

Effective Governance Webinar

May 16, 2022

CML Executive Board President, Bob Widner

CML Executive Director, Kevin Bommer

CML General Counsel, Robert Sheesley



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Roles & Responsibilities of Elected Officials

Tips on Effective Governance

*Kevin Bommer
Executive Director
Colorado Municipal League*



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I. WHAT IS CML?

- The Organization
- What is CML?
- CML Belongs to Our Members
- Municipalities in Colorado



The Organization

- Nonprofit, nonpartisan association of 270 Colorado municipalities
- Established in 1923 in Boulder
- Governed by a 21-member Executive Board elected at-large, representing 4 population categories
- Staff of 15 full-time, 2 part-time employees



What is CML?



About CML

Major policies of CML are established by the membership at the annual business meeting and by the CML Executive Board and various committees. Daily operations of the League are carried out by a 16-member staff. CML also has a variety of professional sections and 14 regional districts that give CML depth and breadth in its understanding of municipal needs.

CML is guided by a comprehensive strategic plan that informs key priorities and goals that support the League's mission, vision, and values.



Mission

Advocacy, information, and training supporting exceptional municipal governance.



Vision

Empowered cities and towns, united for a strong Colorado



Values

Commitment, service, collaboration



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CML belongs to our members

- CML exists for our members and because of our members
- Your headquarters for “everything municipal” in Colorado
- Non-partisan



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Municipalities in Colorado



Colorado's municipalities by the numbers



Colorado population*
5,763,976



Residents who live in
cities/towns*
4,284,908



City/town manager/
administrator
180



Mayors, council
members and trustees
1,830



Home rule municipalities
103
Residents living in home
rule municipalities*
3,998,963



Statutory municipalities
168
Residents living in
statutory municipalities*
284,835



Territorial charter towns
1
Residents in territorial
charter town*
1,110



Municipal members
270



Largest municipality*
Denver
729,239



Smallest municipality*
Lakeside
8

*Colorado Department of Local Affairs



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II. UNDERSTANDING YOUR ROLE AS AN ELECTED OFFICIAL

- Council-Manager Form of Government
- The Role of an Elected Official
- Embrace Your Role
- Your Role in the Big Picture



Council-Manager Form of Government

Two basic features:

- An elected council to decide policy questions, and;
- A professionally trained manager hired by council to govern the municipal administration

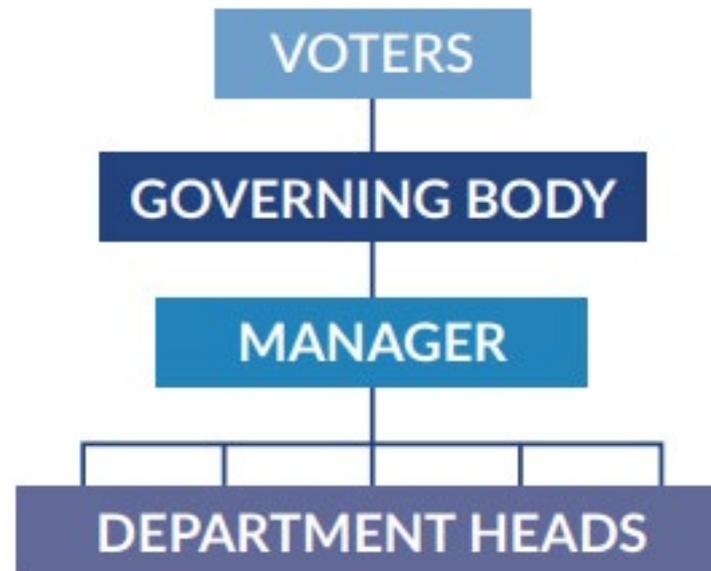
In practice:

- The city council paints the big picture, and;
- Entrusts the details of administration and implementation to direct reports



Council-Manager Form of Government

The Council-Manager Form



Source: ICMA



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Roles of Elected Office

1. Set public policy
2. Be professional
3. Be accountable
4. Be a big-picture thinker
5. Be a good steward
6. Be an advocate
7. Be a community builder
8. Be a decision-maker
9. Provide oversight
10. Be ethical



Role #1: Set public policy

- It's challenging;
- It requires a good understanding of what municipal government can accomplish; and
- It requires an understanding of the best interests of the public.



Role #2: Be professional

- Rational, analytical decision making
- Utilize staff expertise
- Programs and policies should achieve intended outcomes

The goal is finding the proper balance to:

- Be responsive to public expectations while being good stewards of public resources



Role #3: Be accountable

- Once elected – councilmembers represent all constituents
- All citizens have a right to be heard
- Viewpoints expressed by citizens should be accepted and acknowledged
- Public involvement is essential for the legitimacy of governing process



Role #4: Be a big-picture thinker

- Make decisions that will have significant impact on municipality – both short and long term
- Focus on future impacts – what actions will make a difference?
- Think beyond today's constraints
- See possible connections and relationships



Role #5: Be a good steward

- Listen to and respect citizen views. Represent those views to the best of your ability
- Some decisions will be uncomfortable because they will run counter to the wishes of some citizens
- Decisions should be made for the greater good and a common vision



Role #6: Be an advocate

- Act in role of “customer service representative”
- Act as a conduit between citizens and city services
- Citizens see mayors and council members as most responsive to their concerns



Role #7: Be a community builder

- Provide leadership in relationship and consensus building
- Foster relationships that help people work through differences
- Provide forum for all aspects of an issue to be respectfully heard and considered



Role #8: Be a decision-maker

- Decisions are based on information presented – then voted up or down. There are no “maybe” votes!
- Be decisive and just in your decisions
- Somewhat like being a judge
- Not always an easy role – but vital to municipal government



Role #9: Provide oversight

- You hire and direct the manager in a council-manager system
- All your direct reports are accountable to you as a council
- Be vigilant in your respect of the proper roles of governing body versus roles of staff members. Stay in your lane!



Role #10: Be ethical

- Never use confidential information for personal gain
- Read and learn your ethics policy/Amendment 41
- Do not participate in any decision that directly benefits you personally or your business
- Do not hold an interest in any contract entered into by the governing body
- Read the CIRSA/CML ethics handbook



The public expects and deserves your best

Honesty

Decisions that
put the
community first

Open and fair
decision-making
process

Respect for
individuals &
the community

Accountability

Decorum and
professionalism

Personal
character

Lawful, ethical
conduct



Embrace Your Role

Newly elected officials often wear new hats



Your Role in the BIG Picture

- When you were elected, you became the ultimate insider!
- Misunderstanding your role can:
 - Increase the risk of *liability* for the city and for you
 - Reduce your own effectiveness
- Being part of an effective decision-making body requires **collaboration** and **consensus-building** among often diverse personalities and beliefs



III. APPROPRIATE INDIVIDUAL CONDUCT

- Why it Matters
- Tips on Conduct
- The Ultimate Challenge
- Use Your Manager as a Resource



Why it Matters

- Your conduct impacts your effectiveness (+/-)
- Incivility and divisiveness need not be a part of nonpartisan local government
- You are viewed as:
 1. Leaders in the community; and
 2. Top representatives of the municipality as an employer
- You set the example and tone for the entire organization



Why it Matters

As municipal elected officials:

- You hold both actual and “perceived” powers
- You are the center of the organizational universe
- Your words and actions may have an unintended but huge impact on others

***No matter what, you can never put
aside your elected official persona***



Tips on Conduct

- Discussion and disagreement are a necessary part of the decision-making process
- BUT...must be done respectfully
 - No fisticuffs
 - No personal jabs
 - Say it once, say it succinctly
 - No need to filibuster



Tips on Conduct

If there is a division in the governing body, look for ways out of it

- Rules of Procedure, Rules of Conduct that reflect your agreed-upon values for meeting conduct
- Develop a “social contract”
- Learn from and build on past agreements and successes
- Include your municipal attorney in internal disputes where resolution has become difficult



Tips on Conduct

Use the council meeting as an opportunity to receive citizen feedback for appropriate follow-up

- Citizens have every right to raise concerns and be critical about the way local government conducts business
- Do not blame staff or join in feedback that is aimed at staff



The Ultimate Challenge

- Each elected official has different goals and priorities
- It is **impossible** to reconcile everything that a group of different people want



The Ultimate Challenge

- The members of the governing body must:
 - Sort out the goals and priorities of you and your colleagues. Understand different views.
 - *What is most important to you?*
 - *Where are you willing to compromise?*
 - Then establish a singular set of goals, priorities, and directions for your manager and other direct reports



The Ultimate Challenge



Keep in mind that staff's work reflects the overall policy direction of the council. This is important if you:

1. Are new and have questions/concerns about prior policy directions
2. Are in the minority and don't like a policy the majority supports



Resist the urge to “clean house” because you are new and want to change policy directions



Build on the successes of the past and work to implement new visions gradually

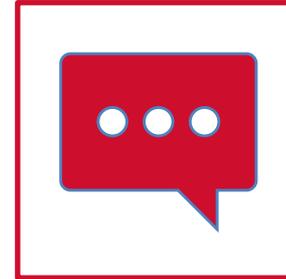


Use your manager as a resource



Use your manager to help you do well and look good while doing it!

1. Ask questions. Request advance assistance in the best time, manner, and approach to raising an issue, and giving staff some research/prep time
2. Commit to a “no surprises” approach. Don’t play “stump the staff”!



Resolve to direct your collective voice primarily to your manager free from confusing messages and contradictions

1. Clear direction, even to implement a policy you may personally oppose
2. Staff needs to know they can implement the policy without looking over their shoulder



Summary

“Two things define you: your patience when you have nothing and your attitude when you have everything.” – George Bernard Shaw

1

Recognize changing roles – yours and others

2

Stay in your lane!

- Stay within your “job description”
- Stay out of those of others

3

Act as “WE,” not “I.”
You are on a team!
So be a team!

4

Be cautious about citizen pressures;
be deliberative

5

Check your personal motives.
Decide what you believe is best for the city/town – now and in the future



**Thank you for being willing to
serve your community!**

CML is here to help!

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Open Records and Open Meetings for Municipal Officials

Robert Sheesley, General Counsel
Colorado Municipal League



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Colorado Open Records Act

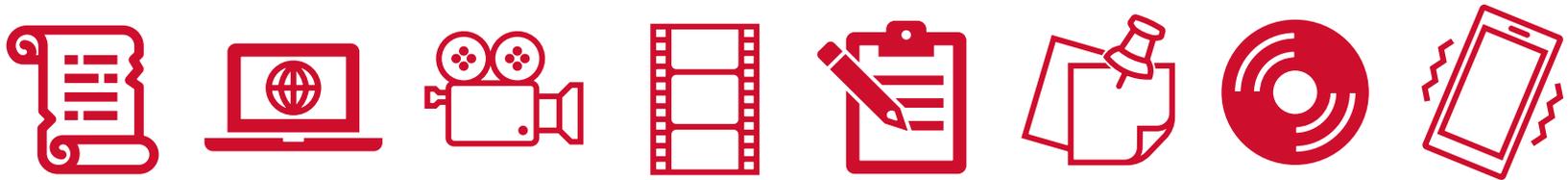
“It is declared to be the public policy of this state that all public records shall be open for inspection by any person at reasonable times, except as provided in [CORA] or as otherwise specifically provided by law.”



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Public Records Defined

- All writings or medium of recordings made or kept in the course of executing public functions

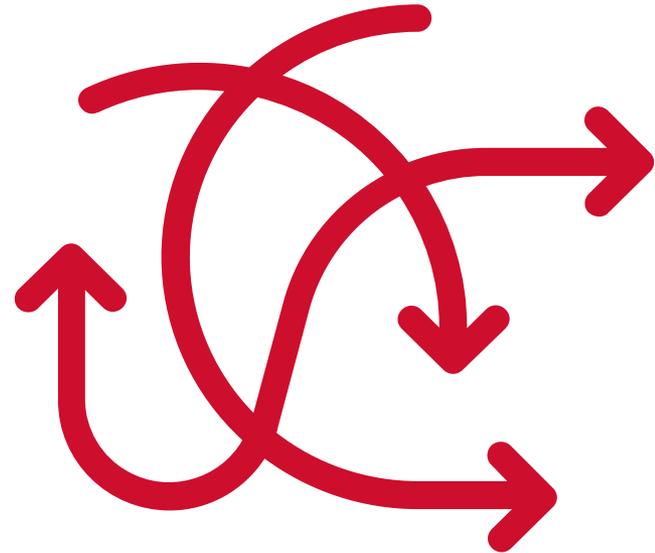


- Content controls (can be on personal devices or accounts)
- “Not public records”



Disclosure Requirements

- General access
- Unless:
 - Contrary to law
 - Discretionary denial
 - Prohibited disclosures
 - Substantial injury determination
- Governmental privileges



Key CORA Takeaways



Use discretion



Respond to
custodian on
time



Respect the right
to request
documents



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Colorado Open Meetings Law

“It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret.”



Public Body

- Board or commission
- Task force
- Authority
- Advisory, policy-making, rule-making, or formally constituted body with a delegated governmental decision-making function



Public Meeting – Part 1



(or a quorum, if fewer)



Public Meeting – Part 2



Public business discussed

or



Formal action may be taken



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Not Public Meetings

- Social gatherings
- Chance meetings
- Not part of your policymaking process
- Individual communications



Notice Requirements



If the meeting:

Involves formal action or

A majority or quorum is or is expected to be in attendance



Full and timely notice

24 hours prior

Designated place

Specific agenda information where possible



Exempt Electronic Communications

- Not related to merits or substance of public business
- Scheduling or availability
- Sent by an official to:
 - forward information
 - respond to an inquiry from outside the body
 - pose a question for later discussion



Executive Sessions

Topics

- Property transaction
- Attorney conference
- Personnel matters
- Confidential matters (by state/federal law)
- Discussing negotiations
- Security arrangements

Procedure

- Announce citation and matter description
- 2/3 vote of quorum
- Recorded (except attorney–client privileged communication)

Restrictions

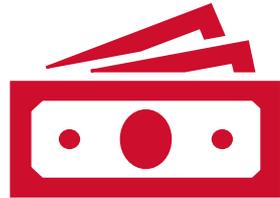
- No voting
- No rubber-stamping
- Must stay on topic
- Record is confidential unless body consents to disclosure or court orders



OML Violations



Actions
invalidated



Attorney fees



Executive
session records
disclosed

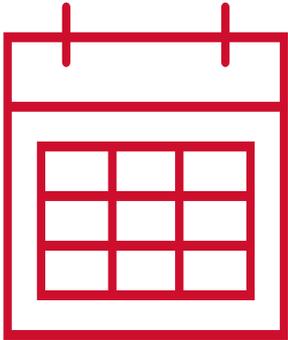


Loss of
public trust



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Key OML Takeaways



Plan



Voting visible



Speak up
and ask
questions



Respect
executive
sessions

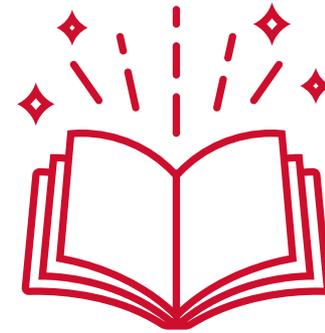


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CML Publications



CML Newsletter



Open Meetings, Open
Records book



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Effective Meetings

Robert (Bob) Widner

City Attorney, City of Centennial

Widner Juran LLP

Representing Colorado Municipalities



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Why Do We Care?



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- Go home at a reasonable hour?
- Feel part of a team?
- Fairness/voice heard?
- Get business done?
- Serve those who elected us?
- Create public confidence/trust in government?





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Our View: Pensacola Council's Dysfunction Is Sickening

“City council hasn’t accomplished anything. Despite the six and seven hour long meetings, the city council has done literally nothing in the past five months that has had or will have any positive impact ... What sickens us is that in a community that desperately needs our public servants to function together to achieve the civic transformation for which the people who live here deserve, the city council has gotten absolutely nothing done.”





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Three Key Elements of an Effective Meeting

Effective Members

Effective Chairperson

Effective Procedures and Rules



Effective Members



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Effective Members

Sitting with the
PROPER PERSPECTIVE and
PREPARED to Serve.



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Perspective

- “Elected Representative”
- “Public Servant”
- Your Promise in your Election



Perspective

Dysfunction Created?

- Personal agendas
- Ego issues
- Representing “others”



Personal Agendas

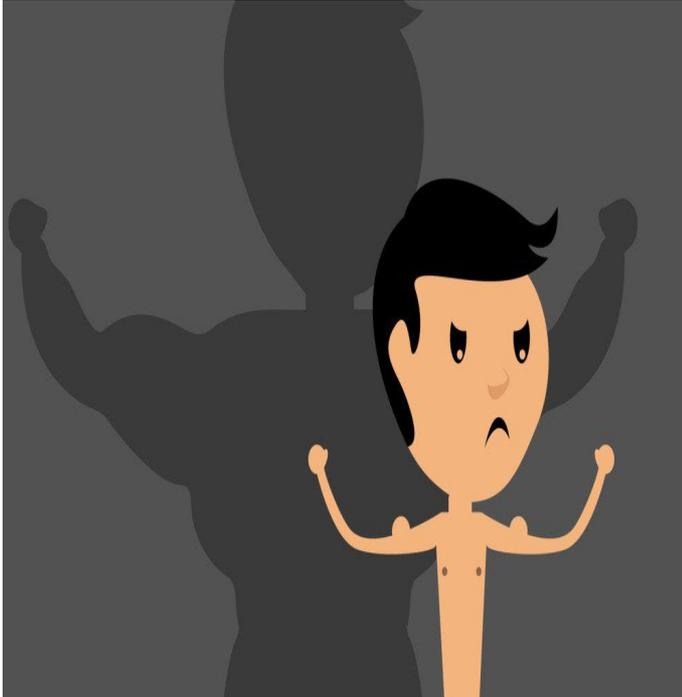
- Often hidden – maybe even to you?
- Your neighborhood's problem
- Obstruction without purpose
- Your “next step” in government
- One issue wonders
- Beware of inconsistent purposes

Bottom Line: *It's NOT About YOU*



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Ego Issues



Ego

“The self especially as contrasted with another self or the world.”



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Ego Issues

Healthy Ego in Public Service:

“I have value because I am well qualified to represent my fellow citizens in making the Town a better place to live.”



Ego Issues

Poor Ego for Public Service:

- “Winning and Losing” Perspective
 - In the desire to be “elected”
 - In the meeting
- Superiority vs. Others
- Love the “Title” more than the “Work”
- Taking positions to stay in office



Leadership is an opportunity to serve. It is not a trumpet call to self-importance.

J. Donald Walters
The Art of Leadership



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Again, Bottom Line:
*It's NOT About **YOU***



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Representing “Others”

Who are you here for?

- Your political party? (Big dysfunction)
- Your [fill in the blank with organization, neighborhood, church, etc.]?
- Your professional or business interest?



Who Is It ALL For?



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Prepared

- We Know, We See
- Dysfunction Created?
 - Bored and disengaged
 - Off-Target questions
 - “Rabbit hole runners”
 - Missing an elected voice



Prepared

Means

- Read to degree needed/appropriate the agenda and the “packet”
- Understand your role in each agenda item (e.g., legislative, quasi-judicial, or administrative role)
- Understand the rules governing meeting conduct
- Consider and address any Conflicts for Agenda Items (personal or business interests)



Effective Chairperson



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Effective Chairperson

Sitting with the
PROPER PERSPECTIVE and
PREPARED to serve
AND.....



Effective Chairperson

... Tasked with the extra role of helping the other members represent the public.

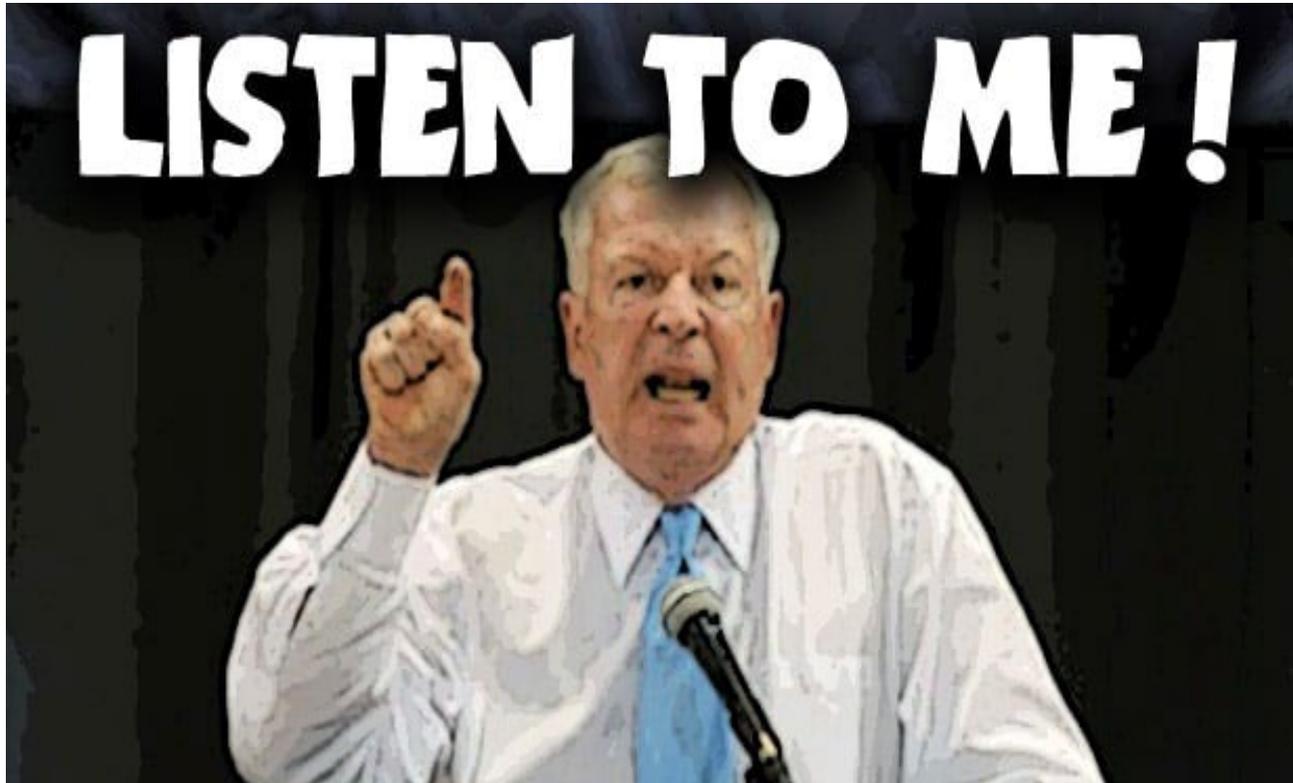


Preparing the “Fertile Ground”



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Ego Issue

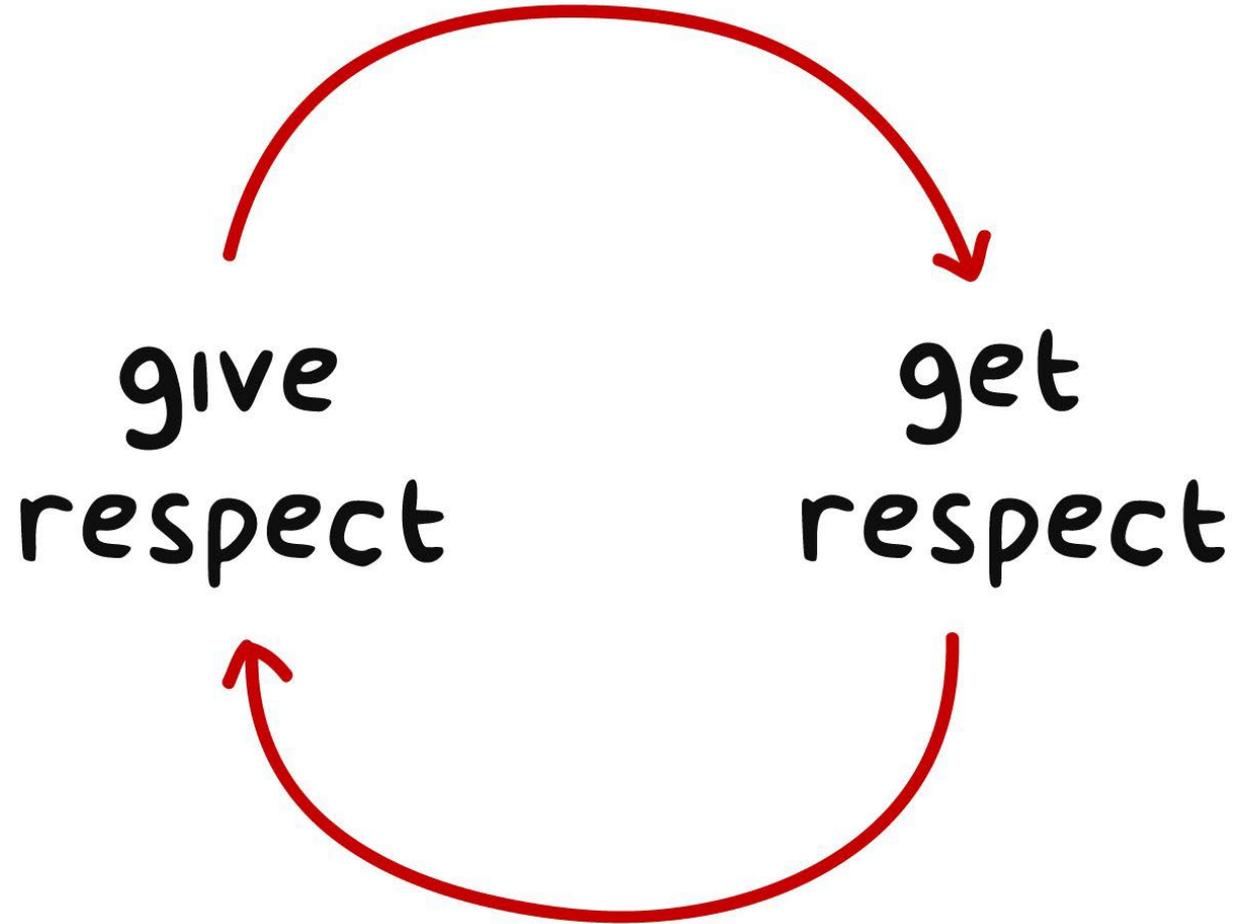


Ego Issue

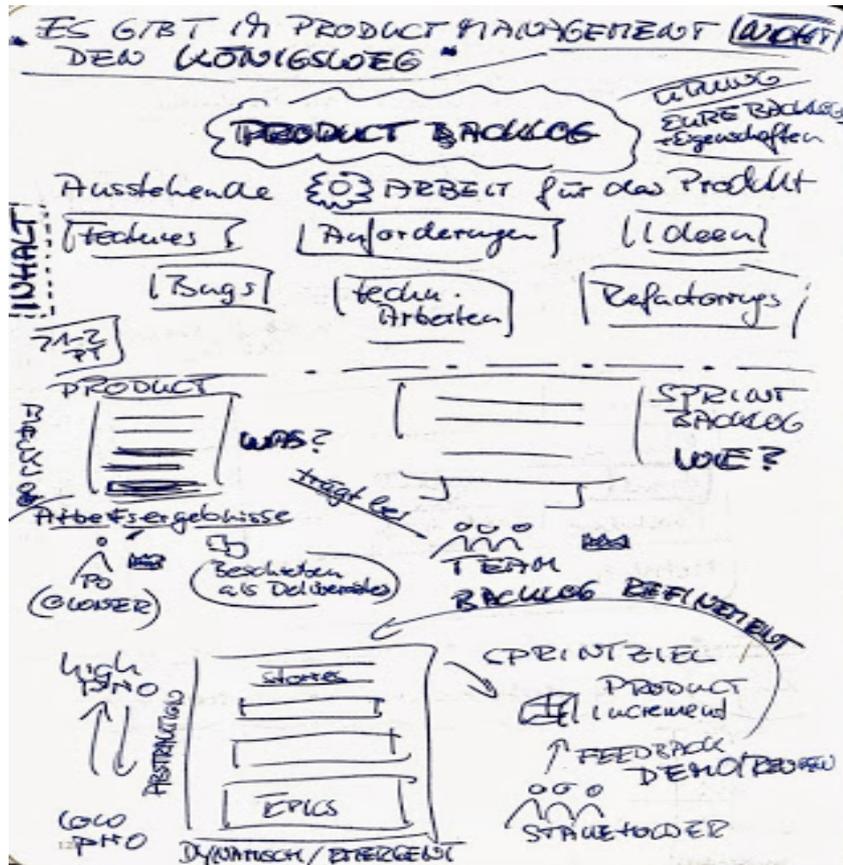
The best tool for the chairperson's running a (more) effective meeting?

RESPECT





“Road Mapping” the Meeting



Prepared .. For Chairperson

Means

- Read the agenda and the “packet”
- Know what decisions need to be made
- Understand the Body’s role in each agenda item and the procedures needed to decide
- Understand the rules governing meeting conduct
- Consider and address any Conflicts for Agenda Items (personal or business interests)
- **YOU ARE CONFIDENT YOU ARE THE MOST PREPARED AMONG THE BODY MEMBERS**



Effective Procedures and Rules

POOL RULES

This is a private pool. Please observe the following rules:

1. No lifeguard on duty. All persons using pool do so at their own risk.
2. Please shower before entering pool.
3. No glass or alcoholic beverages in pool area.
4. No pets allowed in pool area.
5. Proper swim attire required.
6. No running or horseplay on pool deck.

CLASS RULES

1. Listen when others are talking.
2. Follow directions.
3. Keep hands, feet, and objects to yourself.
4. Work quietly and do not disturb others.
5. Show respect for school and personal property.
6. Work and play in a safe manner.

PLAYGROUND RULES

-  DO NOT USE EQUIPMENT WHEN WET.
-  NO RUNNING, PUSHING OR SHOVING.
-  DO NOT USE PLAY EQUIPMENT IMPROPERLY.
-  NO BARE FEET. WEAR PROPER FOOTWEAR.

ADULT SUPERVISION REQUIRED FOR USE. PLAY CAREFULLY!

PERSONAL HYGIENE RULES

1. Bath or shower frequently, where possible every day.
2. Avoid undesirable habits:-
 - Spitting
 - Smoking
 - Nail biting
 - Picking nose
 - Licking fingers
 - Coughing and sneezing over food
 - Not washing hands after visiting the toilet
3. You must wash your hands:-
 - Before starting work
 - Before and after touching raw food
 - Before touching cooked food
 - After visiting the toilet
 - After touching refuse
 - After smoking or eating
4. Have all cuts and sores covered with waterproof blue dressing.
5. Do not wear jewellery other than plain wedding band.
6. Do not wear false eye lashes, finger nails or nail varnish.
7. Keep finger nails clean and short.
8. You must wear clean protective clothing that is correctly fastened and right for the job you are doing.
9. You must report all sickness to your Supervisor.
10. Keep to the above rules, your job or life could depend upon it.

CAMP RULES

Students must give their best effort when it is work time and play fair when it is play time.

Students breaking any of the following rules, may miss out on part of their break (fun) time.

- No bad attitude.
- No talking during work time.
- No cheating or guessing.
- No running or "horseplay".
- No "trash talking" or swearing.
- All lunches must be peanut-free.
- Students must share all games.
- Rooms must be tidied up at the end of the day.



Absolute Rules!

- Absolutely, no leaving the camp area!
- Absolutely, no dangerous play!
- Absolutely, no stealing or bullying!
- Absolutely, no being disrespectful towards other students or teachers!

SHOOTING RANGE RULES

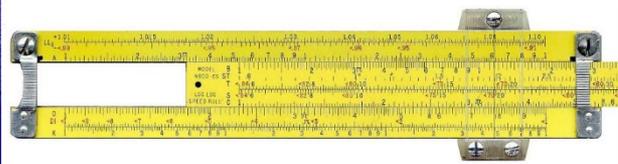
Fundamental NRA Rules for Safe Gun Handling:

- **ALWAYS** Keep the Gun Pointed in a Safe Direction
- **ALWAYS** Keep Your Fingers Off the Trigger Until Ready to Shoot
- **ALWAYS** Keep the Gun Unloaded Until Ready to Use

When Using A Gun, Always Follow These Rules:

- **Know Your Target and What is Beyond!** Make Sure the Down-Range Area is Unoccupied
- Be Sure the Gun is Safe to Operate
- Be Thoroughly Familiar With How the Gun Operates
- Use Only the Correct Ammunition for your Gun!
- Wear Ear and Eye Protection as Appropriate
- Never Use Alcohol or Drugs Before or While Shooting
- Unattended Guns Should Not be Accessible to Unauthorized Persons

Be Aware That Certain Types of Guns and Many Shooting Activities Require Additional Safety Precautions



WHY?

- Efficiency
- Fairness
- Legally required for success



Sources

State Law

- *Colorado Open Meetings Law*
- *Conflicts of Interest*
- *Special Notice Requirements*
- *Special Voting Requirements*



Sources

Local Law

- *Charter*
- *Municipal Code*
- *Bylaws/Rules of Procedure*
- *Rules of Order*



“Bylaws” / Rules of Procedure

- Special to the “Body”
- Not of general applicability to others
- Examples:
 - Form of meetings (in person, virtual, hybrid)
 - Meeting and hearing procedures and processes
 - Consent agenda availability and process for approval
 - Rules or guidelines to protect meeting decorum
 - Specialized public notice requirements for meetings
 - Quorum requirements
 - Adopts “Rules of Order”



Rules of Order

- Are largely of general applicability
- “How” you “make a decision”
 - Motion
 - Second
 - Deliberation and Debate
 - Voting Procedure
 - Specialized types of motions for special purposes
 - Continue/Postpone a Matter
 - Amend a Motion
 - Recess/Adjourn



Rules of Order

- Roberts Rules of Order
- Rosenberg's Rules
- Most communities' local rules

But the Absolute Best?

- Rules that are used
- Rules that are simple and understandable





I have found this one works a lot better!



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Not So Good?

Robert's Rules of Order

- *Published in 1876; Now in 11th Edition*
- ***669 Pages***
- *48 Pages of Summary Charts*
- *46 Page Index*
- *Dozens of Websites for Deciphering*
- *Cheat Sheets, Simplified Editions, FAQ's*
- *"Roberts Rules for Dummies" Book*



***Bob's
Rules of Order
for
Colorado
Local Governments***

***SIMPLIFIED PARLIAMENTARY RULES FOR PUBLIC
MEETINGS***

Robert C. Widner



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Bob's Rules of Order

Points & Motions



Three (3) Points

Point of **Information**

Point of **Order**

Point of **Appeal**



Nine (9) Motions

- **Principal Motion**
- Motion to Recess
- Motion to Reconsider
- Motion to Postpone an Agenda Item
- Motion to Continue an Open Agenda Item
- Motion to Amend (a Debatable Motion)
- Motion Close Debate
- Motion for Executive Session
- Motion to Adjourn



Flexibility

- Friendly Amendment
- Friendly Withdraw
- Chairperson Discretion (with Appeal)
- Acquiescence by Body Allowed
- Suspending the Rules



Questions?



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