

Pitkin County Governance Policies

Adopted by Resolution 173-04

Section 2. Governance Policies		Page
2.1	Campaign Activities	3
2.2	Chair Responsibilities	6
2.3	Citizen Boards	7
2.4	Delegation to the County Attorney	9
2.5	Delegation to the County Manager	11
2.6	Open Meeting and Executive Session Law	13
2.7	Governance Commitment	15
2.8	Land Use Policies and Guidelines	16
2.9	Public Hearing Process	17
2.10	Reconsideration Process	18
2.11	Standard of Conduct	19
2.12	Transit	26
2.13	Board Position on County Issues	28
2.14	Open Records and Public Information Requests	29
2.15	Community Development Non-Profit Fee Refund	30
2.16	General Budget	31

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
APPROVING GOVERNANCE POLICIES

Resolution #173-04

Recitals

1. The Board of County Commissioners directed staff to draft Governance Policies for inclusion in a County Policy Handbook.
2. The Governance Policies address how the Board of County Commissioners works together and how the Board interacts with the citizens of the County. These policies also provide direction on issues of significant community interest.
3. The Board has reviewed Governance Policies 2.1 through 2.14, copies of which are attached and incorporated by this reference.
4. The Board finds that it is appropriate and in the best interests of Pitkin County to adopt these policies.

Therefore, it is resolved by the Board of Commissioners of Pitkin County, that Governance Policies 2.1 through 2.14 are hereby approved. The County Manager is directed to include these policies in the Policy Handbook, and to review them with the Board annually. The County Manager shall maintain a written log of exceptions.

INTRODUCED, READ AND ADOPTED ON THE 15TH DAY OF DECEMBER, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

By: _____

Jeanette Jones, Deputy Clerk

By: _____

Dorothea Farris, Chair

Manager's Approval:

Hilary Fletcher Smith, County Manager

POLICY TYPE:
Governance

POLICY TITLE:
Campaign Activities

POLICY : 2.1

Approved: June 14, 2006
Revised: December 6, 2006

Pitkin County encourages its employees to participate in political activities regardless of any employee's particular point of view. However, elected officials and employees are not permitted to engage in campaign activities while at work, nor use public funds for advocacy purposes.

Accordingly, the following policy and procedure shall apply:

1. Elected Officials shall not ask any employee to nor shall any employee engage in any political activities which give the appearance that the political activity is endorsed by the County or which interfere with the performance of the employee's normal duties.
 - a. An example of a permissible activity occurs when an employee calls others from home, not on work time, and urges support or opposition to a ballot issue or candidate, without identifying himself or herself as a county employee.
 - b. An example of an impermissible activity occurs when an employee calls from work, identifying himself or herself as a county employee, and urges support or opposition to a ballot issue or candidate.
 - c. Pitkin County encourages and supports public participation by employees. Unless there is an official county policy on the issue, any County employee making a statement of endorsement should specify that he or she is not making a statement on behalf of the County and that the opinions expressed are solely those of the speaker. As long as so qualified, employees may take individual positions contrary to an adopted position of the Board of County Commissioners.
2. Elected Officials shall not ask employees to make any contribution to a political party, to elected officials, to a candidate, or to an issue committee and a refusal to do so by the employee shall not be used to penalize the employee in any way. An employee, while on County time or on County property, shall not make any campaign-related solicitations of contributions from any other employee.
3. During working hours and while on County premises, Elected Officials and employees shall not:
 - a. ask employees to support or endorse any candidates for elected office in Pitkin County;
 - b. circulate or ask employees to circulate any nominating petitions for such office;
 - c. distribute or ask employees to distribute any campaign literature or materials;
 - d. display car stickers on county vehicles;
 - e. display placards, posters or other materials on county premises on behalf of any candidate for elected office or ballot issue in Pitkin County; nor
 - d. devote staff time for any campaign activity.

This section shall not prohibit employees from wearing political buttons so long as that does not interfere with the performance of the employee's normal duties.

4. Employees who are elected to a Pitkin County office shall resign from the employment of Pitkin County as of the commencement of the elected term of office.
5. The Board of County Commissioners and employees are also prohibited from the following activities in support of or in opposition to a campaign, whether involving nomination, retention, or election of any person to public office or to urge electors to vote for or against any state-wide ballot issue, local ballot issue, referred measure, or recall of any elected official:
 - a. making any contributions of public funds in campaigns involving the nomination, retention, or election of any person to any public office;
 - b. expending any public moneys from any source or making any contributions to urge electors to vote in favor of or against any
 - i. statewide ballot issue that has been submitted for the purpose of having a title designated and fixed or that has had a title designated or fixed;
 - ii. local ballot issue that has been submitted for the purpose of having a title fixed or has had a title fixed;
 - iii. referred measure;
 - iv. measure for the recall of any elected official once the measure has been certified by the appropriate election official for submission to the electors.
 - c. Examples of what is prohibited includes;
 - i. using or spending public funds or supplies;
 - ii. allowing employees to work on a campaign during working hours or to use public facilities or equipment for the purposes of a campaign;
 - iii. providing transportation or advertising using public property or funds to influence the passage or defeat of any issue.
6. The Board of County Commissioners and employees are permitted to engage in the following activities in support of or in opposition to a campaign, whether involving nomination, retention, or election of any person to public office or to urge electors to vote for or against any state-wide ballot issue, local ballot issue, referred measure, or recall of any elected official:
 - a. The local governing body may take a position and pass a resolution urging the electorate to vote for or against any matter. Staff background research for such a resolution is also permissible, as is distribution of the resolution through the same means by which other government information is regularly provided to the public.
 - b. Elected officials may express an opinion on any issue.
 - c. Employees may expend personal funds and/or use personal time to urge electors to vote in favor of or against any issue.
 - d. Employees may respond to questions about any campaign issue if the employee has not solicited the question.
 - e. A board member or employee with policy-making responsibilities may spend not more than \$50.00 of public moneys in the form of letters, telephone calls or other activities incidental to expressing opinions on campaign issues.

f. If the Board of County Commissioners has a policy permitting public groups to use its facilities for community purposes, it may allow groups opposed to or supportive of a ballot issue to use its facilities if the policy is applied in an evenhanded fashion.

g. The County or any department or staff member may use public funds to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against the proposal.

POLICY TYPE: Governance

**POLICY TITLE:
Chair Responsibilities**

POLICY 2.2

The responsibility of the Chair is, primarily, to establish procedural integrity and, secondarily, representation of the Board of County Commissioners to outside parties (as delegated by the Board).

Accordingly, the following procedures apply:

1. The responsibility of the Chair is to consistently guide the behavior of the Board with its own rules and those legitimately imposed upon it from outside the organization.
2. Meeting agendas and discussion content will be only those issues which, according to Board policy, clearly belong to the Board to decide.
3. Deliberation will be fair, open, orderly and thorough, but also efficient, limited to time and kept to the point.
4. The authority of the Chair is to set the agendas, preside over meetings, and sign documents as authorized by the Board of County Commissioners.
5. The Chair represents the Board only when delegated those responsibilities by the Board.

POLICY TYPE: Governance

**POLICY TITLE:
Citizen Boards**

POLICY 2.3

It is the policy of the Board of County Commissioners to encourage citizen involvement in governmental activity through the use of citizen boards, to have its citizen board members understand the guidelines governing their service, and to have consistency among the County citizen boards in their policies and procedures.

Accordingly, the following procedures apply:

1. **Open Meetings.** Citizen boards are County public bodies, subject to Colorado's open meetings law.
2. **Recruitment.** When a vacancy occurs on any Citizen Board, the Board of County Commissioners will:
 - a. Advertise the vacancy, describing the open position with a prescribed closing date, through the County Manager's Office
 - b. Make available a standard form application for interested applicants through the County Manager's Office
 - c. Accept and review applications through the County Manager's Office to determine candidates for interviewing
 - d. Interview qualified applicants at public meetings
 - e. Appoint every citizen board member by resolution at a regular meeting of the Board of County Commissioners
 - f. Pursuant to Resolution 91-23, citizens may serve on only one Board in each of three categories: Policy/Advisory Boards, Appeal and Administrative Review Boards, and Task Forces
3. **Terms of Appointment.** The term for service on a citizen board varies from board to board, but is established through Article III of the Pitkin County Home Rule Charter, through enabling legislation creating the citizen board, or through applicable law. If no other term is established, terms shall be for two years, but the terms should be staggered.
4. **Number of Members.** Each citizen board shall consist of five members, with up to five alternate members, unless otherwise provided in Article III of the Pitkin County Home Rule Charter, in enabling legislation creating the citizen board, or in applicable law.
5. **Staff liaison.** All citizen boards shall have a staff person to:
 - a. Assist with meetings and keep minutes
 - b. Serve as liaison to the Board of County Commissioners

- c. Advise the County Manager's Office of any unscheduled vacancies, whether existing members desire reappointment when their terms expire; of any change in staff liaison, and of any changes in by-laws
 - d. Provide members with copies of the Standard of Conduct, Bylaws, and any adopted policies or codes applicable for service on the citizen board
6. Remuneration. All citizen board members serve as volunteers. Members may be reimbursed for necessary meals, mileage, training, and other expenses only if approved in advance by the staff liaison, and only if sufficient budget is available for the expense.
7. By-laws. Each citizen board shall adopt by-laws, approved by the Board of County Commissioners, governing its procedures and establishing its attendance policy. A copy of current by-laws shall be maintained by the staff liaison for the citizen board, and by the Manager's Office.
8. Standard of Conduct. Citizen board members must abide by the County Standard of Conduct for Public Officials, adopted by the Board of County Commissioners in Ordinance 028-2002.
9. Vehicle Use. Volunteer Board Members may use county-owned vehicles for official county business only, provided the member has a current and valid Colorado operator's license, and has completed a current release of information form with Human Resources to allow access to the member's driving record. Individuals operating county vehicles are required to observe all traffic laws and use common sense and good judgment. Permission to use a county vehicle may be denied if a driver is considered a risk.
10. Errors and Omissions Insurance. Board Members, in performing their duties, will be covered by the County's Errors and Omissions Insurance
11. Adopted Codes and/or Adopted Policies. Members serving on citizen boards that are governed by adopted codes or policies are required to uphold those codes or policies in conducting business.
12. The County Manager's Office shall maintain a current list of all citizen boards, including for each its purpose, its members and their terms, and its staff liaison, with contact information.

POLICY TYPE: Governance

**POLICY TITLE:
Delegation to the County Attorney**

POLICY 2.4

Per Section 5.3 of the Home Rule Charter, there shall be a County Attorney appointed by the Board of County Commissioners, who shall be the chief legal officer of the Board and the Administration.

Accordingly, the following procedures apply:

1. Only decisions of the Board of County Commissioners (the “Board”), by majority vote, are binding on the County Attorney.
2. The County Attorney shall have line authority over the County Attorney’s Office under the Board of County Commissioners. This authority shall include supervision and control over day-to-day functions and management decisions required to carry out the objectives of the Board. Employment decisions regarding appointed officials reporting to the County Attorney shall be made in cooperation with the Board.
3. The policies and goals of the Board direct the County Attorney to achieve certain results. The policies permit the County Attorney to act within acceptable boundaries of prudence and ethics. With respect to the policies, the County Attorney is authorized to make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the policies of the Board.
4. The Board may change its policies, thereby shifting the boundary between Board and County Attorney domains. Consequently, the Board may change the latitude of choice given to the County Attorney, but so long as any particular delegation is in place, the Board will respect and support the County Attorney’s choices. The Board will not allow the impression that the County Attorney has violated policy when the County Attorney supports an existing policy.
5. No individual member of the Board of County Commissioners has authority over the County Attorney. Individual Board members may request information, but if such request, in the County Attorney’s judgment, requires a material amount of resources or is detrimental to other necessities, the County Attorney may ask for majority Board action on such a request.
6. It is understood that at times it may be in the best interest of the County to waive or grant exceptions to adopted Board policy. The County Attorney shall request Board approval for any policy waiver or exception prior to its implementation.
7. Should the County Attorney deem it necessary to, or inadvertently, violate a Board policy, he or she shall promptly inform the Board. Informing is simply to guarantee no violation may be intentionally kept from the Board, not to request approval. Board response, either

approving or disapproving, does not exempt the County Attorney from subsequent Board judgment of the action.

POLICY TYPE: Governance

**POLICY TITLE:
Delegation to County Manager**

POLICY 2.5

The job of the Board of County Commissioners is generally confined to establishing the broadest vision and policies. Implementation and subsidiary decision-making is delegated to the County Manager.

Accordingly, the following procedures apply:

1. Only decisions of the Board of County Commissioners (the “Board”), by majority vote, are binding on the County Manager.
2. With the exception of the County Attorney, the County Manager shall have line authority over all county sections under the Board of County Commissioners. This authority shall include supervision and control over day-to-day functions and management decisions required to carry out the objectives of the Board. Employment decisions regarding appointed officials reporting to the County Manager shall be made in cooperation with the Board.
3. The policies and goals of the Board direct the County Manager to achieve certain results. The policies permit the County Manager to act within acceptable boundaries of prudence and ethics. With respect to the policies, the County Manager is authorized to make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the policies of the Board.
4. The Board may change its policies, thereby shifting the boundary between Board and County Manager domains. Consequently, the Board may change the latitude of choice given to the County Managers, but so long as any particular delegation is in place, the Board will respect and support the County Manager’s choices. The Board will not allow the impression that the County Manager has violated policy when the County Manager supports an existing policy.
5. No individual member of the Board of County Commissioners has authority over the County Manager. Individual Board members may request information, but if such request, in the County Manager’s judgment, requires a material amount of resources or is detrimental to other necessities, the County Manager may ask for majority Board action on such a request.
6. It is understood that at times it may be in the best interest of the County to waive or grant exceptions to adopted Board policy. The County Manager shall request Board approval for any policy waiver or exception prior to its implementation.
7. Should the County Manager deem it necessary to, or inadvertently, violate a Board policy, he or she shall promptly inform the Board. Informing is simply to guarantee no violation may

be intentionally kept from the Board, not to request approval. Board response, either approving or disapproving, does not exempt the County Manager from subsequent Board judgment of the action.

POLICY TYPE: Governance

**POLICY TITLE:
Open Meeting and Executive Session Law**

POLICY 2.6

All County public bodies shall comply with the Colorado Open Meeting Law, C.R.S. 24-6-402, and executive sessions shall be held only in accordance with that law, and as specifically determined by the County Attorney's office.

Accordingly, the following procedures apply:

1. All meetings of a quorum or three or more members of any County public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are public meetings open to the public at all times. This does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.
2. A County "public body" for purposes of this policy includes any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of the County, and any public or private entity, except County administrative staff, to which the County has delegated a governmental decision-making function.
3. Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur requires full and timely notice to the public, with specific agenda information where possible. Each County public body shall designate annually a posting place for notices of its meetings at the first regular meeting of each calendar year.
4. Local public bodies must keep minutes of any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur. The recorded minutes are open to the public.
5. An executive session may be held by a County public body during any regular or special meeting, as follows:
 - a. The County public body announces to the public the topic for the executive session, including specific citation to the provision of state law authorizing the executive session, and identifies the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.
 - b. A motion for the executive session passes by the affirmative vote of two-thirds of the quorum present, after such announcement.
6. The executive session can be held for the sole purpose of considering any of the following matters:

- a. Under CRS 24-6-402(4)(a): The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that the executive session may not be used to conceal the fact that a member of the County public body has a personal interest in such purchase, acquisition, lease, transfer, or sale.
 - b. Under CRS 24-6-402(4)(b): Conferences with an attorney for the County public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient for this subsection.
 - c. Under CRS 24-6-402(4)(c): Matters required to be kept confidential by federal or state law or rules and regulations, but only if the local public body announces the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.
 - d. Under CRS 24-6-402(4)(d): Specialized details of security arrangements or investigations, including defenses against terrorism, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.
 - e. Under CRS 24-6-402(4)(e): Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiation; and instructing negotiators.
 - f. Under CRS 24-6-402(4)(f)(I): Personnel matters except if the employee who is the subject of the session has requested an open meeting. This provision does not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.
 - g. Under CRS 24-6-402(4)(g): Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act.
7. The minutes of a meeting at which an executive session is held shall reflect the topic of the discussion at the executive session.
 8. Minutes shall be kept of executive session discussions, recorded by making any form of electronic recording, and the minutes shall reflect the specific citation to the provision authorizing the executive session, and the actual contents of the discussion.
 9. If, in the opinion of the attorney who is representing the County public body and who is in attendance at the executive session, all or a portion of the discussion constitutes a privileged attorney-client communication, no record shall be required of those parts of the discussion, but the record shall reflect the opinion.
 10. Records of executive sessions shall be kept for at least ninety days after the date of the executive session.
 11. Records of BOCC executive sessions shall be kept by the County Attorney, except those records relating to personnel issues involving the County Attorney, which records shall be kept by the Human Resources Director. For other County public bodies, the staff liaison shall keep the records of executive sessions.

POLICY TYPE: Governance

**POLICY TITLE:
Governance Commitment**

POLICY 2.7

Within the authority granted to it by the Pitkin County Home Rule Charter, the purpose of the Pitkin County Board of County Commissioners (the “Board”), on behalf of the citizens of Pitkin County, is to see to it that Pitkin County government 1) achieves appropriate results for appropriate persons at appropriate costs and 2) avoids unacceptable actions and situations.

Accordingly, the following procedures apply:

1. The operating principles and commitments of the Board of County Commissioners, as it relates to the working relationship between the Commissioners, other elected officials, staff and citizens, are to emphasize fairness, responsibilities as elected officials, respect, honesty and integrity, and communication.
2. The job of the Board is to make contributions which lead the County Government toward the desired performance and to assure that it occurs. The Board’s specific contributions are unique to its trusteeship role and necessary for proper governance and management.
3. The responsibility of the Chair is, primarily, the procedural integrity of the Board’s work and, secondarily, representation of the Board of County Commissioners to outside parties as delegated by the Board.
4. The Board expects ethical and businesslike conduct of its members.
5. The Board may establish boards and commissions to help carry out its responsibilities. To preserve Board unity, boards and commissions will be used sparingly, only when other methods have been deemed inadequate. Boards and commissions will be used so as to minimally interfere with the wholeness of the Board’s job and so as to never interfere with delegation from Board to staff.
6. Other than those statutorily determined, all boards and commissions appointed by the Board shall exist so that Board decisions will be made from an informed position and will be made in a public forum consistent with Board policy.

POLICY TYPE: Governance

**POLICY TITLE:
Land Use Policy and Guidelines**

POLICY 2.8

It is the policy of Pitkin County to conserve and protect the present natural environment and its resources for the benefit of its residents and the continued viability of its resort economy.

Accordingly, the following procedures apply:

Land Use Policy Guidelines, September 2002 (See Section 6 of Handbook)

POLICY TYPE: Governance

**POLICY TITLE:
Public Hearing Process**

POLICY 2.9

Revised: January 2006

The Board of County Commissioners shall conduct public hearings in accordance with the Home Rule Charter that allow for all members of the public to comment and be heard on matters that come before the Board.

Accordingly, the following procedures apply:

The Board shall conduct all public hearings in the following format:

1. Agenda Item is introduced by Commissioner Chair
2. Staff Presentation to Board
3. Questions of Staff by Board
4. Applicant Presentation to Board
5. Questions of Applicant and Staff by Board
6. Commissioner Chair opens Public Hearing and Public Comment Period
 - ◆ At this time the public may comment.
 - ◆ Each person must be recognized by the Chair before speaking.
 - ◆ Once recognized, please state your name clearly for the record.
 - ◆ Please direct all comments to the Board, not to the applicant or the audience.
7. Board Discussion
8. Close Public Hearing
9. Board Member makes Motion
10. Final Board Discussion
11. Action by Board

POLICY TYPE: Governance

**POLICY TITLE:
Reconsideration Process**

POLICY 2.10

The Board of County Commissioners wishes to have clear guidelines regarding when items may be brought back to the Board for reconsideration.

Accordingly, the following procedures apply:

1. An item for reconsideration must be heard at the same meeting or next regular meeting.
2. A motion for reconsideration must be made by one of the Commissioners who voted in the majority on the item.
3. A second on the motion may be made by any Commissioner, regardless of their past action on the item.

POLICY TYPE: Governance

**POLICY TITLE:
Standard of Conduct**

POLICY 2.11

**STANDARD OF CONDUCT
FOR PITKIN COUNTY PUBLIC OFFICIALS
ADOPTED BY ORDINANCE 28-02
AMENDED BY ORDINANCE 002-2005
AMENDED BY ORDINANCE 044-2005**

Applicability - The standards contained herein apply to the following:

- A. Board Members, which include:
 - 1. Members elected to the Board of County Commissioners
 - 2. Members appointed to Volunteer Citizen Boards by the Board of County Commissioners
- B. Section Leaders appointed by the County Manager
- C. The County Manager, the Open Space and Trails Director, and the County Attorney
- D. County Hearing Officers

The term “Public Officials,” when used in this document, refers to Section Leaders appointed by the County Manager, Board Members, the County Manager, the Open Space and Trails Director, the County Attorney, and County Hearing Officers.

Preamble

The citizens of Pitkin County are entitled to fair, ethical and accountable local government that earns the public’s confidence in the integrity of Public Officials. In keeping with Pitkin County’s commitment to the public trust, the effective functioning of democratic government therefore requires that:

- Public Officials respect the laws and policies affecting the operations of government;
- Public Officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The primary responsibility of the members of the Board of County Commissioners is to establish the overall policies for the County and to exercise the powers, duties, and functions of the County in compliance with applicable law and the Home Rule Charter, through action at regular and special meetings and other job-related duties and functions.

The primary responsibility of the members of the various Citizen Boards is to exercise the duties and responsibilities vested in each board through formal action of that Citizen Board at regular and special meetings.

The primary responsibility of County Section Leaders is to develop, communicate, and implement organizational policies, to recommend public and budgetary policies to the Board of County Commissioners and to implement policies of the Board of County Commissioners.

The primary responsibility of County Hearing Officers is to provide contract services to the County to conduct judicial or quasi-judicial proceedings on various County matters.

All Public Officials must understand, respect, and value the job, the organization, the employees, the citizens, and the common public interest.

To this end, the Pitkin County Board of County Commissioners has adopted a Standard of Conduct for Public Officials to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Public Officials will work for the common good of all the people of Pitkin County, and will assure fair and equal treatment of all persons, claims and transactions coming before Pitkin County Boards.

2. Conduct of Public Officials

The professional conduct of Public Officials must be of the highest standard. Public Officials shall be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

Public Officials shall comply with the laws of the United States, the State of Colorado and Pitkin County in the performance of their public duties. These laws include, but are not limited to: The United States and Colorado constitutions; the Pitkin County Home Rule Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government; and County ordinances and policies.

3. Respect for Process

Public Officials shall perform their duties in accordance with the processes and rules of order established by the County Commissioners governing the deliberation of public policy issues,

with meaningful involvement of the public, and through implementation of policy decisions of the Board of County Commissioners by staff.

4. Conduct of Public Meetings

Public Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. Public Officials shall base their decisions on the merits and substance of the matter before them.

5. Communication

Public Officials shall publicly endeavor to share all relevant information regarding a matter under consideration that they may have received from sources outside the public decision-making process. Board Members and County Hearing Officers involved in quasi-judicial land use decisions or other judicial or quasi-judicial decisions shall disclose any such communications at the public hearing or public meeting. After an application has been submitted to the County, Board Members and County Hearing Officers shall not intentionally engage in communications with interested parties regarding issues upon which they must make a judicial or quasi-judicial decision at a public meeting or public hearing. Judicial or quasi-judicial decisions are those for which there is a specific applicant (or appellant) requesting a decision from the Board Members or Hearing Officer, based upon specific facts to be considered at the hearing or meeting and made a part of the record.

6. Conflict of Interest

Conflicts of interest can occur both from private interests and from institutional interests.

A. Private Conflicts of Interest: The following public officials are subject to the conflict of interest provisions in the Pitkin County Home Rule Charter: County Commissioners, County Manager, Assistant County Manager, Community Development Director, County Attorneys and the Open Space and Trails Director.

For other Section Leaders not subject to the Home Rule Charter provisions and for Volunteer Citizen Board members and County Hearing Officers the following conflict of interest policy shall apply.

A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This policy is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.

No Section Leader, Citizen Board Member, or County Hearing Officer shall vote or otherwise participate in a decision making process which affects any property, asset, or entity in which he/she has a known significant financial interest or in which any member of his/her family has a known significant financial interest. Family is defined as spouse, parent, brother, sister, grandparent, child, grandchild, step-child, step-parent, step-grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any individual who is a part of the Section Leader's,

Citizen Board Member's, or County Hearing Officer's immediate household. Any Section Leader or Citizen Board Member otherwise barred from participating in a discussion pursuant to this section may, if requested by his/her respective Board or the County Manager, give information about the issue in which he/she or his/her family has a financial interest. A County Hearing Officer may not hear a matter in which he/she or his/her family has a financial interest.

This prohibition, and the prohibition on institutional conflicts in paragraph 6B, shall not prevent Section Leaders from performing their work for the County, so long as any financial or *institutional* interest held by a Section Leader is not in conflict with the common public interest, and is disclosed to the County Manager or, in the case of the County Manager, to the Board of County Commissioners. The County Manager has the discretion to direct a Section Leader to refrain from participation when a conflict exists.

If an issue arises in which a Volunteer Board Member believes he/she may have a either a private or an institutional conflict of interest, he/she must disclose that potential conflict of interest to his/her respective board and the County Attorney for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation as a Board Member in the decision-making process or voting on that issue. A Board Member may vote on an issue notwithstanding the conflict only if his/her participation is necessary to obtain a quorum or otherwise enable the board to act.

If an issue arises in which a Section Leader believes he/she may have a conflict of interest, he/she must disclose that potential conflict of interest to the County Manager for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in the decision-making process or voting on that issue.

If an issue arises in which a County Hearing Officer believes he/she may have a conflict of interest, he/she must disclose that potential conflict of interest to the County Attorney for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will be disqualified from acting as Hearing Officer on that matter.

B. Institutional Conflicts of Interest. An institutional conflict of interest occurs when a Public Official is a member of a board, group, or organization that is requesting action from the Public Official or the Board of County Commissioners of Pitkin County or volunteer citizen board of which the Public Official is a member, and the action requested provides a benefit to the board, group, or organization that is different from the common public interest. No Public Official shall vote or otherwise participate in a decision making process requested by a board, group, or organization of which he or she is a member when an institutional conflict of interest exists.

The process for handling these institutional conflicts are the same as expressed in this Standard of Conduct for handling private conflicts. Institutional conflicts of those Public Officials subject to the Home Rule Charter provisions on conflicts are governed by the Home Rule Charter process.

7. Gifts and Favors

Public Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Acceptance of nominal gifts in keeping with special occasions, meals and refreshments in the ordinary course of business, or social courtesies, which promote good public relations and encourage participation in community events, is permitted.

8. Confidential Information

Public officials have a duty and obligation to promote what should be public and a duty and obligation to protect what should be confidential. Public Officials shall respect that certain information concerning the property, personnel or affairs of the County is confidential. They shall neither disclose confidential information, nor use such information to advance their personal, financial or other private interests without prior authorization from their respective boards.

9. Use of Public Resources

Public Officials shall not use public resources not available to the public in general, such as County staff time, equipment, supplies or facilities, for personal gain.

10. Representation of Private Interests

In keeping with their role as stewards of the public interest, Board Members shall not appear before their own boards or before the Commissioners on behalf of the private interests of third parties on matters related to the areas of service of their boards.

11. Advocacy

Board Members shall represent the official policies or positions of their Board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Board members shall explicitly state they do not represent their body or Pitkin County, nor will they allow the inference that they do.

12. Policy Role of Public Officials

Public Officials shall respect and adhere to the Board-Manager structure of Pitkin County government as outlined by the Home Rule Charter. In this structure, the Board of County Commissioners determines the policies of the County with the advice, information and analysis provided by the public, boards and commissions, and County staff.

13. Independence of Boards and Hearing Officers

Because of the value of the independent advice of Volunteer Citizen Boards and County Hearing Officers to the public decision-making process, members of Board of County Commissioners

shall refrain from using their position to unduly influence the deliberations or outcomes of appointed board or hearing officer proceedings.

14. Positive Work Place Environment

Public Officials shall support a positive and constructive work place environment for County employees and for citizens and businesses dealing with the County. Any single Board Member should not give direction to staff, but after a decision of the majority of the Board present at a meeting, the request can then be forwarded to the County Manager, or to the applicable staff liaison for Citizen Boards, to give staff direction. However, individual board members may seek information directly from staff, which will then be distributed to all board members. If a Board Member has a request that is of a magnitude that disrupts the normal workflow of a County employee, the request shall go through the County Manager. This section shall not be construed to prohibit the County Manager or staff liaisons from obtaining direction from Board Members in emergency situations when a meeting cannot be held before some action is necessary.

15. Bylaws

All Volunteer Citizen Boards shall adopt bylaws. These bylaws must be approved by resolution of the Board of County Commissioners.

16. Absenteeism

Members of the Board of County Commissioners shall make every effort to attend all scheduled meetings. If they are unable to attend any meeting they shall advise the County Manager.

Each Volunteer Citizen Board shall recommend its own absenteeism policy and include this policy in its bylaws. All Citizen Board members shall comply with their respective Board's absenteeism policy.

17. Implementation

The Pitkin County Standard of Conduct is intended to be self-enforcing and shall be included in the regular orientations for new board members, and newly elected and appointed officials and Section Leaders. In addition, the Standard of Conduct shall be reviewed by the Board of County Commissioners to consider recommendations and to update it as necessary.

18. Compliance and Enforcement

The Pitkin County Standard of Conduct expresses standards of ethical conduct expected for members of the Pitkin County Commissioners, Volunteer Citizen Boards and Section Leaders. Public Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity and effective functioning of government.

Any Board Member may notify the Board of County Commissioners, through the County Attorney, when actions that appear to be in violation of the Standard of Conduct are brought to their attention. The County Attorney shall bring any alleged violation to the full Board of County Commissioners. The Board of County Commissioners may impose sanctions, up to and including removal of members of Volunteer Citizen Boards and County Hearing Officers, for violation of this Standard of Conduct.

The Board of County Commissioners may impose sanctions on Commissioners whose conduct does not comply with the County's ethical standards, such as reprimand, public or private censure, loss of seniority or committee assignment, or budget restriction. The imposition of sanctions on any Board Member requires the unanimous approval of the full Board of County commissioners, except for any Commissioner who is the subject of the proposed sanction.

Unless prohibited by law, deliberations and consideration of sanctions, if any, shall be conducted at a public meeting.

County staff subject to this Standard of Conduct may be subject to disciplinary action by his/her supervisor, up to and including termination of employment for violation of this Standard of Conduct.

Except as provided in the Home Rule Charter, a violation of this Standard of Conduct shall not be considered a basis for challenging the validity of a County Commissioner, Volunteer Citizen Board, or County Hearing Officer decision, and shall not create any legal rights for a private citizen.

This section on sanctions does not supersede the provisions of the Home Rule Charter, and in the event of any conflicts between this Standard of Conduct and the Home Rule Charter, the Home Rule Charter prevails.

POLICY TYPE: Governance

**POLICY TITLE:
Transit**

POLICY 2.12

The transit policy of the Board of County Commissioners, as a Board and as members of the Elected Officials Transportation Committee, is to reduce and/or manage the volume of vehicles on the road system and to develop a comprehensive, long-range strategy that will insure a convenient and efficient transportation system for the Roaring Fork Valley.

Accordingly, the following procedures apply:

1. Improvements to SH82 should be considered in the context of an overall, comprehensive upper-valley and valley-wide transportation plan.
2. Alternatives that encourage the use of mass transit shall have preference over others.
3. Alternatives must be sensitive to seasonal changes.
4. Alternatives that provide incentives to reduce the use of private automobiles should be utilized initially.
5. The alternative solutions selected must combine to form a transportation strategy that is enduring and one that the community can be proud of.
6. The initial part of a comprehensive transportation plan shall consist of three main elements:
 - a. *Travel Demand Management*, including parking management, bus system improvements, and park-and-ride lots throughout the valley;
 - b. *Transportation Enhancements*, including HOV lanes; maintaining Brush Creek Road as a two-lane, rural facility; creative solutions for the Brush Creek Road/SH82, AABC/SH82 and Owl Creek Road/SH82 intersections; a pedestrian/bike path along the Maroon Creek Bridge; acquiring the Denver and Rio Grande right-of-way for intermodal transportation purposes; and a pedestrian/bike path from Old Snowmass to Basalt.
 - c. *Fixed Guideway System(s)*, including every reasonable attempt to develop a fixed guideway system(s) between Snowmass and Aspen.
7. Spending criteria and guidelines for the ½ Cent Sales and Use Tax approved by Pitkin County voters in November 1993 to fund mass transportation improvements include the requirement that all mass transportation system improvements must be jointly approved by Aspen, Snowmass and Pitkin County, and may include, but are not limited to:
 - a. Increased and improved bus service;
 - b. Park-and-ride facilities

- c. Participating with Roaring Fork Valley governments and/or others to acquire the Denver and Rio Grande right-of-way for transportation and related trails and open space uses;
 - d. A fixed guideway public transportation system (such as a busway, monorail, light rail, or similar mechanical transit system) on a separate right-of-way, connecting Aspen, Snowmass and downvalley locations within the Roaring Fork Valley and developed with the participation of federal, state and private entities; and
 - e. Any additional projects that fit within the general framework of the overall plan and that are approved by the unanimous consent of the parties.
8. Since the formation of the Roaring Fork Transit Authority (RFTA), 81.04% of the ½ cent transit sales tax collections, and 48.13% of the 1 cent transit sales tax collections are committed to RFTA.

POLICY TYPE: Governance

**POLICY TITLE:
Board Position on County Issues**

POLICY 2.13

The Board of County Commissioners often desires or is requested to take a written position on state or federal legislation or other matters affecting the County and its citizens and visitors.

Accordingly, the following procedures apply:

1. The position of the Board of County Commissioners on any matter is established by a majority of a quorum of members present at a work session or regular meeting.
2. The position of the Board of County Commissioners may be expressed in a letter and/or a resolution, depending on the circumstances.
3. With respect to pending legislative matters, both state and federal, a letter is the preferred method of stating the Board's position. Once the Board determines a position and unless otherwise directed by the Board, the Chair may sign the letter expressing the Board position without further input from the Board.
4. Should a majority of a quorum of the Board at any work session or public meeting request a resolution expressing Board position, staff shall prepare and present the resolution for Board discussion at a subsequent work session and/or for consideration and action at a regular or special meeting.

POLICY TYPE: Governance

**POLICY TITLE:
Open Records and Public Information Requests**

POLICY 2.14

Pitkin County is a public entity and most of the documentation and records we maintain are public in nature and available to the public for inspection. Requests for review and/or copying of public records are received by board members and staff.

Accordingly, the following procedures apply:

1. Documents and records include staff notes, records of staff meetings, interoffice memos, e-mail messages, research and communications to and from members of the public. These are all public records, unless they fall within statutory exceptions.
2. The majority of requests by the public can be handled by staff when a member of the public walks in and makes the request to review a document or records.
3. When a Board member receives a request that is in writing, unusual, burdensome, or otherwise of concern, the response may need to be in written form to demonstrate adherence to statutory requirements. The Board member receiving the request must contact the County Attorney's office as soon as such a request is made to assure that the response is consistent with state law.
4. A response to a written request for public records should also be in writing and must be made within three business days or less, C.R.S. § 24-72-203(3)(b).
5. A response to a request for public records must be pursued diligently.

POLICY TYPE: Governance

**POLICY TITLE:
Community Development Non-Profit Fee Refund**

POLICY 2.15

The Board of County Commissioners (BOCC) wishes to support local non-profit organizations and recognizes the contribution they make to the community. At times, these non-profit organizations may sponsor various events that require them to pay fees to the Community Development Department for required permits. The BOCC receives numerous requests from non-profits to have these fees refunded, and wishes to have a consistent policy regarding fee refund requests.

Accordingly, the following procedures apply:

1. Any non-profit organization requesting a fee refund shall pay the fee in full at the time the application is submitted, as well as pay all additional fees at the time they are billed. Fee refund requests shall be made concurrently with development applications.
2. All fee refund requests will be recorded throughout the year. In June and December of each year, the BOCC will review all requests that have come before them and make a decision at that time whether to refund fees in whole or in part from the BOCC Discretionary Fund, based on the funds available and the number and amount of requests. If the BOCC does not want to make the applicant wait until December, the BOCC, at its discretion, may grant up to \$500 at the time of the fee refund request, but is not required to do so.

POLICY TYPE: Governance

**POLICY TITLE:
General Budget**

POLICY 2.16

Colorado state law (CRS Title 29) specifies requirements that must be followed in budgeting. The following summarizes the key areas covered in Colorado state law.

State Key Requirements:

1. The Board must appoint a person to prepare a proposed balanced budget, including a budget “message” explaining the content, financial policies, and major proposed changes of the proposed budget. The County Manager is responsible for preparing the budget message. The Finance Department is responsible for coordinating the budget documents that are reviewed by the Manager prior to going to the BOCC for discussion and approval.
2. Lease-purchase agreements create obligations and must be identified in the budget. Limits are placed on the term of lease-purchase agreements. The Finance Department is responsible for including this document in the budget summary.
3. No later than October 15, a proposed balanced budget for the ensuing year is to be presented to the Board for its consideration. See budget calendar below.
4. Minimum requirements for the publishing notices of the budget and its hearings. A public hearing is required on the proposed preliminary budget and must be conducted before adoption of a final budget. See budget calendar below.
5. Defines processes for adopting and appropriating the budget. Procedures for handling changes (transfers, contingencies and supplemental appropriations) to the budget are identified. Policy is included in procurement code
6. Lists procedures and timeframes for official filing of the adopted budget with the State of Colorado. See budget calendar below.
7. Sets limitations on the expenditure of County funds to no more than the appropriated amounts.
8. Establishes the requirement for financial records to compare budget to actual at all times.
9. Establishes minimum requirements for an Emergency Reserve.

10. Specifies that knowingly or willfully failing to perform duties or violate provisions under Colorado Budget Law is considered malfeasance in office, punishable by removal from office.

County Specific Policies:

1. County Manager recommends a balanced budget each year. The Board of County Commissioners (BOCC) designates the County Manager to oversee the creation of a proposed balanced budget that substantially meets the priorities and strategic initiatives of the BOCC. Budgets are submitted by department heads, then the County manager and Section Leaders develop a balanced budget plan which is recommended to the BOCC. The Annual budget plan is coordinated and presented by the Finance Director. The BOCC reviews budget submittals, meets with departments and Section Leaders, and makes final budget decisions that provide a balanced budget for the ensuing year.
2. Multi-year budget plan. During each budget cycle, the proposed, balanced budget is extrapolated by inflation and reasonable future projections into a five-year projection. The BOCC strives to balance all years of the “multi-year plan.”
3. Balanced Budget. A balanced budget is created, i.e. expenditures do not exceed the total of revenues, transfers, or use of associated prior year fund balances. A balanced budget further implies that net expenditures of the current year will not be deferred into future years as long as current local tax support revenues are available to fund them.
4. Economic assumptions. A forecast of revenues and expenditures shall be prepared. Economic assumptions for increases to major revenues (sales tax, property tax, and investment income) labor, non-labor, and general revenue growth factors are prepared by staff; reviewed and revised by the Financial Advisory Board; and then reviewed, revised, and approved by the BOCC. These factors are used for projecting the revenues and expenditures for the out years in the 5-year budget plan. The next year’s budget is based on actual estimates submitted by departments.
5. Revenue policies. Estimates shall be as accurate as possible: an overstated estimate might undermine the operating expenditure budget; too conservative of a projection would reduce resource estimates and valuable projects would be unnecessarily postponed.
6. Expenditure priorities. These net expenditures shall be funded in this prioritized order: Debt Service, Existing Operations, Capital Replacement – providing for a reasonable and timely replacement of equipment. These priorities satisfy the county's intention to maintain current levels of service and to maintain its assets.
7. Once the primary elements of the budget are funded, any remaining funds shall be allocated to special projects, based upon whether these projects advance the goals of the Board of County Commissioners. Categories of possible special projects include:
 - Capital improvement projects
 - Elective projects

- Long-term adjustments to operations
8. The proposed budget shall not commit the County to providing programs or levels of service that cannot be reasonably sustained in light of projected resources.
 9. Effects of growth. The incremental effects of growth in either the size or expectations of the community need to be recognized as well; these effects may include necessary changes in service levels plus additional capital improvements or elective projects.

Capital Replacement Policy:

1. The County shall annually prepare a schedule for the current and future replacement of its non-infrastructure capital assets valued at \$1000 or more. The capitalization threshold for assets is an asset with a useful life of over 3 years and a value of over \$5,000.
2. Within the resources available each fiscal year, the County shall replace these assets according to the replacement schedule. Such replacement schedules shall include buildings, phone/radios, vehicles, departmental technical equipment, computers, network and software equipment; office furnishings and fixtures.
3. It is the County's policy to ensure that adequate resources are allocated to preserve existing capital assets before targeting resources toward additional capital assets that also have maintenance obligations. This policy addresses the need to protect the investment in capital assets and to avoid embarking on an asset expansion program, which together with the existing capital assets, cannot be adequately maintained.

Fund Balance and Reserves Policies:

1. The County shall maintain, at a minimum, an unreserved fund balance in their general fund of no less than five to 15 percent of regular general fund operating revenues, or of no less than one to two months of regular general fund operating expenditures. Sales tax, litigation and natural disaster contingencies were considered in establishing this policy.
2. For 2002, the general fund budget, including road improvements and repair and replacement was \$18.6 million and 10% of that this \$1.86 million. The operating costs excluding capital replacements are approximately \$13 million and 15% of this is about \$2 million.

Capital Equipment and Improvements Programming:

The County Manager shall assure the programmatic and fiscal integrity of the County government with respect to planning for and reporting on capital equipment and improvements programs.

Accordingly, in respect to the development of a capital program, the County Manager shall ensure:

1. That the program adheres to the Board of County Commissioners' stated priorities.
2. No plans are made in any fiscal period to expend more funds than are conservatively projected to be available.
3. Enough details are provided to enable accurate separation of capital and cash flow requirements and subsequent audit trail.
4. Ongoing operating, maintenance, and replacement/perpetuation expenses are projected.
5. Quarterly reports to the Board of County Commissioners are provided on the status of the budget and on the progress of each active project, including data such as changes and the financial status of each project, including expenditures to date.

BUDGET CALENDAR

DATE	EVENT
January 1	Start of Fiscal Year; begin planning for the budget of the next year.
January 10	Deadline for assessor to deliver tax warrant to county treasurer (39-5-129, C.R.S.)
January 31	<p>A certified copy of the adopted budget must be filed with the Division. (29-1-113(1), C.R.S.).</p> <p>If a budget is not filed, the county treasurer may be authorized to withhold the local government's tax revenues.</p>
February 10	The Division sends notification to local governments whose budgets have not been filed with the Division.
February 21	The Division will authorize the county treasurer to withhold tax revenues until a certified copy of the budget is filed with the Division.
March 1	The U.S. Bureau of Labor Statistics releases the Consumer Price Index (the "CPI") for the Denver/Boulder area. This annual percent change is used with "local growth" to calculate "fiscal year spending" and property tax revenue limitations of TABOR. (Article X, Sec. 20, Colo. Const.)
March 31	<p>Deadline to request exemption from audit. (29-1-604(3), C.R.S.) Contact the Local Government Audit Division, Office of the State Auditor, (303) 866-2051.</p> <p>The Division notifies local governments of its determination that the entity has exceeded the statutory property tax revenue limit (the "5.5%" limit).</p>
June 30	Deadline for auditor to submit audit report to local government governing body. (29-1-606(a)(1), C.R.S.)
July 31	<p>Deadline for submitting annual audit report to the Office of the State Auditor. (29-1-606(3), C.R.S.) Deadline for request for extension of audit. (29-1-606(4), C.R.S.)</p> <p>If an audit is required but has not been filed, the county treasurer may be authorized to withhold the local government's tax revenues.</p>
August 25	Assessors certify to all taxing entities and to the Division of Local Government the total new assessed and actual values (for real and personal property) used to compute the statutory and TABOR property tax revenue limits. (39-5-121 (2)(b) and 39-5-128, C.R.S.)

	<p>If applicable, upon receipt of the Certification of Valuation, submit to the Division certifications of service impact from increased mining production and/or from increased valuation due to previously exempt federal property which has become taxable. Certifications of impact are required if the value is to be excluded from the tax revenue limit.</p> <p>If applicable, apply to the Division for authorization to exclude from the limit the assessed valuation attributed to new primary oil or gas production from any producing land or leaseholds.</p>
October 15	Budget officer must submit proposed budget to the governing body. (29-1-105, C.R.S.) Governing body must publish "Notice of Budget" upon receiving proposed budget. (29-1-106(1), C.R.S.)
November 1	Deadline for submitting applications to the Division for an increased levy pursuant to 29-1-302, C.R.S. and applications for exclusion of assessed valuation attributable to new primary oil or gas production from the 5.5% limit pursuant to 29-1-301(1)(b), C.R.S.
December 10	Assessors' changes in assessed valuation will be made only once by a single notification (re-certification) to the county commissioners or other body authorized by law to levy property tax, and to the DLG. (39-1-111(5), C.R.S.)
December 15	Deadline for certification of mill levy to county commissioners (39-5-128(1), C.R.S). Local governments levying property tax must adopt their budgets before certifying the levy to the county. If the budget is not adopted by certification deadline, then 90 percent of the amounts appropriated in the current year for operations and maintenance expenses shall be deemed re-appropriated for the purposes specified in such last appropriation. (29-1-108(2) and (3), C.R.S.)
December 22	Deadline for county commissioners to levy taxes and to certify the levies to the assessor. (39-1-111(1), C.R.S.)
December 31	Local governments not levying a property tax must adopt the budget on or before this date; governing body must enact a resolution or ordinance to appropriate funds for the ensuing fiscal year. If the budget is not adopted by certification deadline, then 90 percent of the amounts appropriated in the current year for operations and maintenance expenses shall be deemed re-appropriated for the budget year. (29-1-108(4), C.R.S.)