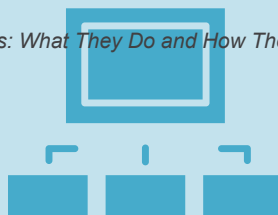
I also have heard clerks talk about how they are the organizers for their municipalities and have actually been called the “Town Mom”!

Last, not to get all “Biblical” on everyone, but I found this: “The position of clerk is one of the oldest in local government, dating at least to Biblical times. For example, the Book of Acts in the Christian New Testament records that when a conflict arose between the people of Ephesus and the missionary Paul and his companions, the town clerk quieted the crowd and prevented a riot.”<sup>3</sup>

As president of the Colorado Municipal Clerks Association, and knowing as many municipal clerks as I do, I feel as though I can speak for them when I say, give us any task and we will always give 100 percent — just please don’t make a big deal about it because we prefer to be in the background while the managers, mayors, and councilmembers or trustees are the faces of the city or town.

<sup>2</sup> Bell II, A. Fleming. (1996, Summer). *City and County Clerks: What They Do and How They Do It*. *Popular Government*, 61(4), 21-30.

<sup>3</sup> *Ibid*.



## OTHER DUTIES AS ASSIGNED

YEARS AGO, DURING A “NUTS AND Bolts” class in a very small mountain town, a citizen sheepishly came into the room at town hall and pulled the clerk aside. The clerk excused herself, saying that she needed to deal with something right away. Everyone was a bit concerned, and very curious. It turned out that the restroom in the park was out of toilet paper. That provides a true understanding of the wide variety of clerks’ duties.

Most people involved in municipal government have a good general perception of what a clerk does. There is no lack of understanding that a clerk manages elections, liquor and marijuana licensing, and records. And the town board or city council would have no agenda packet, minutes, or public notice for meetings without the clerk.

But what some may not know is the extent to which there are either additional or subsidiary activities involved in a clerk’s role. The smaller the municipality, the broader the tasks are.

Clerks can be responsible for things as diverse as cemetery management, municipal court, finance, human resources, utility billing, boards and commissions, passport services, general reception, and even land use.

Just consider for a moment the skills and knowledge that are required for being an expert in all of these unrelated areas. And then throw in the very real need for toilet paper on top of that.

Consider what it means to provide government transparency. There was a time when agenda packets and open meeting notices were posted only in hard copy on a bulletin board

at town hall. Now the expectation is for these items to be on the website and social media, too. Makes perfect sense, and clerks routinely update websites with this and other information. But what about when the website itself needs a complete overhaul, or the URL needs to be redirected? Clerks are the ones expected to jump in, learn the skills, and make it happen.

But not all citizens are willing to actively seek out information electronically. Perhaps a newsletter is in order. And then there are news releases. And social media expectations. Now the clerk has become a public information officer.

A function such as records management sounds pretty straightforward — but does everyone who touches records manage them in a consistent way? And what about that new records management software that was just purchased? To be a records manager, a clerk must also be a software expert, motivator, and trainer.

Speaking of training, do elected officials appear with a full knowledge about local government and their specific municipalities? Do they even know how and when to get their agenda packets? The clerk is the first link that officials have when they even consider running for office. From that time forward, the clerk is their go-to person to guide them through what can be a daunting process.

Many clerks conduct training for candidates before they pick up a petition. This is valuable because it helps the candidates understand the jobs they are running for, and guides them in navigating the petition process.



But it is after the election that the real training begins. This is the opportunity to get into the details of how elected officials need to prepare for meetings, act during meetings, understand their roles and limitations, and be responsive to their citizens. Often the clerk will enlist other training resources, such as CML, CIRSA, or outside trainers.

Serving as support for elected officials can carry a broader range of duties than one might realize. First, the clerk must learn the personality and expectations of each individual trustee or councilmember. Does the mayor draft his or her own correspondence, or is the clerk expected to be a ghostwriter? When traveling, will elected officials make their own reservations or expect this to be done by the clerk? There is no one universal process, and the clerk can easily fall into the role of travel agent and social organizer.

Clerks, by their nature, easily get tasked with those duties that involve care and nurturing. When an employee experiences a death in the family, it is usually the clerk who sends the card or flowers. Employee and community events have attractive invitations and decorations often because of the clerk.

And speaking of events, the clerk's job can include the entirety of event management. Large events involve multiple layers of municipal roles — liquor licensing, business/vendor licensing, public property use permits, street closures, traffic control, trash pick-up, recycling, advertising, clean-up, and debriefing. While this clearly involves staff other than the clerk in most cases, someone must serve as the point person to coordinate all the

efforts. And while some municipalities have an event coordinator on staff, in many cases the clerk fills this role.

The financial duties mentioned earlier can be significant. For those who serve as clerk/treasurer, this is obvious and clearly part of the job. For those who do not serve as treasurer, there still may be finance-related activities that fall to the clerk. This can include anything that needs a separate person to accomplish separation of duties, such as payroll, cash receiving, bank reconciliations, and making deposits.

Grant record-keeping falls to the clerk as records manager, but it is not uncommon for the financial management and reporting to also be within the clerk's role. And sometimes the clerk is the one to write the grant and manage the project.

General administrative functions are a big part of the clerk's job, and can be quite varied. Most manage facilities rentals, while some manage the entirety of recreational programs. Many provide front-line reception services that include telephone, walk-ins, and mail tasks.

When considering all of the unrelated skills required to be a clerk, the one thing they all have in common is the ability to read and implement statutes and code. A clerk serving in a home rule municipality should know its charter thoroughly, and how that charter interacts with other laws.

While an ordinance is law and therefore should be written by an attorney, often the clerk creates the first draft, which the attorney then reviews and approves. Because clerks also maintain the codification of ordinances (and usually can quote

article and section for every subject), they are subject experts for all things code.

Resolutions, proclamations, and policies often are created by the clerk. When it comes to internal policies, the clerk is the driving force when it comes to recognizing the need for the policy, drafting it, and carrying it through the appropriate approval process.

There was a time when a contract involved a handshake, not an RFQ, IFB, scope of services, and amendments. Risk management meant watching your step, not a series of trainings that are fully documented and site inspections from insurance companies. Hiring a new employee did not involve a two-page list of things to do prior to letting that person start working. As a society, no one expected instantaneous responses. As laws change, expectations rise, and bureaucracy grows, the clerk's job has become not only more time-intensive, but it also carries a greater need for expertise.

The role of clerk is a unique profession in that most clerks get the job first, then get the education to support the job. You do not hear children saying "I want to be a city clerk when I grow up!" But clerks who find their niche are passionate about the profession. They have a strong professional network, and amazing training opportunities.

And while the specific duties can vary greatly from one municipality to the next, clerks fill an unspoken role as the link between citizens and elected officials.

And they never want you to run out of toilet paper.

## A DAY IN THE LIFE OF A CITY CLERK ... OR AT LEAST THE FIRST HOUR

*By Margy Greer, MMC, Lakewood city clerk*

DRIVING INTO WORK, I TRY TO TUNE OUT THE BUSINESS OF THE UPCOMING DAY AND TUNE INTO MY book on tape. Somehow I thought listening to a story about a drug cartel and kidnapping in Argentina sounded more relaxing than thinking about my workload.

Last night's advisory commission meeting lasted until 8:30 p.m., and I am still tired. After driving for nearly an hour, I pull my car into the underground parking garage and am amazed to find an open space only 50 yards from the nearest elevator. I am so lucky!

Up the elevator and opening the door to my department, the receptionist tells me there is a lady on the phone who wants to talk to me and she will only talk to the clerk. I hurry into my office, drop my purse on the desk, grab the phone, and say, "This is Margy. How can I help you?" From the sound of her voice, I guessed she was a young lady, perhaps 30 to 40 years of age: "Margy, my mother used to live in Lakewood and she also died there. Can you tell me where she is buried?"

So my day started with me explaining the different levels of government, what a municipality does versus the county, and the state's responsibilities. Finding the phone number for "Vital Statistics," I share it with her and sat down to begin my day.

I turn on my computer, open my email, and discover that a survey I placed on the municipal website regarding short-term rentals hit my email with a vengeance: 157 email responses. (Note to self: "Next time, create a separate email repository for those survey results.")

After weeding through those and answering a few other emails, I turn to my calendar, "to-do" list, and physical inbox. Prioritizing quickly in my head, the draft council agenda needs to be sent to the leadership team this morning for review and then on to the councilmembers in the morning. I have a brief phone conversation with the deputy city manager regarding some proposed resolutions and ordinances, update the draft agenda, and email it to the team.

Then I smell freshly brewed coffee and hurry to our small kitchen/copy room to grab a cup. Someone left cookies on the counter — I will get to eat breakfast after all!

While pouring the coffee, my records analyst asks me to attest some plans that need to be recorded at Jefferson County this morning.

The receptionist tells me that the planning director wants me to call him, and there is a woman at the front counter asking about how to get something on the ballot.

I hurry back to my office and sign the plans and go to the front counter. The woman is asking questions about the initiative process and, after some discussion, I give her some phone numbers of the councilmembers in her ward and the municipal staff who I thought could help her and probably would not lead to the initiative petition process. Dodged another bullet!

Calling back our planning director, he informs me that he wants to add some items to the council's Development Dialogue Ad Hoc Committee agenda and will be sending them to me shortly. The agenda packet I need to remember to send to council today.

Again, I turn to my calendar, "to-do" list, and inbox. I take the stack of contracts from my inbox and review them and start attesting our city manager's signatures on same. I find one that has been altered and not initialed, and place a "sticky note" on it so our coordinator will follow up, then sign and seal the rest and place them in my outbox.

Our records manager asks me to come to the conference room to meet the new vendor's representatives for our LaserFiche records management system. A nice "Hello and welcome," and back to my desk.

I begin reviewing the inspection reports left in my inbox by our liquor inspector, looking for any abnormal issues that could cause angst for our police department or licensing clerk. (The liquor inspector inspects all the liquor license establishments and adult businesses to ensure their licenses are posted, managers are registered, and signs are posted per the law.)

Next, back to my calendar: I have a 9 a.m. appointment with my deputy clerk to review our three-to-five-year strategic plan and workforce issues. Three of the 10 people in the office are retiring in 2020, and we need to work on others' career ladders and ensure we have some smooth transitions. In addition, the Clerk's Office is looking at an increase in our workload due to new licensing requirements being adopted by the city council.

I have 10 minutes before that meeting starts, so I still have time to review the agenda for tonight's Campaign Finance Ad Hoc Committee Meeting, which I participate in and take minutes.

Then I hear my email being blown-up again — more survey results!

I am off to my 9 o'clock!



## CLERKING IN A SMALL TOWN

*By Randi Gallivan, Foxfield town clerk*

WHILE TOWN CLERKS IN VERY SMALL TOWNS HAVE MOST OF THE SAME RESPONSIBILITIES AS THOSE IN larger towns and cities, they also have unique circumstances that can make each job distinctive. The town clerk and, in many cases, town clerk/treasurer, wears a lot of hats. With no one to delegate to, a clerk does it all.

In a few municipalities, there are no physical town halls. When that is the case, the town clerk works from home, which presents a host of challenges. There is no office space and nowhere for residents to come to pay bills or apply for a building permit. There is very limited space for file cabinets and a large office printer. There is no meeting room for the board of trustees, so they meet in the school or fire station community room — which entails setting up the tables and chairs for every meeting. The clerk cannot walk down the hall to interact with the town manager or any other employees. Without a town hall, there is no central location easily accessible to post required legal notices. It is difficult to hold a mail-in municipal election with nowhere for voters to return their ballots prior to the election, so the clerk has to find a location to hold a polling place election. Much of each day is spent on the telephone and with emails, as those are the primary means of communication.

However, some things may be a bit easier for a small town clerk. Water may be supplied by the county or a water district, and if there are no sanitary sewers in place, residents use septic systems; this means the clerk does not have to worry about billing for utilities. Some small towns have their own police and fire departments, but it is common to contract for law enforcement with the county and fire services with a district; that takes another level of administration off the town clerk's list of responsibilities. Many small towns contract with a county court or a municipal court in a neighboring town; the logistics of coordination and payment and billing back and forth can be daunting, but it is less time-consuming than having to operate a full municipal court and serve as court clerk. If the town is very small, it will not have its own public works (including landscaping and snow removal), planning, engineering, code enforcement, and legal departments. Those services are all contracted to outside firms. If the right partners have been chosen, oversight by the clerk's office can be minimal — but accurate record-keeping is critical. The clerk may need to administer the contracts and dispatch the services when necessary.

In a one-person office, the town clerk gets *lots* of emails and phone calls: residents voicing complaints or asking for information; contractors wondering if they need licenses to (fill in the blank), how to apply for a permit, or why they cannot find town hall; real estate agents who wonder about the rules and zoning regulations; other governmental agencies that wonder where the grant report or CERR response is; and sales representatives wanting to optimize the website or offering employees deep discounts on chiropractic treatments or notifying you that you have won a pizza party for 25 people in your office or wasting time in some other fashion.

The duties of a town clerk include creating and distributing agendas and meeting packets; taking minutes of trustee meetings; managing records; handling everything related to elections; responding to open records requests; liquor licensing; business licensing; codification; producing the municipal newsletter; maintaining the website (which the clerk may even have built); acting as liaison with the sheriff's department and other county and state offices; coordinating events; and communicating with residents, posting notices on physical bulletin boards, especially public notices.

If the clerk also acts as town treasurer, add in payroll, usually a manual system using Excel spreadsheets, since payroll systems are expensive. Payroll includes cutting checks, making tax deposits and reports, and generating W-2s and 1099 forms. The treasurer duties include accounts payable and receivable, which means cutting checks and processing incoming payments; bookkeeping functions (i.e., entries into accounting system); budget duties, with input from the town administrator; audit, also with help from the town administrator; chargeback administration; banking, including statement reconciliation for all bank accounts; monthly financial reports, to be presented to the board of trustees; and annual reports to federal, state, and county governments.

The town clerk is the secretary, bookkeeper, accountant, records manager, friend, parent, keeper of secrets, reference librarian, adviser, and purveyor of information to all who call.

Given the unique nature of a very small town, the town clerk may have more “power” — as he or she basically controls the budget and the meeting agendas, with some oversight by the town administrator (if there is one). On the other hand, small town clerks cannot delegate work to anyone else, so they have to maintain a broad base of knowledge and details. While they may have more input into the budget, they are also tasked with being good stewards of the towns' finances, and it is incumbent upon them to spend those limited resources wisely.

The one thing most town clerks in small towns will not say about their jobs is that they are boring. Clerks never know what issues will arise and interfere with their daily plans — and most would not have it any other way!

## FIVE THINGS TO KNOW ABOUT YOUR MUNICIPAL CLERK

*By Dawn Quintana, Longmont city clerk*

IT IS A COMMON MISTAKE TO CONSIDER THE CLERK SIMPLY AS A SECRETARY OR a scribe. In reality, the level of knowledge and professionalism required to fulfill the duties of a clerk make the position of critical importance for a government to run smoothly.

1

### **Clerks are the face of your local government.**

Clerks handle many responsibilities for cities and towns, including elections, licensing, open records requests, and city council meetings. In smaller towns, the clerk also is the finance director, human resources director, cemetery manager and payroll clerk, to name a few of their many duties. Because of their varied duties, clerks interact on a daily basis with lots of residents. Residents often contact the clerk's office first when they do not know where else to turn because they know they can rely on the clerk to help them out.

2

### **Clerks are professionals.**

Clerks help governments run smoothly. They are professionals, with designations like many other public servant positions. The Certified Municipal Clerk (CMC) designation, designed to "enhance the job performance of the Clerk in small and large municipalities," requires 120 hours of training. The Master Municipal Clerk (MMC) is an advanced designation that requires additional hours and on-the-job experience.

3

### **Clerks have a wealth of knowledge.**

The responsibilities of the clerk demand a solid understanding of many, many sections of code, city or town charters, policies, and laws. Almost every aspect of the clerk's job has a regulatory citation somewhere and, for this reason, a clerk often may be found reading code or attending a class to stay current with legislative changes. Clerks also are known for sharing their knowledge with each other, so if your clerk does not know an answer, he or she can reach out to hundreds of other clerks and have resources in minutes.

4

### **The municipal clerk is the longest standing position of public servants in local government.**

The profession traces back to before Biblical times! The modern Hebrew translation of town clerk is "Mazkir Ha'ir," which translates literally to city or town "reminder." The early keepers of archives often were called "remembrancers," and before writing came into use, their memory served as the public record. The beginning of the office of municipal clerk in England can be traced to 1272 AD in the history of the Corporation of Old London, where the "remembrancer" was called upon to remind the councilors (members of the council) what had transpired at their previous meetings, since the meetings of the early councils were not recorded in written minutes. In early colonial America, the office of the clerk was one of the first to be established.

5

### **Clerks are like Switzerland.**

Clerks provide support to *all* candidates on *all* sides of the issues and to *all* council and board members. Clerks do not pick sides. The clerk's level of support and professionalism provided to elected officials and those hoping to be elected is consistent no matter what the clerk's personal opinion or political preferences may be.

Also of note, clerks do not like to be recognized for all of the work they do behind the scenes. However, if you would like to recognize your clerk, mark your calendar and recognize the talented and hard-working staff of your clerk's office during the 50th Annual Municipal Clerks Week the first full week of May 2019!





## WHAT YOUR CLERK CAN TELL YOU ABOUT BEING AN ELECTED OFFICIAL?

*By Andrea Strand, Brush city clerk*

**HATS OFF TO ALL WHO CHOOSE TO SERVE THEIR COMMUNITIES AS ELECTED OFFICIALS!**

Municipal clerks like to be behind the scenes to ensure that their trustees and councilmembers get the information they need to make decisions.

Prior to an election, many clerks hold a candidate informational meeting to provide answers to questions about the office of municipal elected official, including qualifications for office, explaining the nomination petition, describing the election process, providing information about Fair Campaign Practice Act requirements, and outlining expectations and time commitments of councilmembers, as well as compensation (which is frequently none).

In Brush, the city administrator also encourages every person interested in running for council to meet with him, so that he can explain the current council's priority list and answer any questions concerning the City. He also encourages candidates to meet with other directors of the City who can help them to understand their roles and their departments.

With the clerk covering the basics and the administrator explaining some of the details, the hope is that people campaign for office with accurate information.

After elections in Brush, another schedule of trainings for newly elected officials may take place with department directors to provide a basic understanding to all of the new councilmembers and a refresher for the current members. Topics include: council roles, legal pitfalls to avoid, policies and protocol, planning and zoning actions, finance, public safety, citizen outreach, and available training opportunities.

The municipal clerk will send out the agenda packets for council or board meetings so elected officials can be prepared for meetings, and ask any questions in advance so that staff can provide answers to all who attend the meeting.

The relationship among council, administrator, and staff is very important. Trust your professional city staff; they are also dedicated to the community.

## MARIJUANA LICENSING: “IT TAKES A VILLAGE”

*By Laura Bauer, Commerce City city clerk*

THERE IS A SAYING, “IT TAKES A VILLAGE TO RAISE A CHILD.” SIMILARLY, IT TOOK A VILLAGE TO ESTABLISH a successful marijuana-licensing program in Commerce City. From 2000 to 2010, marijuana businesses proliferated, operating as “primary caregivers” to cultivate, sell, and dispense medical marijuana for their “patients.” During that time, the City received inquiries from marijuana businesses wishing to locate within its limits; however, zoning regulations did not specifically address medical marijuana dispensaries. There was concern that this omission could be interpreted as an intent to allow these businesses in any zone where retail uses, drug stores, or medical facilities were permitted.

Commerce City Council adopted an ordinance in the latter part of 2009 that amended zoning regulations to permit medical marijuana dispensaries as a conditional use in industrial districts. From 2009 to 2012, the City did not receive any applications to operate a medical marijuana dispensary as a conditional use. Then in 2012, Colorado voters approved Amendment 64, which legalized personal use and possession of up to an ounce of marijuana for anyone 21 years of age or older, with the state adopting the Colorado Retail Marijuana Code in 2013. Council subsequently enacted a moratorium on retail marijuana businesses until 2015, with instructions that staff explore the possibility of licensing retail marijuana businesses.

Staff took a “village” approach and established a marijuana licensing team made up of internal and external stakeholders: planning, building, police, fire, water, code enforcement, city attorney’s office and city clerk to establish a licensing program that balanced business needs with regulatory protections for the community. In 2015, the Commerce City Council lifted the moratorium on retail marijuana licensing and changed the licensing scheme for medical marijuana licensing to a use by right.

While under the moratorium, staff reviewed state laws and regulations related to retail marijuana, the ordinances of other municipalities and our own ordinances related to medical marijuana to identify any issues involved in the regulation of retail marijuana not adequately addressed by the state, so that we could regulate them on a local level. After this review, Commerce City chose to conduct its own background investigation of marijuana license applicants in addition to the background investigations conducted by the state. Municipal clerks from across the metro Denver area provided Commerce City with templates for use in creating application documents.

Three years and 30 marijuana businesses later, the City’s village approach continues collaboratively working to improve marijuana-licensing processes and approve applications. The same approach has been adopted regionally as subject matter experts across metro Denver collaborate on a sunset review of the marijuana licensing statutes, recommend best practices for local regulations, and become a repository for ideas and information.

The marijuana licensing program in Commerce City is successful because of the village approach taken in its establishment.





## LOCAL CONTROL AND LIQUOR LICENSING — SOME PROS AND CONS

*By Dawn Quintana, Longmont city clerk*

LIQUOR LAW IS STATE LAW IN COLORADO, MEANING ALL CITIES AND TOWNS FOLLOW THE SAME RULES except where state law allows for local government to do something different. Each city or town must decide what is right for its staff and for its residents. Below are a few of the options local authorities have with regard to liquor licensing.

### **Opt Out of Special Event Permit Processing, Colorado Revised Statute (C.R.S.) Section 12-48-107(5)(a-c)**

Local authorities have the ability to opt out of sending all of their special event permit applications to the state for processing and permit issuance. Many cities do this themselves and then simply notify the state within 10 days of local authorization of the permits.

**Pros:** Reduced burden of processing on the state, increased flexibility to permit events that file their applications at the last minute due to errors or unforeseen circumstances, reduced cost to applicants as they pay no state fee

**Cons:** Less experienced staff or towns with fewer special events permits will not benefit from the additional state review to catch any errors in the application.

### **Opt In for Tastings, C.R.S. 12-47-301(10)(a-f)**

Retail liquor stores and liquor-licensed drugstores are allowed to offer tastings of products on their premises per state law, within the parameters defined by statute and local code. Local authorities can decide to be more restrictive than state statute in the total number of tastings per year per licensee, days of the week on which tastings may occur, and the number of hours tastings may last.

**Pros:** Local authorities know their areas best and thus can adjust tastings to fit a local area's needs. Customers benefit from tastings as they can sample products before purchasing, and the risk of inebriation is low with the very limited amounts of alcohol allowed during tastings.

**Cons:** Many outlets already offer the ability to taste alcohol (including manufacturer sales rooms, bars, and restaurants); thus, each city or town should decide for itself whether tastings add to the local flavor and business environment.

### **Eliminate or Reduce Distance Restrictions, C.R.S. 12-47-313(1)(d)(III)**

State law requires that most retail liquor-licensed locations be 500 feet from a school. A city or town may decide to reduce or eliminate this distance restriction, typically for a certain license type such as a hotel and restaurant license.

**Pros:** Local authorities know their areas best and thus can adjust distance restrictions to fit a local area's needs. By having the ability to reduce or remove distance restrictions, local officials may be able to stimulate redevelopment or particular projects that benefit their city or town, which include liquor-licensed establishments situated near schools or universities.

**Cons:** Each city or town must carefully weigh the decision to remove or reduce distance restrictions.



# BOARDS AND COMMISSIONS OVERSIGHT

LIKE EVERYTHING ELSE IN municipal government, every day is a new adventure when working with volunteer boards and commissions. The work is interesting and exciting, and occasionally frustrating. In the end, though, working with these selfless volunteers is incredibly rewarding.

Municipal volunteer boards and commissions are vitally important to cities and towns. Mayors, trustees, and councilmembers, as well as municipal staff members, rely heavily on these citizen volunteers to advise and inform them on important issues. Boards and commissions study a variety of special community issues, from diversity and development, to the arts and parks and recreation, to preservation and youth. They provide staff direction with planning and budgets; and they solicit public comment and get the public thinking about key projects such as public works or providing internet as a utility.

However, it is important to keep in mind that these boards and commissions and their members are not just meaningful to the municipal government. They are also critical to the community as a whole because they are working on all of those issues that make a community a better place to live. Also, they are volunteers; they give their time to make the community a better place.

Thus it is important for staff to focus on boards and commissions, and help them run as efficiently as possible with the happiest members possible.

One key to efficient boards and commissions is how they are set up. A decentralized system divides functions among a few different

offices. While the clerk's office may remain a key contact, other departments or staff support are responsible for certain functions specific to their boards or commissions. A more centralized system has nearly everything handled through one person — a common approach in smaller towns, with the clerk generally acting as coordinator.

It is important to take an inventory of all the different stakeholders involved with the various boards and commissions, and to define clear roles and responsibilities for each group. It is critical throughout this process to have good lines of communication with everyone so they feel involved in the process. This will make the buy-in much more successful in the long run.

For example, in the City of Greeley, stakeholders include the clerk's office, departments and staff support, city attorney's office, and city council. The assistant city clerk is responsible for the recruitment and appointment of members, maintaining the database, and serving as a point of contact for staff support and department directors. The departments are responsible for the day-to-day functions of their respective boards and commissions, orientation of new members, and primary contact for members. The city attorney's office researches conflicts of interest for applicants, and the city council interviews and appoints new members.

The next step in creating a good boards and commission program is recruiting members to serve. Sadly, there is no silver bullet for recruitment. The days of mass mailers are long gone, but there are a number of

approaches to getting plenty of qualified applicants every time there is an opening.

While not as effective as it used to be, a short email with some helpful, interactive links is still a way to get information to a specific audience, but it should not be the only method of recruitment.

Utilizing social media such as Facebook, Twitter, and LinkedIn is a great start; these platforms appeal to younger people (who can be a challenge to reach as applicants), and older potential candidates use the sites as well.

Having an up-to-date and interactive boards and commissions page (or pages) on the city's or town's website is a great recruiting tool. It can allow people to find information easily, and apply at the same time. A sharp website also shows potential applicants that your municipality cares about its boards and commissions.

A good, old-fashioned press release does not hurt, either. Surprisingly, more than a third of the applications that come through the Greeley clerk's office every month list the newspaper as how the applicants found out about the vacancy.

But nothing beats face-to-face outreach. Meeting people at events and having conversations with them is the best way to recruit. Everyone in the clerk world is limited in their availability, but taking that time is a great way to recruit and increase qualified applicants. If a city or town has a marketing or outreach team, it can certainly help with these efforts, as can staff within departments that have associated boards and commissions.

Once they are appointed to the board or commission, you must work to keep them by keeping them engaged. One of the best ways to do this is to show appreciation for their service. It is about the little things, such as thanking them for their work during interactions, or providing food and drinks at meetings. If funding is available, an annual appreciation reception can go a long way in showing how thankful a municipality is for its board and commission members. The City of Greeley hosts an annual reception, but also sends thank-you cards around the holidays to show appreciation.

Quarterly (or at least annual) membership surveys are a great way to see what could be improved to make their experiences better. A quarterly or annual meeting of staff members with the boards and commissions they support also can be useful for discussing how the entire boards and commissions program can run more efficiently. All of this adds to member morale and increases their willingness to continue to serve.

Handling the day-to-day responsibilities of boards and commissions has its frustrating parts of course. Interacting with a frustrated board member; working with staff to change a process to make your boards and commissions program more efficient, but hearing that “it’s always been done this way”; a glitch messes up the info in your database; and the list goes on. But it is hard to stay frustrated for very long when you think about how great it is to be working with volunteers who are giving of their time to make your community a better place. What a privilege!





# THE COLORADO OPEN RECORDS ACT

*Editor's note: The following is an excerpt from CML's Open Meetings, Open Records publication, and merely touches upon a few of the issues that must be considered upon open records requests. It is the hope that this will provide some insight into the science of record keeping and records requests.*

*For ease of reading, and as this is intended for a general overview of the issue, the legal citations have been removed; the full text with cites is available in Open Meetings, Open Records, an updated version of which will be sent to CML member municipal clerks this winter, and will also then be available for purchase on the CML website.*

JUST ONE OF THE LAWS THAT most clerks are quite familiar with is the Colorado Open Records Act (CORA), legislation meant to facilitate open government. Although public access to records promotes an open climate, courts recognize that the act "strikes a balance between the statutory right of members of the public to inspect and copy public records and the administrative burdens that may be placed upon state agencies in responding to such requests." As such, the act contains restrictions on which materials may be accessed and how they can be accessed. As custodians of many of the official records of municipal governments, clerks need to know the basics.

Note, Colorado courts have yet to rule definitively on whether the confidentiality of records of home rule municipalities is of "local and municipal" concern, and thus have yet to answer whether ordinances or charter provisions of such municipalities may supersede conflicting CORA requirements. Local officials should consult with their municipal attorney before asserting their jurisdiction's home rule status as grounds for deviating from Open Records Act requirements.

CORA provides that "[a]ll public records are open for inspection by any person at reasonable times," unless otherwise provided by the act itself or other law. The definitions of several

critical terms are key to understanding the scope of the Open Records Act.

The act expansively defines "public records" to include "all writings made, maintained, or kept by [a] ... political subdivision of the state ... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." While this definition is broad, it is worth bearing in mind that CORA requires openness only to certain public records. Notably, nothing in CORA requires a government body to create a record in response to a request for information.

CORA defines "writings" to include "books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics." The statute specifically includes digitally stored data, such as email messages.

In the digital age it is quite common for records to be in the custody of public officials or employees, rather than the government itself. The Colorado Supreme Court has explained (in the context of a record held by a public employee at his home) that when the custodian of the record has both a private and a public capacity, and it is not clear in which capacity the record is held, the requesting party must make a threshold showing that the document was made, maintained, or kept in the



custodian's "official capacity," and thus is "likely" a public record.

The courts also have clarified that records held by third parties (such as government contractors) are accessible under CORA only in limited circumstances; generally when ready access to the records is afforded to the government or when the records are held by an entity serving as essentially an alter ego for the government.

Correspondence of elected officials is specifically designated as public record. "Correspondence" is defined as communication sent or received by specifically defined individuals, which is or can be, produced in written form, including communication sent by mail, courier, or email. Certain types of correspondence are expressly not a public record, including that which is work product (see below), as well as correspondence that is "[w]ithout a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds."

The definition of "public records" specifically excludes correspondence of elected officials that is "work product" and "work product" prepared for elected officials.

Materials defined as "work product" include those that are deliberative or advisory in nature, "assembled for the benefit of elected officials," and "communicated for the purpose of

assisting elected officials in reaching a decision within the scope of their authority." Typically, this applies to the work of attorneys, but can include other work product as well.

CORA provides that all public records are open to public inspection, except as provided in the act itself or as otherwise specifically provided by law. CORA divides the exceptions to this rule into two categories: records to which the custodian *may* deny access, and records to which the custodian *shall* deny access.

The official custodian exercises an element of discretion when certain public records are requested. The custodian may deny inspection of some records on the ground that disclosure would be "contrary to the public interest." However, if the custodian allows any officer or employee of any newspaper, radio station, television station, or other news agency access any records, he or she must allow access to all news media.

CORA directs the custodian to deny access to public records if inspection would be contrary to any state or federal statute, any rule or regulation promulgated by the Supreme Court, or an order of any court. Additionally, the act directs that, should anyone other than the person in interest request the records, the custodian "shall deny" access.

In recognition of the fact that many provisions of the Open Records Act

prohibiting release of records are subject to varying interpretations, the General Assembly has provided a procedure by which the custodian may obtain judicial direction. If the custodian "is unable, in good faith, after exercising reasonable diligence, and after reasonable inquiry, to determine if disclosure of the public record is prohibited" pursuant to CORA, the custodian may petition the District Court for a determination of whether release of the record in question is prohibited, and the court may issue an order to that effect.

Since this action is initiated by the custodian, the government does not have exposure for award of costs and the attorney's fees if the record is determined to be subject to release, as would be the case if an applicant took action to secure its release.

If the custodian finds that, under the provisions of the Open Records Act, a particular record cannot be released, or should not be released (if the document is one for which the custodian may exercise discretion), the custodian should promptly notify the applicant. When the custodian denies an open records request, the applicant may request that the custodian do so in writing and cite the applicable law or regulation upon which the denial is based. Although the custodian is not required to prepare a written denial unless the applicant requests, many do so as a matter of practice.

## THE IMPORTANCE OF ORGANIZATION BEFORE RECORDS CONVERSION

*By Barbara Setterlind, Centennial city clerk*

THE EXPLOSIVE GROWTH AND CREATION OF ELECTRONIC DOCUMENTS, DATA, AND COMMUNICATIONS through social media has transformed the role of the municipal clerk as “record keeper.” Only a few decades ago, municipal clerks kept everything in paper format in large file rooms. Today, as more information is created in electronic format, cities and towns must take into consideration all types of “content” (data, pictures, audio and video recordings, emails, social media posts, and more) in managing records and producing this information for Colorado Open Records requests or litigation.

Additionally, expectations of access to municipal records has changed. Once it was expected to go to city hall, fill out a form, and wait a few days to view a record; now, many residents want to access that information via a website, immediately.

Many clerks now are faced with the task of converting paper records into electronic documents that are easily accessible by all. To some in the organization, this seems like a magical process. Staff will bring the clerk or records manager a box of paper and “Poof!” — the documents are now available on the system and can be accessed by searching in a few key words. That is not the case. It takes work from all involved, and as the custodian of all municipal records, the clerk must take the lead on getting everyone and everything organized before beginning this process.

One of the most important tasks before discussing conversion is developing a records and information inventory. All municipal staff need to know what records and information they have before it can be managed. Simply put, records management is knowing what there is, where it is, and how long it must be kept. The inventory should include both records and non-records, as well as both physical (paper) and electronic documents. It is important to list all and any storage systems for electronic records, and whether or there are duplicates stored elsewhere, including in paper storage.

Once an inventory is complete, the next step is to organize and clean up. Assign retention dates to all records series and determine what can be destroyed according to a retention schedule. (Most Colorado cities and towns have adopted the Colorado Municipal Records Retention Schedule, available at [www.colorado.gov/pacific/archives/municipal-records-retention-manual](http://www.colorado.gov/pacific/archives/municipal-records-retention-manual)).

Most likely, paper records will be scanned to make them easily available electronically. However, there are a few things to consider before starting a scanning project. Are the records already kept in an electronic format that is easily accessed? Are the records essential for continuity of operations if there is a disaster? Are the records scheduled for destruction in the next few years per the retention schedule? What is the return on investment if the records are scanned? Do the records have historical significance, and should they be preserved electronically because their fragility? Can the city or town save money from storage costs of paper and free up office space?

Scanning records can be an important first step in creating and instituting a culture of transparency both internally and externally for a city or town. Records can then be shared easily via websites, emails, or social media platforms. Most importantly, electronic storage lets everyone access the same version of the document and eliminates the need for copies and duplicates to be distributed.

The Colorado Municipal Clerks Association (CMCA) offers professional development learning opportunities throughout the year to discuss all aspects of records management. Visit CMCA's website to see a listing of future sessions ([cmca.wildapricot.org](http://cmca.wildapricot.org))



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## SoS: HERE TO HELP

*From the author:*

*As the secretary of state and chief election official in Colorado, I am committed to providing local election officials with the support they need. And even though my official oversight only extends to state and county elections, my staff know that we are here to help, regardless of the size of your election or the name of your election code. The story of the successful collaboration among the Colorado Municipal League, my office, and municipal clerks to implement signature verification in local mail ballot elections is a good example of what we can provide.*

FEW PEOPLE — ASIDE FROM local election officials, secretary of state (SoS) staff, and a handful of election geeks — know that Colorado has three distinct election codes. For statewide and county elections, there is the Uniform Election Code; for municipal elections, the Municipal Election Code; and for special district elections, the Colorado Local Government Election Code. (Not to mention home rule charters, which often have their own election rules.)

Why so many sets of election laws in one state? There are actually some good, practical reasons, most of which involve size and resources. It makes sense, for example, that a board of trustees election in the Town of Blanca (population 363) might not require all the bells and whistles needed when conducting a full statewide election for the United States.

Recognizing and accommodating smaller, resource-limited elections is good policy.

But in recent years, Colorado voters have come to expect voting conveniences, such as mail ballots in all elections big and small.

Recognizing this trend, the legislature recently passed laws allowing local jurisdictions such as municipalities to conduct independent mail ballot elections. In its first try, though, the legislature added the convenience of mail ballots, but did not include the main safeguard against mail ballot fraud — signature verification.

In 2014, the legislature passed House Bill 1164, which allows municipal governments that run their own independent elections to conduct mail ballot elections. Before this bill, municipal voters would benefit from a mail ballot election only if the municipality contracted with its county clerk to conduct the election on the municipality's behalf. HB 1164 gave municipal clerks the autonomy to run their own independent mail ballot elections, while respecting the limited resources available to many municipal clerks. And because clerks lacked access to the voter signatures in Colorado's statewide voter registration database that would allow them to conduct signature verification, that process was left out of the bill. It did not take long for election integrity

Elections at every level are important. That is why collaboration and communication are necessary. And that is why the secretary of state is there to help whenever possible. Whether it is answering one-off questions about recalls, recounts, or campaign finance, or collaborating on new technology such as the signature verification tool, the SoS is always happy to pick up the phone.

advocates to raise questions about voter fraud.

There is no doubt that mail ballot elections are convenient for voters. But when you move a significant portion of the voting process out of the polling place and into the living room, it is necessary to ensure that the person who returns a mail ballot is the person who is authorized to cast that ballot. Signature verification is the recognized safeguard against mail ballot fraud. It requires the clerk to compare the voter's signature on the back of the mail-ballot-return envelope with the signature on file in the voter's electronic voter registration record. After HB 1164, the advocates were clamoring for this process — and rightfully so.

But the clerks needed the tools to do it properly.

In 2016, the General Assembly began considering a bill that would require signature verification in municipal mail ballot elections. That is when the Colorado Municipal League (CML) contacted the Colorado secretary of state's (SoS) office. Neither CML nor the clerks were opposed to signature verification; they just knew municipal

clerks did not have access to the information they needed. Voter signatures are stored in the statewide voter registration database, known as SCORE. The SoS office administers SCORE, and makes it available only to county clerks. For several reasons, security and licensing limitations are first among them, the SoS is not able to extend SCORE access to municipal clerks. So there needed to be a creative solution that would allow the SoS office to give signatures to the clerks outside of SCORE.

Luckily, the SoS office has long provided an online voter lookup tool that it designed specifically for municipal clerks who need to find voter records. After several discussions with CML, clerks, and the SoS information technology staff, an enhanced version of the voter lookup tool that also included a signature verification function was designed. Once designed, CML and municipal clerks were able to get behind the signature verification bill (HB 16-1070), which allotted time for the SoS staff to build the new tool's functionality before the law became effective.

The spring municipal elections of 2018 were the first to include the signature verification requirement under the new law. The SoS staff finished development of the tool in time for CML to test it and provide training to clerks in the run-up to April elections. CML also was able to take advantage of training materials and guides that the SoS office uses when training county clerks on signature verification.

Minor kinks aside, the project and collaboration were truly successful. The SoS office was able to provide municipal clerks with the information they needed without increasing their overall election costs. And they were able to add confidence in their locally run elections.

Elections at every level are important. That is why collaboration and communication are necessary. And that is why the secretary of state is there to help whenever possible. Whether it is answering one-off questions about recalls, recounts, or campaign finance, or collaborating on new technology such as the signature verification tool, the SoS is always happy to pick up the phone.



## THE BUSY ROLE OF THE CLERK DURING MUNICIPAL ELECTIONS

*By Amanda Blasingame, CML law clerk*

CITY AND TOWN CLERKS PLAY A VITAL ROLE IN THE PREPARATION AND REALIZATION OF MUNICIPAL elections. With all of the steps that go into running a successful election, it can be hard to recognize the magnitude of work that goes into the process. Even for those who are aware of the work that goes into running a municipal election, it can be easy to forget just how much clerks must do.

Preparation for a municipal election involves a number of steps starting as early as three months prior to Election Day. Many of the steps involved in preparing for elections have strict deadlines that must be met for the election to be valid. Some of the most important steps clerks must take in preparing for an election include:

- **Nomination petitions** must begin circulating 91 days before the start of an election, and each individual signature on returned petitions must be verified by the clerk.
- Clerks collect and determine the sufficiency of **initiative and referendum petitions** and hold hearings for any protested initiatives.
- **TABOR elections** involve additional steps including collecting and preparing the summary of comments and mailing a TABOR election notice, issues, and comments to all registered electors.
- Municipal clerks are responsible for collecting and filing any **Fair Campaign Practices Act (FCPA)** reports for candidates in municipal elections.
- **Uniformed and Overseas Citizens Absentee Voting Act ballots** (more commonly known as UOCAVA) must be made available 45 days before the election and sent out separately from regular mail ballots to active military and overseas voters.
- Requests for **absentee ballots** must be prepared and sent to those who qualify.
- Clerks are responsible for finding vendors to **print election ballots**.
- The clerk will appoint the necessary number of **election judges** and is responsible for certifying and making records of the judges for each election.
- Clerk must prepare and publish a **notice for each election**.
- **Coordinated elections** require additional steps, including signing of an intergovernmental agreement with the county.

A clerk's election duties do not end on Election Day. Following the day of the election, clerks must take additional steps before an election can be considered complete, including:

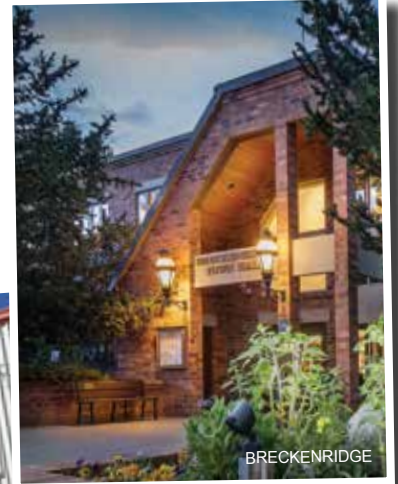
- **Signature verification for mail ballot elections** require the clerk to access a database and check the validity of each individual signature.
- Following the conclusion of an election, clerks must **canvass the vote** no later than 10 days after the election to verify and carefully examine the results.
- Clerks are responsible for preparing a certificate of election, or **abstract of votes**, which includes candidate names and total votes for each candidate.
- **Certification** of the election must be created by the clerk, published in the newspaper, posted in the clerk's office, and filed with the Colorado Department of Local Affairs.
- **Record keeping** for elections includes completed, defective and rejected ballots, nomination petitions, and certifications of judges — all must be recorded and kept for various lengths of time.

These lists, despite their length, are not exhaustive and there are many other steps that go into holding a successful municipal election. Clerks put an enormous amount of work into every detail of municipal elections from start to finish. During your next municipal election, remember to recognize your clerk for all of the hard work they do for your city or town!

## A SAMPLING OF COLORADO CITIES & TOWNS

Thanks to all of our clerks who sent us photos of showing representations their role as clerk. We could not fit them all in, but we appreciate the selection to choose from!

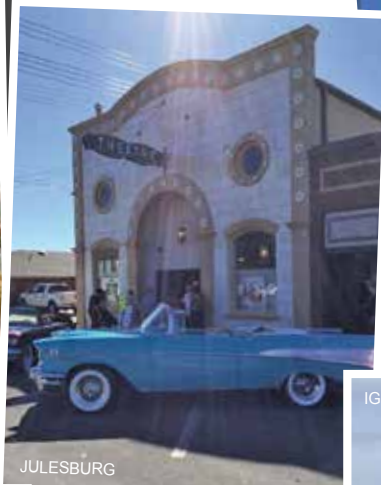
The December issue will focus on economic development. To submit a photo for consideration for the cover, please send it to [tstoffel@cml.org](mailto:tstoffel@cml.org) by Nov. 1.



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## LIFELONG LEARNING IS REAL FOR MUNICIPAL CLERKS

THERE ARE MANY RISKS THAT municipalities face, and good training is key to mitigating those risks. Emergency services, finance, and public works employees spend countless hours in training to be sure that the risks inherent in their positions are minimized. It is easy to forget about the risks associated with the clerk's office, but they are just as prevalent and so important to all municipalities. Just think about the consequences of errors in an election, or a problem with open meetings, or open records! These all fall under the purview of the clerk's office. Training and supporting the municipal clerks is vital to minimizing the risks facing a municipality, and to ensuring smooth public services and engagement.

The Colorado Municipal Clerks Association (CMCA) has a long history of supporting, educating, and developing Colorado's clerks. And it just celebrated the 40th anniversary of its first graduating Institute class!

The Colorado Institute for Municipal Clerks, a program of the CMCA, is designed to promote knowledge, develop the skills of municipal clerks, increase professionalism among members, and better equip

the municipal clerk to assist local government in providing services to its residents and in meeting the changing expectations of the future. Other basic purposes are to:

- encourage the habit of professional, lifelong continuing education among municipal clerks;
- promote the sharing among municipal clerks of valuable new ideas and concepts related to increasing personal and office efficiency;
- build prestige for the municipal clerk, the International Institute of Municipal Clerks (IIMC) program, and for the municipal clerk profession;
- serve as a retreat for the busy municipal clerk who seeks an adult, residential learning environment, and an opportunity to think through personal plans and objectives; and
- enable the municipal clerk to obtain ideas developed in locations other than his or her own.

Clerks in Colorado work to achieve two designations — the Certified

Municipal Clerk (CMC) and the Master Municipal Clerk (MMC). These certifications are achieved through a three-way partnership with the CMCA, Regis University (CMCA's higher education partner), and the IIMC.

IIMC promotes continuing education and certification, professional development programs, networking solutions, and other opportunities and benefits for its members. IIMC realizes how vital continuing education is to its membership, and that educational needs are diverse throughout the world.

IIMC supports extensive educational programs and courses through a variety of methods, including IIMC-approved university and college-based institutes; state, provincial, and national associations; international study and exchange programs; online courses; publications; and annual conferences. IIMC promotes lifelong learning, skill development, and public service and fosters a spirit of mutual assistance and goodwill among municipal clerks around the globe.

IIMC provides members with two certifications, earned through





participation in educational programs and involvement in a variety of professional development activities. The CMC and MMC certifications and educational programs offered through IIMC empower its members to achieve academic and professional success.

The CMC designation program is designed to enhance the job performance of the clerk in small and large municipalities. To earn the CMC designation, a municipal clerk must attend extensive educational programs: 120 hours of seat time. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex roles of the municipal clerks by providing them with quality education in partnership with the state municipal clerks association and a university. This program has been in existence since 1970, and has helped thousands of clerks in various municipalities.

The MMC designation is the second of two designations granted by IIMC. To qualify for entrance into the Master Municipal Clerk Academy (MMCA), one must have earned the CMC designation. The MMCA is an

advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and rigorous educational component, a professional and social contributions component, and a commitment to lifelong learning. Academy members must demonstrate that they have actively pursued educational and professional activities and have remained informed of current socio-political, cultural, and economic issues

that affect local governments and municipalities.

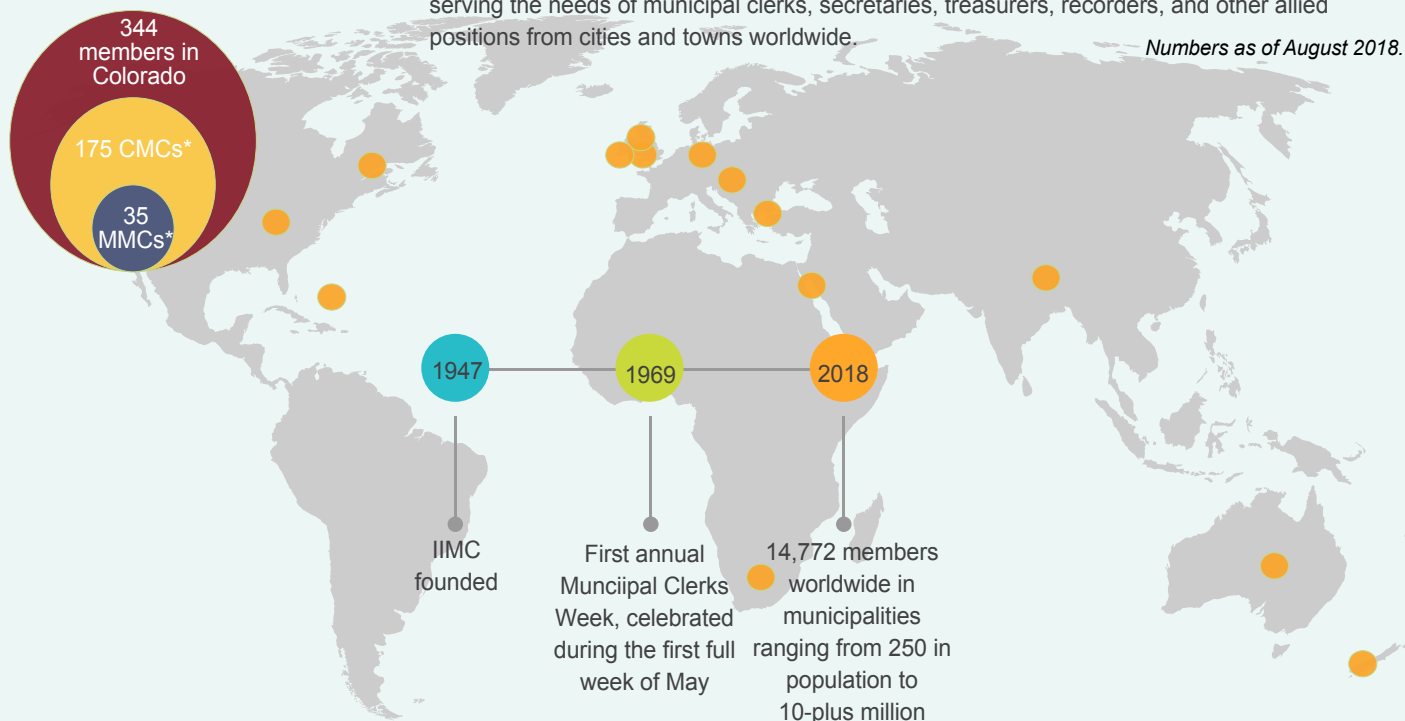
Colorado clerks are very committed to serving their communities well. Colorado currently has 175 CMCs and 35 MMCs. There are 6,046 certified clerks worldwide. Of the 14,772 IIMC members worldwide, 344 of those are from Colorado, which ranks number 6 amongst states in the nation. This is especially impressive since Colorado is a relatively small state in terms of its number of municipalities.

## RESEARCH CORNER: INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

By Melissa Mata, CML municipal research analyst

The International Institute of Municipal Clerks (IIMC) is a professional, nonprofit association serving the needs of municipal clerks, secretaries, treasurers, recorders, and other allied positions from cities and towns worldwide.

Numbers as of August 2018.



To receive **CMC (Certified Municipal Clerk)** designation takes at least **2 years**, and **110 points**, with **60 points in education**, including academic degrees and clerk-specific training, and **50 points in experience**, including relevant work experience and continuing education

**MMC (Master Municipal Clerk)** requires even more education and experience.



## COLORADO MUNICIPAL CLERKS ADVISORY PROGRAM



MUNICIPAL CLERKS ARE TREMENDOUS RESOURCES TO THE cities and towns they serve. They handle so much that goes on in the community — elections, interactions with residents, open records requests, council/board meeting preparations, and so much more.

The Colorado Municipal Clerk Advisor Program is designed to help when the occasional challenging situation arises. The Colorado Municipal League (CML), Colorado Intergovernmental Risk Sharing Agency (CIRSA), and Colorado Municipal Clerks Association (CMCA) created the Colorado Municipal Clerk Advisor Program as a free service to assist municipal clerks with specific job-related questions or challenges.

Karen Goldman, former Aurora deputy city clerk, is available to offer insight and provide guidance on particular issues or questions that may arise in your city or town.

While not intended to provide interim or long-term work, this arrangement offers municipal clerks a “helping hand” if they need it.

*I'm so excited about this opportunity to support my fellow clerks from all across the state. After retiring as a municipal clerk in Colorado after twenty years, I take with me a tremendous amount of experience and wisdom that I am always willing to share with my municipal colleagues. If I can help to make your job as a municipal clerk easier then that's the greatest thing I can do. Feel free to contact me if I can offer my perspective on a situation or answer a question.*



— Karen Goldman





By Traci Stoffel, Colorado Municipal League communications & design specialist

Each issue of Colorado Municipalities magazine introduces you to a key person in municipal government through the "Get to Know ..." column. Each person featured answers questions about his or her position and municipality, and how he or she ended up in municipal government.

## GET TO KNOW ... JAMIE TURRENTINE

### LAKE CITY TOWN CLERK

#### How did you end up in public service?

Actually, by accident! After I moved to New Mexico, I was hired as the assistant to the city manager, then promoted to deputy city clerk. The then city clerk saw potential, so I started going to clerk school in Albuquerque. Bada-boom! Next thing I know, I am clerk of a city of 8,600. Fast forward to 2015, I came to the beautiful Town of Lake City, and am thankful every day!

#### What do you enjoy most about your position?

I really enjoy the people.

#### What is the most challenging part of your position?

Again, the people!

#### What are some exciting things going on in Lake City?

There are always exciting and fun things packed into a four-month span of summer, although the colder mornings never seem to stop the enjoyment.

One of the things that makes Lake City unique is that it is the only town in Hinsdale County, which is made up of 96 percent public lands with four wilderness areas and two wilderness study areas.

The Town of Lake City is a designated National Historic District with more than 200 historic structures, and no commercial chains, stoplights, or traffic.

#### What project or undertaking are you most proud of and why?

I would say the whole package. When I came to Lake City, I was a trained, certified municipal clerk. In New Mexico, I had a finance director, payroll clerk, accounts payable director, planning and zoning director, and IT director; now, I am those folks! With the exception of IT; where I am just more of a control-alt-delete kind of girl.

#### What is the funniest or strangest thing to happen while at work?

A man once asked me to lock him in both of our historic jails.

#### What website(s) and/or publication(s) do you refer to when seeking information?

The CML Clerks Listserv — always!

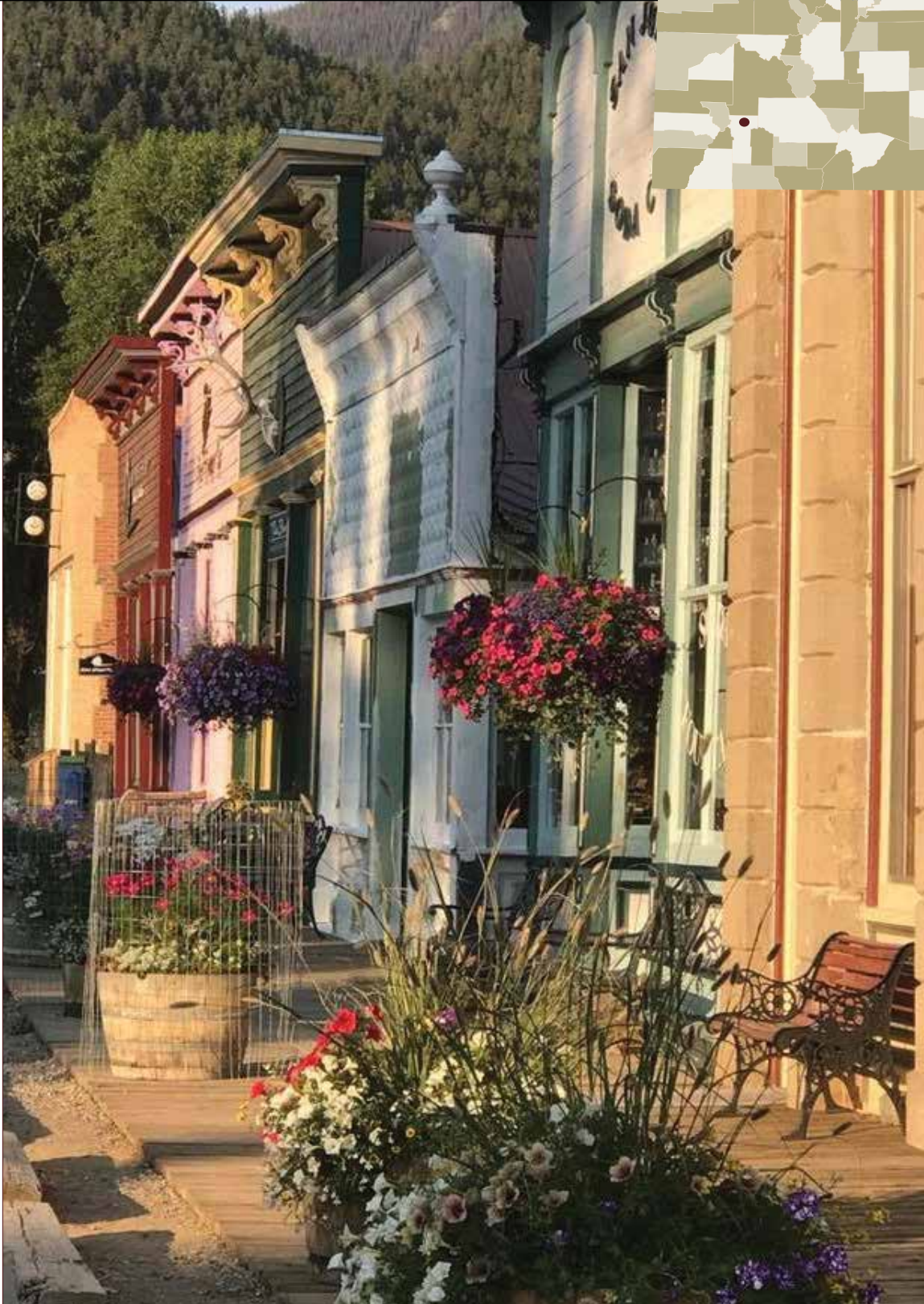
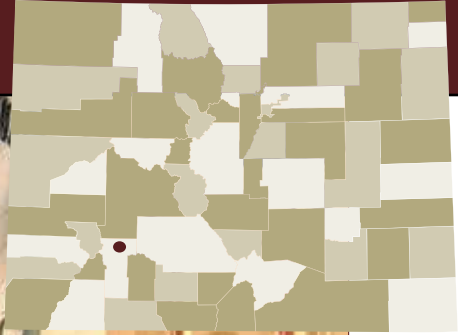
#### What book are you currently reading? Are you enjoying it?

I am reading *Not a Fan*. It is a tough read, but I am determined.



# GET TO KNOW THE TOWN OF LAKE CITY

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- Population: 368
- [www.townoflakecity.co](http://www.townoflakecity.co)







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