



SILVERTON HOUSING AUTHORITY & REGULAR MEETING – Silverton Board of Trustees
Silverton Town Hall – Monday, September 9, 2024
Call to Order & Roll Call –Silverton Housing Authority @ 6:00pm and Regular Meeting @7:00pm

ATTENTION: The Town of Silverton Trustee meetings are being conducted in a hybrid virtual/in-person. Instructions for public participation in Town Trustee meetings are as follows:

- Zoom Webinar Link: <https://us02web.zoom.us/j/88637487127>
- By Telephone: Dial 669-900-6833 and enter Webinar ID 886 3748 7127 when prompted.
- YouTube (live and recorded for later viewing, does not support public comment):
www.youtube.com/channel/UCmJgal9lUXK5TZahHugprpQ

If you would like to make a public comment during a specific Agenda Item, please submit a request to the Town Administrator at gkaasch-buerger@silverton.co.us

MEETING PROTOCOLS: Please turn off cell phones; be respectful and take personal conversations into the lobby. The public is invited to attend all regular meetings and work sessions of the Board of Trustees. Regular Meeting Closing Public Comment must be related to an agenda item.

Silverton Housing Authority @ 6:00pm

- 1) Director's Report
- 2) Affordable Housing Guidelines
- 3) Anvil Townhomes Market Study Review
- 4) CHFA Direct Effects Grant Application
- 5) Public Comment

Regular Meeting @ 7:00pm

- 1) Staff and/or Board Revisions to Agenda
- 2) Public Comment - *Comments must be limited to three (3) minutes in duration.*
- 3) Presentations/Proclamations
- 4) New Business
- 5) Consent Agenda
 - a) Payroll
 - b) Meeting Minutes 8.26.24
 - c) Accounts Payable
 - d) June Sales Tax
 - e) July Financials
 - f) Snowmobile Club Grooming MOU renewal
- 6) Staff Reports
- 7) Committee/Board Reports
 - a) 8.27 Facilities, Parks and Recreation Committee Meeting



- 8) Trustee Reports
- 9) Continued Business
 - a) Ordinance 2024-08 An Ordinance of the Town of Silverton Amending Article 8 Chapter 10 of the Silverton Municipal Code Opting Out of the Enforcement of Senate Bill 24-131
 - b) Ordinance 2024-09 An Ordinance of the Town of Silverton Amending Chapter 2 Article 2 Section 110 of the Silverton Municipal Code Repealing the Use of Robert's Rules of Order and Adopting Bob's Rules of Order as the Guiding Parliamentary Rules for Town Meetings.
 - c) Water and Sewer Increase Follow-up Option

10) Public Comment

Adjourn

Up-coming Meeting Dates:

- 9.10 @ 5pm Historic Review Committee Meeting
- 9.16 @ 9am Finance Committee Meeting
- 9.17 @ 7pm San Juan Regional Planning Commission
- 9.23 @ 5pm Budget Work Session
- 9.23 @ 7pm Board of Trustees Regular Meeting
- 9.25 @ 4pm Utility Committee Meeting

End of Agenda

September 9, 2024
SILVERTON HOUSING AUTHORITY
MEETING PACKET



Silverton Housing Authority Director Report

Department: Housing
Head of Department: Anne Chase
Date of SHA Board meeting: 9/9/2024

For immediate Trustee consideration:

Adoption of the Silverton Affordable Housing Guidelines.
 Review of Anvil Townhomes Market Study.

Regular Meetings & Communication:

- Weekly Region 9 Housing Leads Check In
- Weekly Housing Check-In w/ Gloria weekly
- Weekly TOS Staff meeting.
- 6/27 Western Spaces Market Study Kickoff
- 6/28 Fading West Development Project Call.
- 7/10 Fading West Development Project Call.
- 7/23 SJDA Board Meeting.
- 7/29 Housing Colorado Southwest Stakeholder Outreach and Engagement.
- 7/30 Fading West Development Project Call.
- 8/2 Meeting with citizen.
- 8/8 Meeting with Chris Lopez -CHFA
- 8/8 Meeting with citizen.
- 8/14 Housing Staff Meeting.
- 8/14 Fading West Development Project Call.
- 8/15 DOLA Housing Peer Exchange Webinar.
- 8/19 Call with Mountain Studio Architects.
- 8/28 Housing Solutions of the Southwest Board Meeting.
- 9/5 Western Spaces Market Study Project Wrap.
- 9/5 Fading West Development Project Meeting.
- 9/5 Zanoni Conceptual Plan Proforma Review.

Top on the TO DO list:

- Determining and applying for financing sources for Anvil Townhome Development.
- Implementing Silverton Affordable Housing Guidelines
- Completing SHA Website.
- Applying for CHFA Direct Effects for ADU Stock Plans.

<p>Grants (applications, updates, awards):</p> <ul style="list-style-type: none"> • No update on acceptance to DOH TA from DOH. • Executed Services Agreement for Boxcar Predevelopment Engineering RFQ on 9/3/2024 with SGM Inc. • IHOI, LPC, EIAF, HDG grant quarterly reports due 10/30. • CHFA SHIP – Zanoní conceptual plans nearing completion. 	<p>Upcoming Issues:</p> <ul style="list-style-type: none"> • Application to DOH for Anvil Townhomes. • SHA Budget Development. • Finalizing Zanoní Parcel land conveyance from TOS to SHA. • Applying for CHFA Direct Effects funding for ADU Stock Plans.
<p>Notable completed tasks:</p> <ul style="list-style-type: none"> • SHA website up and running! Will continue to build and improve, but it is functional. • San Juan County conveyed Anvil Lots 15, 16, and 17 to the Silverton Housing Authority on 8/28. • Executed Services Agreement for Boxcar Predevelopment Engineering RFQ on 9/3/2024 with SGM Inc. • Western Spaces LLC. Completed Anvil Townhome Market Study. • Established the SHA Email List 	<p>Ongoing Project Updates:</p> <p>Boxcar Apartment pre-development engineering RFQ closed 6/3. Coordinating with the Community Development Director with EPA and contractors for site clean-up.</p> <p>SJDA Anvil Single Family: House #3 closed 8/28. House #4 walls up, trusses en route.</p> <p>COSIPA Website for SHA: Site is almost built – launch will be announced via the SHA Email List.</p> <p>Building Better Places Action Plan:</p> <p><i>Recently Completed Tasks:</i> SHA Website. <i>In-Progress Tasks:</i> Affordable Housing “Pattern Book” / ADU Stock plans. <i>Delayed Tasks:</i> Presenting possible funding mechanisms to the SHA board, getting SHA on the finance committee agenda.</p> <p>CHFA Small Scale Housing Technical Assistance: Zanoní Parcel: Update coming....</p>
<p>Learning/ Professional Development:</p> <ul style="list-style-type: none"> • 7/29 Housing Colorado Southwest Stakeholders Outreach & Engagement in Durango. • Accepted into the first cohort of the Executive Certificate in Affordable Housing from Denver University. Orientation is September 20-22nd in Denver. • Monthly DOLA Housing Peer Exchange webinar. • Attended HomesFund Homebuyer Education Class 8/3/24. 	



AGENDA MEMO

SUBJECT: Adoption of Silverton Affordable Housing Guidelines
 MEETING DATE: 9/9/2024
 STAFF CONTACT: Anne Chase

Overview:

As the Silverton Housing Authority establishes itself and plans for future affordable housing developments, it is important to adopt and implement Affordable Housing Guidelines. These Guidelines are guiding documents that ensure the fair administration and regulation of affordable housing programs. The adoption of these Guidelines will serve several purposes.

1. **Providing Clarity and Transparency:** Well-defined guidelines provide clarity and transparency for both Staff, Board, and residents. This helps prevent misunderstandings and disputes by clearly outlining eligibility criteria, application process, and owner/tenant responsibilities.
2. **Promoting Fairness:** Clear and consistent policies promote fairness in the allocation of housing resources. The goal is to ensure that all eligible residents have an opportunity to benefit from affordable housing programs.
3. **Ensuring Compliance:** Affordable housing usually involves substantial public and private investment. It is in the best interest of the Silverton Housing Authority and the community that it serves to maintain the long-term affordability, and ensure units are being used as intended to protect the public investment.
4. **Enhancing Efficiency:** Standardized procedures and policies streamline the administration of affordable housing programs.
5. **Guiding Future Development:** The guidelines will serve as a roadmap for future affordable housing developments and programs. Guidelines will help ensure new projects/programs align with the authority's mission and objectives, and that they meet the needs of the community.

8/12/2024 SHA Work Session Recap and Revision Overview

The following sections were edited by Staff per SHA Board direction:

1. **Mission & Vision statements of the Silverton Housing Authority.**
 - a. Drafted statements during the Work Session. Staff has revised and included in the 2nd Draft included in this packet.
2. Defined "Quality" as a qualifier for "affordable housing."
3. **General Affordable Housing Program Goals – Section 102:**
 - a. Board directed Staff to create a goal that encompasses educational programming. Staff added Section 102.3.
4. **Qualification Standards – Section 103:**
 - a. Employment Standard – 103.2.A:

- i. Employment Hours – Edited the requirement to work for a business licensed in San Juan County a minimum of “forty hours per month” to be “forty hours per month on an annual average.”
- ii. Qualified Volunteer – Staff edited the definition of Qualified Volunteer to include the names of organizations that serve San Juan County residents.
- iii. Employment Standard remains in this version – do not believe it is in conflict with C.R.S. 24-34-502.

b. Property Ownership Standard -103.2.C:

- i. Board gave direction to research and inquire other communities’ Affordable Housing Guidelines Property Ownership Standards. Below are the findings:
 - 1. **GVRHA:** No ownership of developed residential property allowed - if so, must be sold by the time applicant closes on new deed restricted residence.
 - 2. **Pagosa:** Same as GVRHA.
 - 3. **Rural Homes** (Ouray & Ridgway): no ownership of Improved Residential Property within a 150-mile radius from the Housing Unit. There is a grace period for an applicant to sell other Improved Residential Property they own within 1 year.
 - 4. **Telluride:** Commercial, developed, undeveloped outside of San Miguel, Ouray, and Dolores counties permitted. Ownership of developed residential property within said boundaries must sell, unless it is used for Affordable housing needs.
- ii. Staff made the following updates to the section based on Board comments:

“Ownership by any member of a [Household](#) of a property outside the boundaries of San Juan County that is a Commercial Property or [Undeveloped Residential Property](#) or is [Developed Residential Property](#) **is not permitted**.

Ownership by any member of a Household of a property within the boundaries of San Juan County that is Commercial Property or Undeveloped Residential Property **is permitted** and does not require an Exception.

Ownership by any member of a Household of Developed Residential Property within the boundaries of San Juan County is restricted as follows....”

c. Net Assets Standard – 103.2.D:

- i. Board gave direction to set the Net Assets Standard to “not exceed eighty percent (80%) of the Original Purchase Price of the Housing Unit.”

5. Lottery Procedure – Section 105

- a. Board gave direction to update the Lottery procedure to anonymize lottery entries and do a manual drawing of the entries rather than a number generator. Staff made the requested edits.

6. Conflict of Interest – Section 111.8

- a. Staff added a Conflict of Interest policy to Section 111: General Miscellaneous Provisions.

7. “Subcommittee” changed to “TOS Board of Adjustments.”

Suggested Motion or Direction:

Motion: Motion to adopt the Silverton Affordable Housing Guidelines.

Or

Direction: Direction to make (insert desired edits/changes).



RESOLUTION NO. 2024-01

A RESOLUTION OF THE HOUSING AUTHORITY OF THE TOWN OF SILVERTON BOARD ADOPTING THE *SILVERTON AFFORDABLE HOUSING GUIDELINES*

WHEREAS, the Silverton Housing Authority is a municipal housing authority governed by the Town of Silverton elected Board of Trustees (the “Board”) and incorporated under Colorado State Statutes (C.R.S.) § 29-4-204; and

WHEREAS, the *Silverton Affordable Housing Guidelines* were created to be used as guiding documents to ensure the fair administration and regulation of the Silverton Housing Authority’s affordable housing programs; and

WHEREAS, the Silverton Housing Authority Board of Directors desires to adopt this document to provide clarity and transparency for staff, the Board, and residents; and

WHEREAS, the Silverton Housing Authority Board desires to adopt this document to promote fairness to ensure eligible citizens have an opportunity to benefit from affordable housing programs; and

WHEREAS, the Silverton Housing Authority Board desires to adopt this document to ensure affordable housing units are used as intended; and

WHEREAS, the Silverton Housing Authority Board desires to adopt this document to standardize procedures and policies of the administration of affordable housing programs;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE SILVERTON HOUSING AUTHORITY BOARD OF DIRECTORS THAT:

Section 1: This Resolution adopts the *Silverton Affordable Housing Guidelines*, attached as Exhibit A, to serve as a roadmap for future affordable housing development and programs.

Section 2: This Resolution shall be effective as of the date and time of its adoption by the Silverton Housing Board of Directors.

THIS RESOLUTION was approved and adopted the 9th day of September, 2024 by the Housing Authority Board of Directors of the Town of Silverton, Colorado.

SILVERTON HOUSING AUTHORITY:

ATTEST:

Dayna Kranker, Mayor (SHA Chair)

Melina Marks Lanis, Town Clerk (SHA Appointed Secretary)



SILVERTON AFFORDABLE HOUSING GUIDELINES

Adopted 09/09/2024



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DEFINITIONS

Affordable Housing - Any Housing Unit restricted to sale or rental at a specified price to a Qualified Household meeting the Income Level requirements of the Deed Restriction.

Affordable Housing Program or Housing Program – The set of regulations which apply to a specific Affordable Housing Unit within a specific project or development. Unless specifically excluded, all Housing Programs are subject to the regulations of these Guidelines.

Affordable Housing Unit – A Deed Restricted property that is subject to these Guidelines and any additional covenants that may run with the land.

Applicant – A Household that has submitted the required application for Qualification as a renter, tenant, occupant or buyer of an Affordable Housing Unit, for inclusion in a housing Lottery, or for Exceptions, Appeals or Grievances under these Guidelines.

Application – A formal request submitted by an Applicant to the Silverton Housing Authority in the format provided and required by the Silverton Housing Authority within a designated Application Period for a specific Housing Unit within a Housing Program, or, an application for a Leave of Absence, Exception, Appeal, or Grievance.

Application Period – A timeframe within which the Silverton Housing Authority accepts Applications for specific Housing Units or Housing Programs. See [Section 105.3: Lottery Procedure](#).

Area Median Income (AMI) - A metric that represents the midpoint of the income distribution in a specific area, usually a county or municipality, established by the U.S. Department of Housing and Urban Development (HUD). Also referred to as Income Level. See [Appendix A](#).

Assets – Anything owned which has tangible, intangible, commercial, or exchange value. Assets consist of specific property or claims against others, in contrast to obligations due others. For the purposes of these Guidelines, Assets are real or personal property including without limitation retirement accounts, education accounts, patents and causes of action, stock in a corporation or interest in any other type of business entity, interest in the estate of a decedent, property of a person, association, corporation, or estate that is applicable or subject to the payment of debts, and funds on property held in a living trust or any similar entity or interest where the person has management rights or the ability to apply the Assets to the payment of debts. Assets are evaluated at current Fair Market Value, not accounting book value.

Gross Assets - All Assets combined of all Household members, including children.

Net Assets - Household Gross Assets less the Household Gross Liabilities.

Compliance Check - Periodic verification of ongoing Qualification to own or occupy an Affordable Housing Unit. See [Section 108.10: Deed Monitoring](#).

Deed Restriction – A contract prepared by SHA Staff in coordination with the Town legal counsel and entered between SHA, the Town and the Owner, or buyer of real property identifying and burdening the conditions of use, occupancy, and sale of the property in accordance with these Guidelines, which may not be altered without the written consent of all parties.

Developed Residential Property – Property that contains at least one (1) dwelling unit as defined in the Silverton Municipal Code.

Exception - A variance from these Guidelines granted through the Exception Procedure set forth in Section 109.2. See also Appeal and Grievance definitions in [Section 109](#).

Fair Market Value – The price at which bona fide non-distress sales have been consummated for Assets of like type, quality, and quantity in a particular market.

Fixture – 1) A tangible item which previously was personal property and has been attached or installed on land or a structure thereon in such a way as to become a part of the real property; 2) Any non-portable lighting device built in or attached securely to the structure; or 3) The permanent parts of a plumbing system and fixtures.

Gross Income – The sum of all wages, salaries, profits, interest payments, rents, and other forms of earnings, before any deduction or taxes, also referred to as “income.”

Guidelines – These Silverton Affordable Housing Guidelines or specific provisions thereof as context requires, adopted by the Silverton Housing Authority and the Town of Silverton as may be required, and amended from time to time, that provide definitions, standards and procedures to be applied to specific Affordable Housing Units and Programs.

Household – All owners and/or tenants, their immediate family and any parties who will be occupying the Housing Unit, excluding guests.

HUD – Abbreviation of the U.S. Department of Housing and Urban Development.

Immediate Family – The Qualified Employee and the spouse of the Qualified Employee and their Dependents, siblings, parents and/or children, all of whom may be related either biologically, by marriage, by civil union and/or by legal adoption, and regardless of age. Immediate Family also includes: a minor for whom the Qualified Employee or the Spouse of the Qualified Employee becomes the legal foster parent. Such children shall be treated as biological children and have the same Immediate Family status, regardless of age.

Income Eligibility Level – The standard of Household Gross Income as defined by the Area Median Income that applies to a particular Affordable Housing Unit or Housing Program. See [Appendix A: Income Eligibility Levels](#).

Joint Tenancy - Ownership of real estate between two or more parties who have been named in one conveyance as joint Tenants. Upon the death of one Tenant, surviving joint Tenant(s) have the right of survivorship.

Leave of Absence – An Exception from the requirement that a Qualified Household maintain the Affordable Housing Unit in question as its Primary place of Residence granted according to the [Section 106.1.A1](#).

Liabilities - Financial obligations owed through the transfer of money, Assets, goods or services.

Gross Liabilities – The Household's total amount owed to other persons or entities including loans, liens, mortgages, accounts payable, and other financial obligations as defined by generally accepted accounting practice.

Luxury Items – Luxury Items are non-essential appliances, fixtures or upgrades. See [Appendix E: Permitted Capital Improvements](#).

Local Workforce – A Household with a member currently employed by a business located and licensed in San Juan County a minimum of forty (40) hours a month on an annual average. Additional entries are dependent on length of employment seen in [Section 103.5](#).

Lottery – A process with an outcome that is governed by chance for the selection of Qualified Applicants to have the opportunity to purchase or rent a Housing Unit enrolled in the lottery.

Maximum Rental Rate – The maximum amount per month including utilities that a Qualified Household may be charged when leasing an Affordable Housing Unit.

Maximum Sale Price (MSP) – The maximum amount that an Affordable Housing Unit may be sold for to a Qualified Owner. Unless otherwise defined in the Deed Restriction covering the unit, the Maximum Sale price is determined according to [Section 107.4: Maximum Sale Price Calculation](#).

Notice of Violation – A formal written notice from the Town of the SHA to an Affordable Housing Unit Owner or Tenant who is in violation of provisions of the Deed Restriction for the Affordable Housing Unit or the provisions of the Silverton Affordable Housing Guidelines.

Option to Purchase – A legal document signed by the mortgagee, and where applicable a co-signer, acknowledging the provisions of the Deed Restriction and granting a right to the Town or SHA to purchase the Affordable Housing Unit in a foreclosure under certain conditions.

Original Purchase Price (OPP) – The price paid for the Affordable Housing Unit by the current Owner(s) and used as a basis to determine the Maximum Sale Price. The OPP is recorded in the Deed Restriction attached to each Affordable Housing Unit.

Owner –An individual or individuals who have a legal right to a property by deed, Tenancy In Common, Joint Tenancy or Tenancy in Entirety or other relationship and who have a proprietary interest in a property. Owners are subject to these Guidelines. See [Section 106: Ownership Standards](#).

Owner-Occupied – At least one Qualified Owner holding title occupies the property as their Primary Residence.

Permitted Capital Improvements - Unless otherwise defined in the Deed Restriction for an Affordable Housing Unit, a Permitted Capital Improvement is any Fixture or improvement ***approved by SHA Staff prior to erection, construction or installation*** that is not a Luxury Item and is erected, constructed or installed as a permanent improvement to real property or non-recurring expenses for physical improvement that provide a long-term upgrade or improvement to the Deed Restricted Affordable Housing Unit. See [Appendix E](#).

Policy Statement – A directive formally adopted by the SHA Board to clarify and aid in the application and enforcement of these Guidelines.

Primary Residence – A Household's sole and exclusive place of residence.

Priority – Specific requirements of Applicants that earn Applicants additional entries into the lottery (see [Section 103](#), and [Appendix C](#)).

Qualification – An Applicant, Household, Owner, or Tenant that meets the and the standards set forth in [Section 103](#) and the requirements of the Deed Restrictions of the Housing Units and Housing Program being applied for or enrolled in.

Qualified Disabled – A person with disability as is defined in 42 US Code § 12102.

Qualified Retired – A person sixty-five (65) years or older who is a member of a Household who has a verifiable history of employment in San Juan County for the ten (10) years immediately prior to retiring to receive Priority entries that otherwise require employment. See [Appendix C: Lottery Point System](#).

Quality – A Housing Unit that is up to the Town of Silverton Municipal Code standards

Qualified Employee / Employed – A person employed by a business licensed in San Juan County and is compensated for such work on an hourly, weekly, monthly or commission basis or any combination of such compensation and works for said business for a minimum of forty (40) hours per month on an annualized average. See [103.2 Employment Standard](#).

Qualified Volunteer - A person who verifiably performs work locally for one or more of the following non-profit and community organizations for which no monetary or other material compensation is received for a minimum of forty (40) hours per month: Silverton Medical Rescue, Silverton San Juan Fire and Rescue Authority, Silverton Creative District, San Juan Development Association, Silverton Chamber of Commerce, San Juan County Historical Society, Silverton Singletrack Society, Town of Silverton, San Juan County, Silverton Public Library, Silverton Farmers Market, San Juan County Public Health Service, Silverton School District, Silverton Family Learning Center, Silverton Senior Center, KSJC 92-5 FM L.P. Community Radio, Mountain Studies Institute, Silverton Skijoring, San Juan Mountains Association, A Theatre Group, Silverton Community Radio, Silverton Film Office, Silverton Snowmobile Club. Qualified Volunteer hours are eligible for the Employment Standard and for the Vital Workforce Priority Qualification, and excluded from the Local Workforce Priority Qualification – See Priority Matrix.

Resident – A person who has maintained verifiable residency in San Juan County for twelve (12) months in the past (24) months immediately prior to application.

Sale – For purposes of the Guidelines, the exchange of an Affordable Housing Unit for an agreed amount of money or other consideration in which title to the Affordable Housing Unit is Transferred in whole or in part to a new Qualified Owner.

Silverton Housing Authority (SHA) – The Silverton Housing Authority of the Town of Silverton, referred herein as SHA. As used in these Guidelines, SHA may also mean the SHA Board of Directors, the TOS Board of Adjustments, or SHA Staff as the context requires.

SHA Board – The Board of Directors of the Silverton Housing Authority.

SHA Staff – The person or persons who the Silverton Housing Authority or its designee employs for the purpose of administering and enforcing these Guidelines.

TOS Board of Adjustments – A committee comprised of a subset of members of the SHA Board and Town Council appointed to oversee and administer these Guidelines in instances when a decision could be Appealed to the Silverton Housing Authority Board. Also responsible for Zoning matters in the Town of Silverton.

Tenancy in Common – Co-ownership in which an individual holds an undivided interest in real property as if they were sole Owner.

Tenancy in the Entirety – A special Joint Tenancy between two (2) lawfully married individuals which places all title to property (real or personal) into the marital unit, with both spouses having an equal, undivided interest in the whole property.

Tenant – A person who has temporary use and occupancy of real property owned by another and subject to these Guidelines. See [Section 106.2: Rental Procedure](#).

Town – The Town of Silverton, Colorado – municipality.

Transfer – Any transaction, conveyance, settlement, disposition, assignment, or event which introduces a new ownership interest in a Housing Unit or changes the percentage of current ownership interest in a Housing Unit.

Undeveloped Residential Property – Vacant property which allows residential uses as the principal use and uses accessory thereto, as defined in the Silverton Municipal Code Chapter 16 Zoning.

Vacant Property – a home that is no longer occupied as a principal residence by the Qualified Owner or Tenant for a period of 90 consecutive days without a SHA approved Leave of Absence.

Vital Workforce – Any Household with a member employed, or can provide a letter of intent to hire by San Juan County, Town of Silverton, Silverton School, Silverton Family Learning Center, Silverton Medical Rescue, OR any household with a member who has volunteered for Silverton Fire Department or Silverton Medical Rescue a minimum of forty (40) hours a month for twelve (12) of the previous fourteen (14) months immediately prior to Application. Receives additional entries into the Lottery per Section 103.5 Priority Entry Matrix.

MISSION AND VISION STATEMENTS

The Silverton Housing Authority’s mission is to advocate, promote, plan, and provide the long-term supply of quality affordable housing to support equitable access to housing in the Town of Silverton.

SHA Mission Statement Adopted 09/09/2024

Our vision is to support the quality of life and economic vitality of the unique community of Silverton by increasing housing choices, opportunities, and education for residents.

SHA Vision Statement Adopted 09/09/2024

Section 101: PURPOSE & APPLICABILITY

101.1 The purpose of the Silverton Affordable Housing Guidelines is to provide consistent governance of the development of, admission to and occupancy of Deed Restricted Affordable Housing Units throughout San Juan County.

101.2 These Affordable Housing Guidelines are used to:

- Review Land Use Applications
- Establish Affordable Housing Income Categories
- Establish Affordable Housing Rental Rates
- Establish Affordable Housing Sales Prices

- Establish Criteria for Qualifying and Occupancy of Units
- Provide Information and Process for Developing Affordable Housing
- Provide Information on Monitoring and Compliance

- 101.3** These Affordable Housing Guidelines will remain in effect until such time as the Board of Directors for the Silverton Housing Authority approve new or amended Guidelines.
- 101.4** Each Housing Program is also subject to provisions that are unique to that program.
- 101.5** Every Sale or rental of a Housing Unit is initially subject to the Guidelines in effect at the time of Sale or rental. Subsequently, Owners and Tenants are expressly subject to the Guidelines in effect as amended during their ownership or lease.
- 101.6** SHA Staff is charged with administration and enforcement of the Guidelines. To provide SHA Staff with clarification of intent of provisions of these Guidelines, Policy Statements may be adopted by resolution of the SHA Board at a properly noticed public meeting.
- 101.7** These rules have binding effects on all individuals and courts and run with a Housing Unit in perpetuity in accordance with the recorded Deed Restriction. In addition to any remedy provided by law for enforcement of the Deed Restriction and these Guidelines, SHA Board is authorized to establish fees or penalties for violations (see [Appendix D](#)).
- 101.8** **DISCLAIMER:** The Silverton Housing Authority expressly disclaims any and all warranties, express or implied, including without limitation fitness for a particular purpose with respect to the provision of Housing Units. Silverton Housing Authority does not represent, warrant or promise to construct, finance or otherwise produce, in whole or in part, any Housing Units pursuant to these Guidelines or under any other programs. No Applicant may rely upon any promise implied or expressed that Housing Units shall be constructed, financed or otherwise produced, in whole or in part, by the Silverton Housing Authority. In no event shall Silverton Housing Authority be liable to any Applicant for any direct, indirect, incidental, punitive, or consequential damage of any kind whatsoever, including without limitation lost profits, lost sales, lost business, lost opportunity, lost information, lost or wasted time. None of the information contained in these guidelines constitutes an offer to sell or the solicitation of an offer to buy a Housing Unit.
- 101.9** **Fair Housing** – The Silverton Housing Authority shall fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and, to the extent applicable, the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

Pursuant to the Fair Housing Act and public policy, SHA shall not discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, religion, national or ethnic origin, familial status, or disability in the lease, sale, use or occupancy of a Unit. Section 24-34-502(1) of the Colorado Revised Statutes prohibits source of income discrimination and requires a non-exempt landlord to accept any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person, including income derived from any lawful profession or occupation and income or rental payments derived from any government or private assistance, grant, or loan program.

To further its commitment to full compliance with applicable civil rights laws, SHA will provide Federal/State/local information to Applicants/tenants under this Policy regarding tenant rights and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the Application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the SHA office and website. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

SHA will assist any applicant or tenant that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. SHA will also assist them in completing the forms if requested and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

In addition to Federal civil rights laws as outlined above, SHA will comply with regulations including but not limited to: the Fair Housing Act Amendments of 1988; Title VI of the Civil Rights Act of 1964; Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity; Executive Order 13166 – Limited English Proficiency; Violence Against Women and Justice Department Reauthorization Act of 2013.

- 101.10 Fraud Warning** – Signatures on documents submitted to SHA constitute verification that all information provided is true and accurate. If any such information provided is determined to be false or non-verifiable, such person may be disqualified by SHA and referred to law enforcement for investigation and/or prosecution. Disqualified persons may be denied future participation in SHA Programs. Mortgage fraud may be referred to the FBI for investigation.

Section 102: GENERAL AFFORDABLE HOUSING PROGRAM GOALS

This Section lays out the general Affordable Housing Program Goals of the Silverton Housing Authority and the Town of Silverton.

- 102.1** The primary goal of the Affordable Housing Programs is to provide Quality, Affordable Housing for residents and their families who make a living primarily from Presence Required Employment. This is accomplished by regulating and restricting occupancy of Housing Units to Qualified Households and Ownership to Qualified Owners.
- 102.2** Ensure ongoing affordability of Housing Units. Most Housing Units are subject to price and appreciation limits for sale, resale and/or rental. These limitations are intended to ensure affordability for both the current Household and for the long-term affordability of the Housing Unit.
- 102.3** Enhance residents' knowledge, understanding, and access to information about housing-related matters through targeted educational programs. The objective of educational programming is to empower residents across the housing continuum to make informed decisions, access resources, and achieve and maintain safe and healthy living environments.

Section 103: QUALIFICATION STANDARDS

- 103.1** There are two (2) levels of evaluation to determine the Qualification of Applicants for the purchase, initial, or continued occupancy of Housing Units known as Qualification and Priority.

Qualification refers to the most general requirements for all Housing Programs and includes both Initial Qualification Standards and Continuing Qualification Standards per the applicable Housing Program. A Qualified Owner, Qualified Household, or Qualified Tenant must maintain Qualified status for the duration of ownership or rental of a Housing Unit. Failure to maintain Qualification will require vacation or Sale of the Housing Unit (see [Section 108.10](#)).

Priority refers to specific requirements that earn Applicants additional entries into the Lottery based on type of employment, or disability and retirement status, as applicable. See [Appendix C](#) for Priority Point Matrix and [Section 103.3](#).

103.2 Household Initial Qualification Standards

A. “Qualified Household” Defined- Qualified Households must:

1. Meet the Employment Standard;
2. Meet the Income Level Standard;
3. Meet the Property Ownership Standard;
4. Meet the Net Assets Standard; and
5. Meet the Minimum Household Size Standard.

B. Employment Standard

1. **Ownership** – At least one member of a Household who will hold title to a Housing Unit must demonstrate and be verified as a Qualified Employee by demonstrating and verifying Employment by a business licensed in San Juan County which amount includes a minimum of forty (40) hours per month on an annual average, or can provide a letter of intent to hire from employer and a commitment to work one thousand four hundred (1,400) during the following twelve (12) months from the time of Application. Verification of hiring and employment will be conducted before the Sale of Housing Units.
2. **Rental and/or Occupancy** – Each person applying to rent or occupy a room in a Housing Unit or, at least one member of each Tenant Household if occupying the entire Unit must be a Qualified Employee, which requires a minimum of forty (40) hours per month, or provide verifiable documentation of intent to work one thousand four hundred (1,400) during the following twelve (12) months from application, or a lesser amount commensurate with the term

of the proposed lease (e.g. seven hundred (700) hours for a six (6) month lease.

3. Exemptions –

- i. Members of an Applicant Household who have been determined by SHA to be Qualified Retired or Qualified Disabled and those who are Immediate Family of a Qualified Employee in the Household are exempt from the Employment Standard.
- ii. Households with a member who will hold title to a Housing Unit or be a tenant of a rental unit that can demonstrate and be verified as a Qualified Volunteer who has volunteered forty (40) hours per month for at least twelve (12) of the sixteen (16) months immediately prior to submission of an application are exempt from the Employment Standard.

C. Income-Level Standard

1. Income-Level Standards are subject to the Housing Program and Deed-Restrictions associated with each Housing Unit. Income Levels for San Juan County are posted in [Appendix A](#) and are updated annually, usually in the Spring.
2. These Guidelines identify categories of income levels for Households for the purpose of establishing Original Purchase Prices, rental rates, and Housing Program specific Qualifications for Affordable Housing Units. These categories correspond to income levels by Household size provided by the US Department of Housing and Urban Development (HUD) and the Colorado Housing and Finance Authority (CHFA) known as the Area Median Income (AMI) for San Juan County on an annual basis. The SHA will post the annual AMIs on the SHA website and administratively update these Guidelines when made available by CHFA every spring. Area Median Income for San Juan County are found in [Appendix A](#). All Sales, Qualification, Lotteries, and Programs are subject to the Income Levels of the most recently adopted version of these Guidelines at the time of Sale, Qualification, and Lottery drawing.

3. INCOME CATEGORIES

Very-Low Income Limit	≤ 50% AMI
Low Income Limit	≥ 51% ≥ 80% AMI
Moderate Income Limit	≥ 81% ≥ 100% AMI
Middle Income Limit	≥ 101% ≥ 120% AMI
Upper Income Limit	≥ 121% ≥ 140% AMI

4. **Exclusion from Income** – An Applicant may apply to SHA Staff for an exclusion to an Applicant's Household Income for verifiable student loan debt, verifiable necessary medical expenses, paid childcare expenses, and verifiable education, healthcare, and/or retirement account contributions from the prior twelve (12) months. Exclusions being requested require SHA Staff verification. In determining whether an account contribution is eligible for such an exclusion, SHA Staff, the TOS Board of Adjustments, or the SHA Board, as appropriate, will consider the criteria as set forth in [Section 103.2E.3](#). Student loan debt must be related to post-high-school studies (trade school, undergraduate, or graduate degree) from an accredited institution. A combined maximum of ten thousand dollars (\$10,000) of the above expenses or contributions per Household may be excluded from income.

D. Property Ownership Standard

1. For purposes of this Section, "Ownership by any member of a Household" means ownership interest in any form, direct or indirect, including without limitation ownership or membership in a business or entity that owns real property, or a Leasehold Interest in real property for longer than a period of one (1) year. A Household may not circumvent this Section by declaring indirect or non-controlling interest in real property subject to this Section.
2. Ownership by any member of a Household of a property outside the boundaries of San Juan County that is a Commercial Property or Undeveloped Residential Property or is Developed Residential Property is not permitted.
3. Ownership by any member of a Household of a property within the boundaries of San Juan County that is Commercial Property or Undeveloped Residential Property is permitted and does not require an Exception.
4. Ownership by any member of a Household of Developed Residential Property within the boundaries of San Juan County is restricted as follows:
 - i. **If the residential property is deed restricted as affordable**, the Household is required to enter into a contractual agreement with the Silverton Housing Authority, or its designee, setting forth the terms of the agreement to sell the other residential property. The Household is required to be under contract to sell the property within four (4) months and close the Sale within six (6) months of taking title to the Housing Unit being applied for.
 - ii. **If the property is any other form of Developed Residential Property**, the Household is required to:

- a. Sell the other property under the terms of Section 103.2.E.4.i;
OR
- b. Apply for and be granted an Exception according to the Exception Procedure in [Section 109.2](#) for consideration of the terms under which ownership of other Developed Residential Property will be allowed.
 - (1) In determining the terms under which ownership of other Developed Residential Property will be allowed, the TOS Board of Adjustments or SHA Board, as appropriate, shall take into consideration the location of the other Developed Residential Property, the current Affordable Housing needs in the, and the practicality of requiring the other property to be leased to a Qualified Household.
 - (2) It is the stated intent of SHA to only allow ownership of other Developed Residential Property within the boundaries of San Juan County if the Household demonstrates a commitment to utilizing the property to meet local or regional Affordable housing needs.
 - (3) Exceptions granted for ownership of Developed Residential Property in San Juan County will require the Household to enter into a contractual agreement with the Silverton Housing Authority or its designee that provides for rental of the other property to a Qualified Household under the rental procedures in [Section 106.2](#). The property must be leased beginning no more than ninety (90) days after purchase of the Housing Unit or other property and be continuously leased, reasonable turnover and maintenance time excepted, so long as the Household owns the Housing Unit. If the property remains vacant or out of lease for more than thirty (30) consecutive days, SHA may give notice requiring the Owners to sell either the Housing Unit or the other Developed Residential Property within one (1) year of the date of notice, and will impose daily penalties for non-compliance (see [Appendix D](#)).
 - (4) The Fair Market Value of any interest in real property owned by any member of a Household will be taken into consideration when determining whether the Household

exceeds the limitations of [Section 103.2E Net Assets Standard](#).

E. Net Assets Standard

1. Household Net Assets shall not exceed eighty percent (80%) the Original Purchase Price of the Housing Unit. As defined, Assets of all members of a Household, including children, must be included in the determination of a Household's Net Assets.
2. A one-time gift of up to thirty percent (30%) of the Original Purchase Price used only as a down payment for the purchase of a Housing Unit will be considered an asset and not income for the purposes of initial Qualification.
3. **Exclusion from Assets** – An Applicant may apply to SHA Staff for an exclusion or partial exclusion to Assets for money held in verifiable education, healthcare, and retirement accounts. In determining whether an account is eligible for such an exclusion, the reviewing body, as appropriate, shall consider whether the holder or beneficiary of the account would be penalized for early withdrawals for any reason, or whether withdrawals without penalty are restricted to withdrawals for qualified retirement, medical, or educational expenses. It is the intent of this Section to only allow exclusions for accounts functionally equivalent to a 401(k), 401(a), Roth IRA retirement account, 529 education account, or a Health Savings Account established while an Applicant was enrolled in a high deductible health plan.
4. **Disposition of Assets** – Any member of a Household who has assigned, conveyed, transferred or otherwise disposed of Assets within the last two (2) years without receiving Fair Market Value for the Assets to qualify under these Guidelines shall render the Household ineligible.

- F. Minimum Household Size Standard** – To be eligible to purchase or occupy a Housing Unit, the total number of people in a Household must meet or exceed the following Minimum Household Sizes. For Households qualifying to purchase a Housing Unit, Tenants will not count towards meeting the Minimum Household Size unless granted an Exception pursuant to [Section 109.2](#), and may be required to rent a room to attain and maintain the Minimum Household Size for Qualification. If an Applicant Household is pregnant at the time of Application, or if a Qualified Owner or Tenant become pregnant during occupancy of a Housing Unit, the pregnant person shall constitute as two (2) people for the purpose of calculating Household Size.

Unit Type	Minimum Household Size	Maximum Household Size
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1 Bedroom/Studio	1 person	3 person
2 Bedroom	2 persons	4 persons
3 Bedroom	3 persons	6 persons
4 Bedroom	4 persons	8 persons

*This chart does not guarantee houses will be built or available in all listed types.

103.3 Priority Qualification

- A. Vital Workforce:** Any Household with a member Employed, or can provide a letter of intent to hire by San Juan County, Town of Silverton, Silverton School, Silverton Family Learning Center, Silverton Medical Rescue, OR any household with a member who has volunteered for Silverton Fire Department or Silverton Medical Rescue a minimum of forty (40) hours a month on an annual average in the immediate year prior to the Application Period. *To qualify for Priority entries for Vital Workforce, Applicant's employer must submit a completed Employment Verification Form to the SHA as specified in the application packet.*
- B. Local Workforce:** Any Household with a member currently Employed by a business located and licensed in San Juan County. Additional entries are dependent on length of employment seen in [Section 103.5](#). Qualified volunteer hours are not permitted for the purposes of Priority Qualification. *To qualify for priority entries for Employee in San Juan County, Applicant's employer must submit a completed Employment Verification Form to the SHA as specified in the application packet.*
- C. Qualified Disabled or Qualified Retired Resident of San Juan County:** Applicants who are Qualified Retired or Qualified Disabled. Additional entries are dependent on length of residency in San Juan County seen in [Section 103.5](#). *To qualify for the Priority entries for Qualified Disabled/Retired in San Juan County, the Applicant must complete the residential history within the application packet and show proof of retirement or unemployment based on the required documentation in Section 104.3C.*

103.4 Priority Stipulations

- A. For two (2) or more applicants per application:**
1. Maximum of three (3) additional entries per Application.
 2. Employment and Residence history for Priority qualifications may be applied only to the person in the Household that has worked, or when applicable, lived in San Juan County the longest.

103.5 Priority Entry Matrix

The Priority Qualifications and Additional Entries are displayed in the table below:

Priority Qualification	Sum of Monthly Employment in the Immediate Last 5 Years	Additional Entries
<u>Vital Workforce</u>		+3 entries
<u>Local Workforce</u>	24-60 months (2-5 years)	+2 entries
	61+ months (5+ years)	+3 entries
<u>Qualified Retired and Qualified Disabled Residency in San Juan County</u>	24+ months (2+ years)	+ 2 entry

103.6 Lawful Presence Standard

Lawful Presence Standards differ between Housing Programs based on funding sources associated with the project. Funding sources will be disclosed in the Application Informational Packet to be given to each prospective Applicant.

A. Federally Funded Projects:

1. Properties funded by Federal funds, lawful presence in the United States is required. A Residency Declaration form will be included in the Application Informational Packet.

B. State Funded Projects:

1. Properties funded by State funding, lawful presence is not required pursuant to CRS §24-76.5-103.

103.7 Criminal Background Check

SHA Staff may required a criminal background check to determine Qualification for Housing Program. Housing Programs and Applications will specify the types of convictions that disqualify an Applicant.

103.8 Grounds for Denial

- A. SHA is not required or obligated to Qualify or assist Applicants who:
1. Do not meet any one or more of the eligibility criteria;
 2. Do not supply information or documentation required by the Application process;
 3. Breach any agreement made between the Applicant and SHA;
 4. Any material misstatement of fact or deliberate fraud by the members of an Applicant Household in connection with any information submitted to SHA shall be cause for denial, removal from program, and will prohibited from reapplying, individually or as a member of a Household, for Lotteries for a period of three (3) years;
 5. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
 6. Have a history of not meeting financial obligations, especially rent; provided, however, that if a landlord or SHA uses rental history or credit history as criteria in consideration of an application, they shall not consider any rental history or credit history beyond seven (7) years immediately preceding the closing date of the Application Period;
 7. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
 8. Have a history of criminal convictions by any household member involving crimes of physical violence against persons or property and any other criminal convictions including drug-related criminal convictions that would adversely affect the health, safety, or well being of other tenants or Staff or cause damage to the property; provided that if SHA, or landlord, uses criminal history as a criterion in consideration of an application, they shall not consider an arrest record of a prospective tenant from any time or conviction of a prospective tenant that occurred more than five years before the closing date of the Application Period; except that a landlord/SHA may consider any criminal conviction record or deferred judgement relating to:
 - i. The unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation that contains methamphetamine, as described in Section 18-18-405 of the Colorado Revised Statutes;
 - ii. The unlawful possession of materials to make methamphetamine and amphetamine, as described in Section 18-18-412.5 of the Colorado Revised Statutes;

- iii. Any offense that required the prospective tenant / Owner to register as a sex offender pursuant to Section 16-22-103 of the Colorado Revised Statutes; or
 - iv. Any offence described in Part 1 or Part 6 of Article 3 of Title 18 of the Colorado Revised Statutes;
9. Have a history of disturbing neighbors or destruction of property;
 10. Currently owes rent or other amounts to any housing authority in connection with their public housing or Housing Choice Voucher programs;
 11. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program or SHA Program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
 12. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. SHA may waive this requirement if:
 - i. The person demonstrates to SHA's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - ii. Has successfully completed a supervised drug or alcohol rehabilitation program;
 - iii. Has otherwise been rehabilitated successfully; or
 - iv. Is participating in a supervised drug or alcohol rehabilitation program;
 13. Have engaged in or threatened abusive or violent behavior towards any SHA Staff, SHA Board, or residents of Housing Program. Such behavior would include using profane, racially or sexually abusive language;
 14. Have a Household member who is currently a registered sex offender.
 15. **Denied for Life:** If any Household member has been convicted of manufacturing or producing methamphetamine on assisted housing premises;
 16. **Denied for Life:** Has a lifetime registration under a State sex offender registration program.

B. Denial Procedure –

- i. Applicants will be notified of denial for Lottery drawing, also referred to as disqualification, in writing and will include the reason(s) for denial.

- ii. Applicants will have the right to Appeal decision and will be provided [Section 109.3 Appeal Procedure](#) information.
- iii. SHA's exercising of the Denial Procedure due to findings of Applicant ineligibility will not violate the rights of persons with Disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a Disability, SHA Staff will verify that there is in fact a Disability and the Disability caused the failure to respond, and may provide a [Reasonable Accommodation](#) per [Section 109.6](#).

Section 104: HOUSEHOLD INCOME VERIFICATION

The following standards are applicable to the [Initial Qualification](#) of [Applicants](#) for ownership or rental of [Affordable Housing Units](#).

- 104.1 Income Testing and Income Calculation** - Income testing refers to the verification of the annual [Household](#) income of an [Applicant](#), either a prospective purchaser or [Tenant](#) who wishes to qualify for a [Deed Restricted](#) unit. Income testing shall only be done at the time of [Qualification](#) for initial purchase or initial occupancy of the unit, and at every subsequent [Transfer](#) of occupancy of the [Deed Restricted](#) unit.
- 104.2** [Household](#) income should be calculated using a standard method for all prospective purchasers and tenants of [Affordable Housing](#) restricted to a certain [Income Category](#). These [Guidelines](#) require [SHA Staff](#) to use the Colorado Division of Housing's standard method of calculating income. The current standard is Part 5 of section 24 CFR 5.609 of the Code of Federal Regulations.
- 104.3** The [SHA](#) may request the following documentation including without limitation the following purposes: to calculate [Household](#) income, verify [Priority Qualification](#), verify [Qualification](#) for the applicable [Standards](#).

A. Persons employed by others:

Most recent 2 years complete personal federal tax returns
 Most recent 2 years W-2s from all employers
 Most recent 2 consecutive paystubs from all employers
 Employer Verification of Employment

B. Persons with some kind of self-employment:

Most recent 2 years complete personal federal tax returns
 Most recent 2 years W-2s from all employers
 Employer verification of employment
 Most recent 2 years business tax returns:
 Partnership-K-1 and 1065

S-Corporation-K-1 and 1120S
Corporation – 1120 (including W-2's and most recent paystubs)

C. Persons with unearned income:

Most recent 'award letter' stating the monthly or annual Gross Income received (SSI, SSDI, VA Benefits, Unemployment, etc.)

D. Persons newly employed and/or with no previous tax return:

Evidence of income to be earned (employment contract, written verification from new employer of income to be earned, etc).

Most recent consecutive business and personal bank statements from start of business.

E. Under certain circumstances the SHA may require other, non-traditional forms of documentation to accurately calculate gross household income.

104.5 SHA may require third-party verification of employment and income records for self-employed Applicants at initial Qualification and during Compliance Checks.

104.6 SHA may, at the Applicant's expense, require outside accounting expertise to evaluate the reasonability of the Applicant's or Household's representations of income and Assets. It shall be the burden of the Applicant to provide all required information for verification of Qualification, and any missing or incomplete information or documentation, or information that cannot be verified, shall be construed against the Applicant and may be grounds for denial.

Section 105: LOTTERY PROCEDURE

105.1 SHA Staff administers Lotteries subject to the provisions of this document established to create an orderly and fair process for offering Housing Units for Sale and rent to Qualified Households and give priority entries to Qualified Households with Priority status detailed below.

105.2 Lottery results are not subject to Appeals.

105.3 Lottery Procedure -

A. Opening and Announcement of Lottery Information –

1. Notice of the date, time, and location at which Applications will be accepted shall be published as a "Legal Notice" in a newspaper of general circulation in the Silverton Standard at least twenty-one (21) days prior to the close of an

Application Period, through Town of Silverton and Silverton Housing Authority communication channels, and on the Silverton Housing Authority website.

2. Applications and information shall be available online on the Silverton Housing Authority website concurrent with the publication of the Legal Notice.

B. Lottery Application Requirements -

1. Qualified Households interested in purchasing or renting a Housing Unit must submit a complete Application to SHA within the Application Period. No late or incomplete Applications will be accepted. Previous and upcoming Application Periods will be posted on the SHA website.
2. Applicant must submit, but not limited to, the following items per Application instructions by the published deadline:
 - i. if applying for ownership: a mortgage pre-qualification letter that considers income from all Household members over eighteen (18) years of age;
 - ii. a sworn statement including without limitation the following certifications:
 - a. the facts contained in the application are true and correct to the best of the Applicant's knowledge; and
 - b. the Applicant has been given the standard Application information packet by SHA Staff; and
 - c. the Applicant, on the basis of the application presented, believes that they Applicant Household qualifies to own or occupy the Housing Unit in question according to the Deed Restriction, these Guidelines, the governing Housing Program and all other applicable procedures, rules, and regulations;
3. Applications submitted without the requisite submissions from each member of the Applicant Household will be deemed incomplete and will render the entire Household ineligible for the Lottery.
4. SHA Staff shall only accept Lottery Applications during the Application Period and by the method specified in the Legal Notice. If submission of Application is permitted by mail to PO 250 Silverton, CO 81433, mailed Applications are considered received in the proper Application Period if postmarked at least two (2) days prior to the last day of the Application Period and received within two (2) business days after the application period closes. SHA is not responsible for delays in the delivery of mail. Incomplete or late Applications will not be

processed for Qualification and will render the entire Household ineligible for the Lottery.

5. After Application Period has ended, SHA Staff shall review all complete Applications timely received and inform the Applicant Household of its Qualification status for the Lottery no later than fourteen (14) days after the closure of the Application Period.
6. Exceptions shall be requested with the submittal of the Applicant's Application, following the Exception Procedure in Section 109.2.
7. Appeals and Grievances for Qualification Status must be submitted following the Appeal Procedure in Section 109.3 and Grievance Procedure in Section 109.4. Appeals and Grievances must be submitted in writing to SHA within twenty (20) calendar days of the decision or determination being appealed.

C. Weighted Lottery Process –

1. **Entering the Lottery:** After the end of the Application Period, notification of Qualification status has been communicated to Applicants per 105.3.B.6.5., and completion of Appeal hearings, if any, a list of Qualified Households will be assigned a Lottery entries. **Each Qualified Household will receive one (1) Lottery entry.** Priority Entries are assigned as additional entries as explained in Section 105.7 Priority Entry Matrix. Entries will be assigned as raffle ticket numbers.
2. **Lottery Drawing:**
 - i. The Lottery Drawing must be conducted at a duly noticed public meeting, pursuant to Section 105.3.A.
 - ii. The SHA appointed secretary shall review assigned entry numbers as they are entered into the Lottery.
 - iii. An independent San Juan County resident with no direct stake in the lottery outcome shall draw the lottery entries.
 - iv. Once an Applicant's entry is drawn, if any further instances of that Applicant's entries drawn are recorded but ignored in establishing the Lottery order results. Once all entries have been drawn, the drawing shall conclude. The order in which Applicant entries are drawn in the lottery will determine the order in which Applicants are contacted to purchase the Housing Units offered in the Lottery.
 - v. Lottery results are emailed to Applicants no later than fourteen (14) days after the Lottery drawing. SHA Staff will contact Applicants in Lottery rank order.

3. **Organization of the Lottery Result List** - The Lottery Result List will be maintained in accordance with the following guidelines:
 - i. The Application will be a permanent file;
 - ii. All applications will be maintained in order of the Lottery Results;
 - iii. Any contacts between SHA Staff and the Applicant will be documented in the Applicant file.
 - iv. The Lottery Results List will be a public record on the SHA Website.
4. **Lottery List Enactment** - When a Housing Unit appears to be within four (4) months of closing, the Household will be directed to complete and submit verification documents. SHA Staff are required to calculate the Income Level of the Lottery ranked Applicants prior to Sale or occupancy of Housing Unit. Failure to meet the Income-Level required for the Housing Unit as verified by SHA Staff or provide complete, timely, and accurate financial information, the Applicant will be removed from the program and the next-ranked Household will move up the Lottery ranking.

Section 106: OWNERSHIP, USE, OCCUPANCY

The primary intent of Affordable Housing Programs is to provide decent, Affordable Housing for local residents. Deed Restrictions on Affordable Housing Units require that the home be Owner-Occupied as a Primary Residence for the owner. Deed Restrictions may allow for a Qualified non-owner, a Tenant, to fulfill the Primary Residence requirement of the home.

106.1 Ownership Standards – Affordable Housing Units for Ownership according to these Guidelines and the Unit's Deed Restriction require the Unit to serve as the Primary Residence of the Qualified Owner, or in some circumstances stated in [Section 106.2](#), a Qualified Tenant.

A. Continuing Residency Standard – Qualified Households must occupy their Housing Unit for at least eight (8) of every twelve (12) months on a rolling twelve (12) month basis.

1. **Leave of Absence** - Households who will not occupy their Housing Unit for any period in excess of four (4) months must apply for a Leave of Absence as follows:
 - i. Leaves of Absence for a period of one (1) year or less will be considered and may be approved or denied by SHA Staff as an Administrative Exception pursuant to [Section 109.5](#).

ii. Leaves of Absence for any period of time longer than one (1) year, and any extension to a Leave of Absence previously granted by SHA Staff, must be granted by the SHA reviewing body through the Exception Process in [Section 109.1](#).

iii. Leaves of Absences will not be granted for periods in excess of two (2) years at a time.

2. Leaves of Absence will be conditioned upon rental of the Housing Unit during the absence to a Qualified Household at the established Maximum Rental Rate or a rate established by the SHA Board following the [Rental Procedure in Section 106.2](#).

3. Applications for a Leave of Absence must provide clear and convincing evidence showing both a bona fide reason or leaving and a commitment to re-occupy the Housing Unit.

106.2 Rental Procedure: In cases where rental of a Housing Unit is permitted or required, the following applies:

A. Tenant Households –

1. SHA Staff must certify the Qualification of a Tenant prior to the occupancy and/or the signing of a lease. Tenants must meet the Household Qualification Standards of the Unit in question prior to the execution of a lease.

2. Tenants must meet the Household Qualification Standards upon each lease renewal.

3. Tenants must use the Unit as their Primary Residence throughout the entirety of the lease agreement.

B. Landlords –

1. Landlords must obtain certification of Qualification of all Tenants from SHA Staff prior to execution of a lease with the Tenants and prior to the occupancy by Tenants.

2. Landlords must execute a written lease with Tenants and must provide a copy of the lease to SHA within five (5) business days of execution.

3. Landlords are subject to a penalty for each day of Tenant's occupancy without proof of Qualification, and for each day late submitting an executed lease to SHA (see [Appendix D](#)).

C. Leases – Occupancy of a Housing Unit by any person other than a Qualified Owner must be a Qualified Household and must be memorialized by a written lease.

1. Leases must include:
 - i. Reference to applicable provisions of the Deed Restriction including without limitation restrictions on rental rates (see [Appendix B](#));
 - ii. A provision stating that it is a material violation of the lease for the Tenant Household to fail to meet or maintain the Qualification Standards and Continuing Residency Standard. Landlords shall promptly enforce this material term of the lease, including initiating an action of Forcible Entry and Detainer when appropriate. Notice of lease violation and/or termination shall follow all requirements of the Colorado Forcible Entry and Detainer Statutes, C.R.S. § 13-40-101, *et. seq.* as may be amended.
 - iii. A provision stating that the landlord must deliver written notice to Tenants and to SHA a minimum of thirty (30) days prior to lease expiration should Landlord choose not to renew the lease.
 - iv. A provision stating that no subleases are permitted.
2. Leases shall not include:
 - i. A provision stating that the Tenant maintain employment with the Landlord or any other specified person or business as a material term of the lease. This prohibition does not preclude landlord from nonrenewing a lease upon expiration, subject to the noticing requirements for nonrenewal as set forth in Section [106.2.C.3.iii](#), or terminating the lease for other reasons or no reason provided all requirements for notice of the same have been met pursuant to C.R.S. § 13-40-101, *et. seq.* as may be amended.
 - ii. Any provision which would contradict these Guidelines.
3. The lease term must be a minimum of six (6) months and may not exceed twenty-four (24) months.
4. Copies of the executed lease must be filed with SHA within five (5) business days of execution. Late fees will be enforced according to [Appendix D](#).
5. **Lease Renewal** - At lease renewal the Maximum Rental Rate (See [Appendix B](#)) will be adjusted up or down to comply with the current Guidelines.

Section 107: INITIAL SALE AND RESALE OF UNITS

- 107.1 Initial Sale** – The initial sale of all Housing Units must occur in accordance with the applicable Lottery or other Applicant selection procedures as determined by the SHA or Town and may vary depending on the specific Housing Program under which the Housing Units were created.

107.2 Resale – Sellers are required to consult with SHA Staff prior to offering a Housing Unit for Sale for the purpose of obtaining the most current information about the applicable Guidelines and processes, and to verify to Maximum Sale Price and other applicable provisions of the Deed Restriction affecting the Sale.

107.3 Resale Procedures – Unless otherwise limited or required by the Deed Restriction or the governing Housing Program, options for selling Housing Units are as follows:

A. SHA Ownership Lottery per Section 105:

1. If a SHA Ownership Lottery is unsuccessful for the resale of a Unit, Direct Sale or listing with a real estate broker licensed to do business in the State of Colorado provided that:
 - i. the chosen buyer is a Qualified Owner approved by SHA prior to closing; and
 - ii. seller's real estate commissions are borne exclusively by the seller and are not passed on to the buyer.

107.4 Maximum Sale Price – The Maximum Sale Price of a Housing Unit is calculated by SHA Staff according to the Housing Unit's Deed Restriction. In no case shall a Housing Unit be sold for more than the Maximum Sale Price. The contracted sale price shall be the only exchange of value between parties to any Sale, and buyer and seller must execute a sworn statement affirming that the contracted sale price is the only exchange of value in the Sale. Any exchange of value outside the contracted sale price shall invalidate the Sale and may result in additional civil and criminal penalties.

A. Minimum Standards for Maximum Sale Price- The Owner, buyer and SHA must work together in addressing the repairs necessary to bring a Housing Unit to Minimum Standards for Maximum Resale Price. The Minimum Standards for a Sale at Maximum Resale Price include but are not limited to:

- Clean, odor-free interior;
- Carpets professionally steamed withing seven (7) days prior to closing, and are less than seven (7) years old;
- Appliances present, clean and in good working order;
- Surface scratches, marks, holes in doors, floors, walls, woodwork, cabinets, countertops, other than normal wear and tear, repaired;
- Walls in good repair and paint-ready;
- Windows and window locks in good repair, and broken panes replaces;
- Window screens in place and in good repair;
- Doors and door locks in good repair and working keys for all locks;
- Light Fixtures, outlets, switches secure and in working order;
- No apparent plumbing leaks;
- Tile grout in good repair, mold free and clean;

- No apparent roof leaks (if home is single family); and
- No apparent safety hazards.

B. Mitigation of Repairs – SHA Staff will perform a limited cursory inspection to assess Minimum Standards only. This inspection is not a substitute for a professional inspection, and SHA strongly encourages all buyers to obtain a professional inspection which may detect health and safety issues and reveal unpermitted or defective work on the Housing Unit. If SHA Staff determines that the Housing Unit does not meet Minimum Standards for Maximum Sale Price, or if a professional inspection reveals health and safety issues needing to be addressed:

1. The seller must completed identified repairs to meet Minimum Standards prior to closing; or
2. The buyer must agree in writing to complete the identified repairs by a date certain, with one of the following documented at closing:
 - i. A reduction in sales price to cover the cost of repairs; or
 - ii. A credit from seller to buyer sufficient to cover the cost of repairs; or
 - iii. Funds placed in escrow by seller in an amount sufficient to ensure satisfactory repairs, the balance of which will be returned to the seller after verified completion of repairs.

C. To be considered in the calculation of the Maximum Sale Price, Permitted Capital Improvements must be pre-approved by SHA Staff or the SHA Board as appropriate (see [Appendix E](#)).

107.5 Disclosure of Relevant Contracts and Information – Both buyer and seller of any Housing Unit must sign a release allowing SHA to obtain copies of all documents relevant to the Sale and must disclose all relevant information known to them. All financial information will remain confidential except as noted in [Section 104.4](#).

A. Relevant documents include without limitation:

1. the sales contract for the Housing Unit;
2. the buyer's application for financing and related documentation; and
3. title and escrow documents related to the Sale.

B. If applicable, sellers must inform buyers of any proposed or pending increases in homeowners' association dues, as well as any proposed or pending assessments.

107.6 Notification Required- Written notice to SHA of any pending change in financing or ownership interest in a Housing Unit is required, including, but not limited to a refinance, or an ownership change as might happen in a divorce proceeding or in the event of a

death of an Owner. Failure to timely notify SHA is considered a material breach of the Deed Restriction and a violation of the Guidelines and is subject to a Notification Required Penalty for each day the failure to notify persists.

- A. A Notice of Intent to Sell a Housing Unit must be submitted to the SHA at least sixty (60) days prior to the Sale on notice forms available from the SHA.
- B. Notice of any Transfer or change in ownership interest in a Housing Unit must be given at least thirty (30) days after the change in ownership interest, and will require execution and recording of a new Deed Restriction concurrent with the Transfer or change, and may require execution and recording of a new Option to Purchase.
- C. Notice of financing or refinancing of a Housing Unit must be given at least thirty (30) days prior to the closing of the loan, and may necessitate execution and recording of a new Option to Purchase and Deed Restriction at closing.

107.7 Independent Legal Counsel – All sellers and buyer of Housing Units are advised to consult independent legal counsel at their own expense regarding the examination of title and all contracts, agreements, restrictions, and title documents.

107.9 Title Company – Title documents involved in the closing of Housing Units are unique and technical, and buyers are advised to use title companies and escrow agents experienced in such Sales. Mistakes in closing documents are easily made and difficult to correct. Sellers must authorize SHA to review the conveyance documents prior to closing, however SHA shall not be responsible for any mistakes contained therein.

107.10 Deed Restrictions – SHA Staff in coordination with SHA legal counsel shall prepare Deed Restrictions and Options to Purchase pursuant to [Section 108](#).

Section 108: DEED RESTRICTIONS

108.1 A Deed Restriction must be executed prior to and recorded concurrent with each Sale, change in ownership, or transfer in ownership of a Housing Unit, and may be necessary for any refinance, finance, or transfer by other means. Original executed and recorded Deed Restrictions are retained by SHA. Provisions herein regarding the form of Deed Restrictions cover some but not all significant policies. Sellers and buyers are advised to consult these Guidelines and the Deed Restriction for the Housing Unit recorded with the San Juan County Clerk and Recorder which is the principal controlling document to ascertain specific provisions governing the Housing Unit.

108.2 Deed Restrictions shall specify:

- A. The Original Purchase Price (“OPP”). Each Sale of a Housing Unit generates a new OPP. Transfer in ownership by other means or refinance of a Housing Unit does not necessarily change the OPP.

- B. The Maximum Rental Rate. If applicable and not otherwise governed by these Guidelines, the Maximum Rental Rate shall be stated including provisions for any increases.
- C. The designated Income Eligibility Level, if applicable.
- D. The following method of calculating the Maximum Sale Price ("MSP") if applicable:
 - 1. An increase of the OPP of three percent (3%) per year from the date of purchase to the date of Owner's Notice Intent to Sell (compounded annually and prorated at the rate of .25 percent (0.25%) per each whole month of any part of a year);
 - 2. PLUS, the costs of Permitted Capital Improvements, not to exceed five percent (5%) of the OPP provided that:
 - i. Improvements are approved by SHA Staff prior to the commencement of any work or installation, as explained in Appendix E;
 - ii. Proof of homeowners' association approval, if applicable, is provided to SHA prior to commencement of work;
 - iii. Improvements are property permitted and inspected by the Town Building Official if applicable; and
 - iv. Paid invoices and documentation of improvements are submitted to SHA upon completion.
 - 3. PLUS, the costs of Permitted Capital Improvements exceeding five percent (5%) of the OPP provided that the improvements have been pre-approved by the SHA Board or TOS Board of Adjustments through the Exception Procedure in Section 109.2. In no case shall Permitted Capital Improvements exceed ten percent (10%) of the OPP. The impact of Exception requests and of any previously approved Maximum Sale Price increased to the Housing Unit will be assessed by SHA when considering any Exception under this Section to ensure continued affordability for Households with respect to this Housing Unit's targeted Income Eligibility Level;
 - 4. LESS the depreciation on Permitted Capital Improvements pursuant to the Marshall & Swift Depreciation Guidelines;
 - 5. PLUS, any other costs allowed by SHA or Town pursuant to policies in effect on the date of the Notice of Intent to Sell.
- E. A statement indicating that SHA does not guarantee an Owner's ability to sell a Housing Unit for its Maximum Sale Price or rent a Housing Unit for its Maximum Rental Rate as applicable.

- F. The requirements for use of a portion of Housing Unit for an office of a Home Occupation as defined in the Municipal Code, as amended, or its successor document, is provided to SHA if applicable;
1. Homeowners' association approval of the office or Home Occupation is filed with SHA if applicable;
 2. That the business holds a current Town of Silverton business license; and
 3. That the business holds current Town of Silverton sales and excise tax licenses and timely reports and remits such taxes if applicable.
- 108.3** Violation of covenants, conditions or terms of the Deed Restriction shall also be a violation of these Guidelines whether or not a corollary provision exists.
- 108.4** Deed Restrictions shall include a provision requiring, at SHA's option, conveyance of an interest in the Housing Unit to SHA (or similar agency acceptable to SHA) meeting the requirements of C.R.S. § 38-12-301 for rent control. SHA may in its sole discretion accept or reject any proposed conveyance of interest pursuant to this Section, and may designate and require conveyance of which interest is best suited to maintain this purpose of rent control under these Guidelines. Such interest may include without limitation:
- A. A fractional undivided ownership or trustee interest in the Housing Unit provided that SHA is indemnified against any and all liability by reason of its interest in the Housing Unit including any and all tax obligations; or
 - B. A lease to SHA of the Housing Unit with authorization to SHA to sublet pursuant to these Guidelines, provided that SHA assumes no liability by reason thereof.
- 108.5** An Option to Purchase shall be granted by the lender to SHA and/or the Town to redeem the Housing Unit in the event of default by purchasing the unit from the holder of the trustee's deed at the redemption price plus reasonable costs of the holder.
- 108.6** The Deed Restriction shall be binding on all Owners, successors and assigns including any holder of a deed in lieu of foreclosure.
- 108.7** The Deed Restriction, Option to Purchase, and any amendments thereto must be recorded in the property records of San Juan County. The original executed and recorded documents must be returned to and retained by the SHA.
- 108.8** Deed Restrictions may not be transferred off a Housing Unit unless permitted by the governing Housing Program. Transfers require the express consent of the SHA Board which must find that the General Affordable Housing Program Goals are met by such Transfer, and such Transfer promotes the provision of Affordable Housing.
- 108.9** No modification or amendment to the Deed Restriction shall be effective unless agreed to in writing by SHA and any other beneficiary.
- 108.10** **Deed Monitoring** - To verify compliance with Deed Restrictions and these Guidelines, SHA will conduct regular Compliance Checks, and may initiate Compliance Checks to investigate complaints or reports of non-compliance. Households must submit all

necessary paperwork to verify that they remain in compliance with the Deed Restrictions within twenty-one (21) days of a written notice of Compliance Check or a penalty will be assessed (see [Appendix D](#)). It shall be the burden of the Household to provide all required information for compliance, and any missing or incomplete information or documentation, or information that cannot be verified, shall be construed against the Household and may be grounds for a finding of non-compliance.

- 108.11** Deed Restrictions shall include a provision requiring Owners to maintain Homeowner's Insurance, pursuant to [Section 110.8: Obligation to Maintain Homeowner's Insurance](#).

Section 109: EXCEPTIONS, APPEALS AND GRIEVANCES & REASONABLE ACCOMMODATION

109.1 Definitions

- A. **Exceptions** – Except as otherwise prohibited herein, a request for an Exception to provisions of these Guidelines may be appropriate when an Applicant understands and acknowledges the requirements of the Guidelines and believes that there exists a legitimate and compelling reason why they should be exempt from or allowed a modification to the requirements.
1. Exceptions to the Guidelines may be granted on a case-by-case basis, provided the reviewing body finds that granting such Exception promotes the provision of Affordable Housing and supports [Section 102: General Affordable Housing Program Goals](#).
- B. **Appeals** – An appeal is appropriate when an Applicant understands and acknowledges the requirements of these Guidelines and believes that provisions of the Guidelines have been applied incorrectly by SHA Staff, the TOS Board of Adjustments, or the SHA Board.
- C. **Grievances** – A Grievance is any dispute that any person may have with the SHA regarding an action or failure to act in accordance with the individual's rights, duties, welfare, or status. A Grievance may be presented directly to the SHA Board under the procedures in [Section 109.4](#).

109.2 Exception Procedure

- A. Exception requests must be submitted in writing to SHA on forms available from SHA. Complete Exceptions applications include:
1. The name, mailing and email address, and telephone number of the Applicant(s) and of Applicant's representative, if applicable;
 2. A narrative:
 - i. identifying the specific provision(s) or requirement(s) for which the Exception is being requested;
 - ii. detailing the particular ground(s) upon which the Exception is based;

- iii. describing the action or remedy requested; and
- iv. addressing the Standards for Review of Exception Applications as set forth in Section 109.2.C applicable to the requested action or remedy.

3. The Exception fee (See [Appendix D](#)).

B. Process – All requests for Exceptions will be reviewed by SHA Staff for completeness and addressed administratively pursuant to [Section 109.5](#).

- 1. Prior to TOS Board of Adjustments consideration, SHA Staff will prepare and distribute to the TOS Board of Adjustments and Applicant(s) a written report analyzing anticipated impacts of the Exception and will include said report in meeting materials for the public hearing. SHA Staff may include a recommendation to TOS Board of Adjustments based on these impacts.
- 2. Following a hearing by TOS Board of Adjustments, the TOS Board of Adjustments decision may be appealed to the SHA Board pursuant to [Section 109.2 Appeals Procedure](#).
- 3. Exceptions forwarded to the SHA Board will be heard at the next regularly scheduled meeting, unless not possible due to noticing requirements.

C. Standards for Review of Exception Applications – Applicants seeking an Exception must demonstrate to the satisfaction of the reviewing body that granting the Exception would:

- 1. meet General Affordable Housing Program Goals; and
- 2. meet one or more of the following additional review standards:
 - i. Promotes greater affordability by:
 - a. decreasing the long-term operating and maintenance costs of the Housing Unit in question;
 - b. enabling the Applicant to take advantage of a financing opportunity that would not otherwise be available; or
 - c. protecting the long-term affordability of the Housing Unit through price control or other means.
 - ii. Demonstrates or recognizes the long-term commitment of the Applicant to residency, employment, and community involvement within the Town of Silverton Town Limits;
 - iii. Provides housing for a critical community need;
 - iv. Increases square footage or increases livability or durability in materials, finishes, Fixtures or appliances (which do not include Luxury Items or

items which significantly exceed standards set in recent SHA constructed Housing Units);

- v. Creates living space for additional member of the Household without compromising the affordability for the Housing Unit's targeted Income Eligibility Level;
- vi. Enables the Qualified Household to own and occupy a Housing Unit more suitable to the Household's needs;
- vii. Furthers currently adopted Town of Silverton Goals and Objectives related to Affordable Housing; or
- viii. Enables the Qualified Household to respond to life circumstances that arise beyond the reasonable control of the Household (such as the need to care for a retired or Disabled Household member).

D. Exceptions shall not be granted:

- 1. for any provision of these Guidelines if an Applicant is under a Notice of Violation;
- 2. for income to exceed the Income Eligibility Level limit for Transfer, purchase or rental of a Housing Unit, or for exclusion from income to exceed ten-thousand dollars (\$10,000) pursuant to Section 103.2C.4.
- 3. for an unqualified co-borrower or co-signor unless title is vested 100% in the Qualified Household;
- 4. for Permitted Capital Improvements in excess of five percent (5%) of OPP, if commencement of any work or installation has already begun or is complete; or
- 5. to increase the total debt secured by a Housing Unit in excess of the OPP.

E. Encouraged are Exception requests for:

- 1. The requirement that a Housing Unit sell by Lottery if:
 - i. the Qualified Owners of two (2) different Housing Units with to sell to one another resulting in more appropriate housing for both Owners, for example, due to changes in Household size (i.e. a Housing Unit swap);
 - ii. a Qualified Owner wishes to convey to their child their Housing Unit which would otherwise be required to sell by Lottery, provided that the child's Household has been certified by SHA as a Qualified Owner for the Housing Unit; or

- iii. a Qualified Owner of a Housing Unit identifies another Housing unit due to be sold by Lottery better suited to their needs provided that the such buyer:
 - a. is deemed a Qualified Owner for purchase of the Housing Unit better suited to their needs; and
 - b. agrees in turn to sell their current Housing Unit by Lottery.
- iv. Guideline requirements not otherwise prohibited for an Exception that might facilitate creative solutions for the development of additional or improvement of existing Affordable Housing, or the advancement of the Town's Affordable Housing goals.

109.3 Appeal Procedure

- A. Appeals must be submitted in writing to SHA on forms available from SHA within twenty (20) calendar days of the decision or determination being appealed and must include:
 - 1. The name, mailing and email address, and telephone number of the appellant(s) and of appellant's representative, if applicable;
 - 2. A narrative:
 - i. identifying the specific determination being appealed;
 - ii. establishing the particular ground(s) upon which the appeal is based; and
 - iii. describing the action or remedy requested; and
 - 3. The Appeal fee (See Appendix D).
- B. **Process** – Appeal applications will be reviewed by SHA Staff for completeness and complete submissions will be forwarded to either the TOS Board of Adjustments or the SHA Board, as appropriate.
 - 1. **If an appeal concerns a matter that has not yet been reviewed** by the TOS Board of Adjustments (e.g. a SHA Staff determination), the appeal shall be heard by the TOS Board of Adjustments. Determinations by the TOS Board of Adjustments may be timely appealed to the SHA Board, and if not timely appealed, shall become binding under Section 109.3B.7.
 - 2. **If an appeal concerns a matter that has already been considered and ruled** upon by the TOS Board of Adjustments (e.g. an Exception or an appeal determination by the TOS Board of Adjustments), the appeal shall be heard by the SHA Board. Determinations by the SHA Board shall be final and binding under Section 109.3B.7.
 - 3. Appeals shall be heard at the next regularly scheduled meeting following the submittal of a complete application unless noticing requirements cannot be met

or additional time is required to prepare an appeal record. In such cases, the appeal shall be heard as soon thereafter possible.

4. Hearings shall be fair and provide for the basic safeguards of due process, including notice and an opportunity to be heard in a timely, and reasonable manner.
5. The opportunity to examine all relevant documents, records, and regulations must be accommodated. Any document not made available after written request may be relied upon at the hearing. Parties to an appeal have the right to be represented by counsel at their own expense.
6. Hearing shall be conducted by a "Hearing Officer" who shall be a designated member of the TOS Board of Adjustments or SHA Board as appropriate.
 - i. In the event a party fails to appear at the hearing, the hearing body may make a determination to continue the hearing, or a determination based upon the evidence submitted.
 - ii. The hearing shall be recorded and oral or documentary evidence may be received without strict compliance with the Colorado Rules of Evidence.
 - iii. The right to cross-examine shall be at the discretion of the Hearing Officer and may be regulated as the Hearing Officer deems necessary for a fair hearing.
7. **Binding Determination** - The SHA Board or TOS Board of Adjustments, as appropriate, shall provide a final determination with findings to support the determination. Unless timely appealed, the determination shall be binding, and the SHA shall take all actions necessary to carry out or enforce the decision.

109.4 Grievance Procedure

A. Grievances must be submitted in writing to SHA and must include:

1. The name, mailing and email address, and telephone number of the complainant(s) and of complainant's representative, if applicable;
2. The particular ground(s) upon which the grievance is based;
3. The action or remedy requested; and
3. The Grievance fee (See [Appendix D](#)).

B. Process – The hearing process shall be as presented in [Section 109.3B](#).

109.5 Administrative Exceptions- The SHA Board and TOS Board of Adjustments grants SHA Staff the authority to approve specific Exceptions, with or without conditions as deemed appropriate by SHA Staff, to be noticed on the Consent Calendar at the SHA Regular Meeting immediately following SHA Staff approval. SHA Staff, in making its decision, shall follow all procedures and apply all criteria set forth in [Section 109.2](#),

and may refer a matter to the TOS Board of Adjustments if, in SHA Staff sole discretion, deemed more appropriate. Administrative Exceptions are authorized for:

- A. Approval of Exceptions for use of a co-borrower or co-signer for unconventional lending after Town legal counsel review of documents to be recorded pursuant to [Section 110.7](#).
- B. Approval of Exceptions for Leaves of Absences for a period of one (1) year or less pursuant to [Section 106.1A.1](#).

109.6 Reasonable Accommodation

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the SHA Housing Programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with the Disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This section clarifies how to request accommodation, and the procedure SHA will follow in determining whether it is reasonable to provide a requested accommodation. Because Disabilities are not always apparent, SHA will ensure that all Applicants and tenants are aware of the opportunity to request Reasonable Accommodations.

A. Communications – Notifications of Compliance Checks, inspection, appointment, or eviction will include information about requesting a Reasonable Accommodation. Any notification requesting action by the Applicant, Tenant, or Owner will include information about requesting a Reasonable Accommodation. Any decision denying a request of a Reasonable Accommodation will be in writing and will include instructions on how to request an Appeal of the decision.

B. Consideration of Granting the Accommodation:

1. Is the requestor a person with disabilities? The Fair Housing definition used for this purpose is:

“A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment (The disability may not be apparent to others).”
- 42 US Code 12101.

If the disability is apparent or already documented, the answer to this question is yes. If the disability is not apparent or documented, SHA will obtain reasonable verification that the person is a person with a disability. Verification shall not include requests for medical records or require an individual to disclose a diagnosis.

2. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, SHA will obtain documentation that the

requested accommodation is needed due to the disability. SHA Will not inquire as to the nature of the disability.

3. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:
 - i. Would the accommodation constitute a fundamental alteration? SHA's business is housing. If the request would alter the fundamental business that SHA conducts, that would not be reasonable.
 - ii. Would the requested accommodation create an undue financial hardship or administrative burden? If the cost would be an undue burden, SHA may request meeting with the individual to investigate and consider equally effective alternatives.
4. Generally, the individual knows best what it is they need; however, SHA retains the right to be shown how the requested accommodation enables the individual to access or use SHA's programs or services.

If more than one accommodation is equally effective in providing access to SHA's programs or services, SHA retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests will be borne by SHA if there is no one else willing to pay for the modifications.

If the tenant requests as a Reasonable Accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

- C. Reviewing and granting of Reasonable Accommodations will be conducted pursuant to Section 111.9: Administrative Procedures.

Section 110: LENDERS, LOANS AND INSURANCE

110.1 Purpose – This Section is intended to facilitate the financing of Housing Units while meeting the following goals:

- A. Protect the public investment and regulatory integrity of the Town's overall Affordable Housing Programs in the short and long term.
- B. Minimize financial and other risks to the Town's overall Affordable Housing Program by prohibiting excessive debt or other obligations from being secured by Housing Units.
- C. Minimize the financial risk to Owners of Housing Units.
- D. Increase the potential financing opportunities for Applicants and Owners.

- 110.2 Lenders and Mortgages** – Borrowers are restricted to either conventional or governmental guaranteed mortgages with a fixed rate from commercial banking and lending institutions authorized to engage in mortgage lending practices in the State of Colorado. All other mortgages will require an Exception prior to purchase of a Housing Unit (see Section 109.2).
- 110.3 Notification Required** – Notification to SHA as set forth in Section 107.6 is required for any changes in financing or ownership of a Housing Unit. An Owner failing to notify SHA is subject to a Notification Required Penalty for each day the failure to notify persists (see Appendix D), and such violation is grounds for loss of Qualification status for the entire Household.
- 110.4 Option to Purchase** – Lenders who are beneficiaries of any Deed of Trust executed in connection with the Sale of a Housing Unit must sign an Option to Purchase acknowledging the provisions of the Deed Restriction and granting a right to the Town or the SHA to purchase the Housing Unit in a foreclosure.
- 110.5 Total Debt** - Owners shall not incur debt, judgments, liens or other obligations secured by the Housing Unit and in no event shall any obligation be secured by the Housing Unit.
- 110.6 Refinance** – Owners must notify the SHA immediately when refinance of a mortgage is anticipated and must fully cooperate in securing the required signatures for a new Option to Purchase and also for a new Deed Restriction if required. Owners must also verify that their Household remains a Qualified Household prior to closing on a refinance. An Owner failing to timely notify the SHA is subject to a Notification Required Penalty for each day the failure to notify persists (see Appendix D), and such violation is grounds for loss of Qualification status for the entire Household (see Section 107.6).
- 110.7 Co-borrower or Co-signer** - Co-borrowers or co-signers who are not part of the Qualified Household must be approved through the Administrative Exception Procedure (see Section 109.5). Approved co-borrowers and co-signors must execute a separate agreement requiring Sale of the Housing Unit in the event the Qualified Owner becomes unqualified, is in default under its Deed Restriction or the Guidelines, or is otherwise required to sell the Housing Unit. Co-signers and co-borrowers may not occupy the Housing Unit unless Qualified by the SHA.
- 110.8 Obligation to Maintain Homeowner's Insurance** - The cost to build Affordable Housing Units is often greater than the sales price due to the use of public and private subsidies. Because of this, Owners shall maintain at all times full replacement cost coverage for the Housing Unit through an insurance provider licensed with and compliant with the Colorado Department of Regulatory Agencies which will repair or replace the Housing Unit in the event of damage or destruction. Owners are encouraged to verify whether coverage under any applicable master condominium insurance policy is sufficient to meet this requirement. Failure to maintain adequate homeowner's insurance shall be considered a violation of these Guidelines and material breach of the Deed Restriction.

Section 111: GENERAL MISCELLANEOUS PROVISIONS

111.1 **Legislative History - Silverton Affordable Housing Guidelines adopted XX/XX/XXXX.**

The history of the amended, consolidated and reenacted Guidelines is as follows:

[Future amendments, consolidated and reenacted Guidelines will be listed here].

111.2 **Amendments** – These Guidelines shall be reviewed at least every two (2) years by the TOS Board of Adjustments and any changes will be recommended to the Board of Trustees and SHA Board for adoption.

111.3 Non-administrative amendments to these Guidelines shall be made according to the following procedure:

- A. Proposed amendments must be presented by SHA Staff to the TOS Board of Adjustments for consideration and recommendation to the Board of Trustees and SHA Board. The TOS Board of Adjustments must consider such amendments in a timely manner and if recommending adoption, must report to the Board of Trustees and the SHA Board its findings.
- B. The Board of Trustees and the SHA Board shall timely consider the TOS Board of Adjustments' findings and recommendations at a public hearing, and must adopt, adopt with amendments, or deny any proposed amendments at such hearing. Amendments shall be adopted by written resolution(s) of the SHA Board.

111.4 Updates to the Area Median Income, Initial Sales Price, and Rental Affordability Standards will be made administratively by SHA Staff annually upon release of HUD updates based on the methodology in place.

111.5 Amendments to methodologies used in the calculation of Area Median Incomes, Original Purchase Prices, and Rental Affordability Standards may be requested by the Planning Director, Building Inspector, or SHA Staff and may be approved by the TOS Board of Adjustments or recommended for consideration of the Board of Trustees and the SHA Board pursuant to Section 111.3.

111.6 – Administrative Procedures

- A. **Reasonable Accommodation** - SHA Staff shall administer these Guidelines and SHA's Affordable Housing Programs in compliance with all reasonable accommodation standards, including without limitation the Americans with Disabilities Act. See [Section 109.6 Reasonable Accommodations](#). Staff may require SHA Board review and direction for granting and administering reasonable accommodations.
- B. **Assignment of Administrative Responsibilities** – The SHA and/or the Town shall have the right to contract with any qualified person or entity for the purpose

of administering these Guidelines. The contract for administration shall provide for oversight by the Town, including access to applicable records and the ability to conduct an audit of administrative procedures.

111.7 – Privacy Statement

All personal and financial information provided to SHA will be kept strictly confidential, except as follows:

- A. Signed contracts between the Applicant or Household and SHA or the Town including without limitation Contract to Purchase a Housing Unit, all recorded documents including Deed Restrictions, and any document that would customarily be a matter of public record in the applicable jurisdiction;
- B. The names and Lottery rankings of all Applicants who have participated in any Lottery held per Section 105;
- C. Any record that a court of competent jurisdiction rules must be released under the Colorado Open Records Act, C.R.S. § 24-72-200.1 *et seq.*;
- D. Personal and private information to the extent SHA determines the information is necessary for its deliberation of a request for an Exception or for a Grievance or Appeal at a public hearing, or for consideration during a violation hearing.

111.8 – Conflict of Interest

No employee or official of the Silverton Housing Authority, nor the Town of Silverton Administrator shall participate in a transaction, contract, activity, or service of the Silverton Housing Authority which has a direct or predictable effect on their financial interests or the financial interests of a close relative. A close relative is defined as within first, second, and third degree of consanguinity (blood) (1st: Parent, Child, 2nd: Grandparent, Brother/Sister, Grandchild, 3rd: Great Grandparent, Aunt/Uncle, Niece/Nephew, Great Grandchild) or the first or second degree of affinity (marriage) (1st: Spouse, 2nd: Parent-in-Law, Daughter/Son-in-Law).

- A. **Disclosure Requirements** - Any employee or official of the Silverton Housing Authority, or the Town of Silverton Administrator, who becomes aware of a potential Conflict of Interest must disclose it in writing to the Board of the Silverton Housing Authority before participating in the relevant transaction, contract, activity, or service.
- B. **Recusal Process** - In the event of a disclosed or identified Conflict of Interest, the individual must recuse themselves from any discussions, decisions, or actions related to the matter. The recusal must be documented, and alternative arrangements should be made to ensure the integrity of the decision-making process.

- C. **Consequences of Non-Compliance** – Failure to comply with this Conflict of Interest policy may result in disciplinary action, up to and including termination of employment, and may be subject to legal consequences as provided by applicable laws and regulations.

APPENDIX

Appendix A: Area Median Income Eligibility Limits

Area Median Income (AMI) is determined by the US Department of Housing and Urban Development (HUD) “Very Low Income,” (50% of the Area Median Income) figures for San Juan County, Colorado, for 1-, 2-, 3-, and 4-person Households. The Colorado Housing and Finance Authority extrapolates the HUD “Very Low Income” figures to Household up to eight (8) persons and to span 20%-160% AMI. SHA uses CHFA Annual Colorado Income Limits and Maximum Rents to govern all Affordable Housing Units subject to these Guidelines. AMI Limits are updated annually in the spring. SHA Staff shall administratively update the tables below as the annual income limits are released by CHFA.

Table 1. San Juan County Area Median Income as of April 8, 2024.

<u>Household Size</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>130%</u>	<u>140%</u>
1 Person	\$19,800	\$26,400	\$33,000	\$39,600	\$52,800	\$66,000	\$79,200	\$85,800	\$92,400
2 Person	\$22,620	\$30,160	\$37,700	\$45,240	\$60,320	\$75,400	\$90,480	\$98,020	\$105,560
3 Person	\$25,440	\$33,920	\$42,400	\$50,880	\$67,840	\$84,800	\$101,760	\$110,240	\$118,720
4 Person	\$28,260	\$37,680	\$47,100	\$56,520	\$75,360	\$94,200	\$113,040	\$122,460	\$131,880
5 Person	\$30,540	\$40,720	\$50,900	\$61,080	\$81,440	\$101,800	\$122,160	\$132,340	\$142,520
6 Person	\$32,790	\$43,720	\$54,650	\$65,580	\$87,440	\$109,300	\$131,160	\$142,090	\$153,020
7 Person	\$35,070	\$46,760	\$58,450	\$70,140	\$93,520	\$116,900	\$140,280	\$151,970	\$163,660
8 Person	\$37,320	\$49,760	\$62,200	\$74,640	\$99,520	\$124,400	\$149,280	\$161,720	\$174,160

Appendix B: Original Purchase Prices and Maximum Rental Rates

Sale and rental prices are based on affordability by AMI target percentages for San Juan County as adjusted for the number of Bedrooms per unit.

It is generally accepted in the affordable housing field that housing is affordable if either:

1. the total rent and utilities, or
2. the total of mortgage payment, insurance, taxes and HOA dues is not more than thirty percent (30%) of the Household's Monthly Gross Income. This 30% standard forms the basis for Housing Unit rents and sale prices.

Maximum Affordable Rent Rates in San Juan County 2024.

Payment of utilities is included in the rent rate.

<u>Unit Size</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>130%</u>	<u>140%</u>
0 Bdrm	\$495	\$660	\$825	\$990	\$1,320	\$1,650	\$1,980	\$2,145	\$2,310
1 Bdrm	\$530	\$707	\$883	\$1,060	\$1,414	\$1,767	\$2,121	\$2,297	\$2,474
2 Bdrm	\$636	\$848	\$1,060	\$1,272	\$1,696	\$2,120	\$2,544	\$2,756	\$2,968
3 Bdrm	\$735	\$980	\$1,225	\$1,470	\$1,960	\$2,450	\$2,940	\$3,185	\$3,430
4 Bdrm	\$819	\$1,093	\$1,366	\$1,639	\$2,186	\$2,732	\$3,279	\$3,552	\$3,825

Original Purchase Price Standards in San Juan County 2024.

(Assumes 6.95% interest and 30-year term limit)

<u>Unit Size</u>	<u>80%</u>	<u>100%</u>	<u>120%</u>	<u>140%</u>
1 BR	\$169,385	\$220,420	\$271,455	\$332,209
2 BR	\$210,245	\$271,455	\$332,720	\$393,985
3 BR	\$248,442	\$319,202	\$390,119	\$461,036

Appendix C: Lottery Point System

Priority Definitions:

- A. Vital Workforce:** Any Household with a member Employed, or can provide a letter of intent to hire by San Juan County, Town of Silverton, Silverton School, Silverton Family Learning Center, Silverton Medical Rescue, OR any household with a member who has volunteered for Silverton Fire Department or Silverton Medical Rescue a minimum of forty (40) hours a month on an annual average in the immediate year prior to the Application Period. *To qualify for Priority entries for Vital Workforce, Applicant's employer must submit a completed Employment Verification Form to the SHA as specified in the application packet.*
- B. Local Workforce:** Any Household with a member currently Employed by a business located and licensed in San Juan County. Additional entries are dependent on length of employment seen in [Section 103.5](#). Qualified volunteer hours are not permitted for the purposes of Priority Qualification. *To qualify for priority entries for Employee in San Juan County, Applicant's employer must submit a completed Employment Verification Form to the SHA as specified in the application packet.*
- C. Qualified Disabled or Qualified Retired Resident of San Juan County:** Applicants who are Qualified Retired or Qualified Disabled. Additional entries are dependent on length of residency in San Juan County seen in [Section 103.5](#). *To qualify for the Priority entries for Qualified Disabled/Retired in San Juan County, the Applicant must complete the residential history within the application packet and show proof of retirement or unemployment based on the required documentation in Section 104.3C.*

Priority Stipulations

A. For two (2) or more applicants per application:

1. Maximum of three (3) additional entries per Application.
2. Employment and Residence history for Priority qualifications may be applied only to the person in the Household that has worked, or when applicable, lived in San Juan County the longest.

Priority Scoring Matrix

Priority Qualification	Sum of Monthly Employment in Last 5 Years	Additional Entries
<u>Vital Workforce</u>		+3 entries
<u>Local Workforce</u>	24-60 months (2-5 years)	+2 entries
	61+ months (5+ years)	+3 entries
<u>Qualified Retired and Qualified Disabled Residency in San Juan County</u>	24+ months (2+ years)	+ 2 entry

Appendix D: Fee and Penalty Schedule

Fees:

Application Fee	\$25.00
Exception Fee	\$35.00
Appeal Fee	\$35.00
Grievance Fee	\$50.00
Inspection Fee	\$250.00

Penalties:

Compliance Late Penalty	\$20.00/day
Failure to Confirm Tenant Qualification or Submit Tenant Lease	\$20.00/day
Notification Required Penalty	\$20.00/day

Appendix E: Permitted Capital Improvements

SHA does not wish to discourage Owner improvements to Housing Units, but has a strong interest in maintaining the long-term affordability and targeted Income Eligibility Level of each unit and thus cannot allow Owners to recover costs upon Sale for unnecessary or personal-choice driven improvements. In determining whether an improvement is a Permitted Capital Improvement or a Luxury Item, SHA Staff shall consider:

- Whether the improvement is necessary to extend the life of the Housing Unit or preserve the health and safety of occupants;
- The age and condition of the item to be replaced, and whether current condition was caused by normal wear and tear or the negligence of the Owner or any occupant, with useful life and depreciation as determined by the Marshall & Swift depreciation guidelines;
- Whether the improvement will provide increased water or energy efficiency savings;
- Whether the improvement shows a high degree of customization or personal preference, or if the improvement is sufficiently standard or neutral to be acceptable to a subsequent purchaser; and
- Whether allowing a full or partial increase in Maximum Sale Price for the improvement would make the Housing Unit unaffordable for the established Income Eligibility Level.

Some improvements may qualify in part as a Permitted Capital Improvement and in part as a Luxury Item based upon the criteria above, and thus be subject to only partial recovery of depreciable expenses:

Example 1: Replacement of furnace or water heater after it has reached the end of its useful life, regardless of the energy efficiency of the new model – 100% Permitted Capital Improvement.

Example 2: Replacement of furnace or water heater 50% into its useful life with a significantly more energy efficient model – 100% Permitted Capital Improvement.

Example 3: Replacement of laminate kitchen counters with neutral, durable, builder-grade quartz 0-100% Permitted Capital Improvement depending upon age and condition of laminate kitchen counters and current Maximum Sale Price with respect to Income Eligibility Level limit.

Example 4: Replacement of carpet after tenant destroyed it 30% into its useful life – 30% Permitted Capital Improvement.

Example 5: Installation of a built-in microwave where none previously existed – 100% Permitted Capital Improvement.

Example 6: Installation of steam shower – 0% Permitted Capital Improvement.

Unless an emergency warrants immediate action, all improvements desirous of being a Permitted Capital Improvement must be approved by SHA Staff prior to construction or installation. Owners are encouraged to discuss their renovation/replacement plans with SHA Staff so Owners are aware of the limitations that will be placed on cost recovery. Permitted Capital Improvements 0-4.9% of the OPP may be approved by SHA Staff, Permitted Capital Improvements 5-10% of the OPP must be approved by the TOS Board of Adjustments or Board through an Exception. Permitted Capital Improvements in excess of 10% of the OPP are not prohibited but are not fully recoverable and will only be added to MSP up to 10% of OPP allowed.

Only the actual out-of-pocket expenses of an Owner may be added to MSP as Permitted Capital Improvement. Fair market labor costs may be authorized to constitute up to fifty percent (50%) of the Permitted Capital Improvements. Grant funds credited towards an improvement are not eligible to be added to MSP.



AGENDA MEMO

SUBJECT: Anvil Townhomes Market Demand Study
MEETING DATE: 9/9/2024
STAFF CONTACT: Anne Chase

Overview / History:

The Silverton Housing Authority is pursuing the development of 8 units for sale in the Anvil Mountain Subdivision. The original scope of the Anvil Multi-Family Development RFP was up to 12 units with some being dedicated for rental, but no financing opportunities for a small scale affordable rental programs have been identified.

Project History:

- RFP posted 3/12/2024 - 4/16/2024
- SHA Board awarded RFP to Fading West Development on 6/10/2023 SHA Meeting and entered a predevelopment agreement with Fading West Development to determine project financial feasibility.
- San Juan County conveyed Lots 16 and 17 to SHA on 8/28/2024 for this project, Lot 15 included in the transfer.
- Currently: Applying for funding to subsidize the project to achieve desired levels of affordability.
 - DOLA Division of Housing upcoming funding deadline: December 2, 2024. Application requires a Market Study for the proposed project.

Market Study:

Staff was given direction by SHA Board on 6/10/2024 to request funding for the Market Study from the SJC Board of County Commissioners. Staff requested and was granted \$4,900 from SJC. Staff pursued additional sources of funding for the market study from CHFA. CHFA awarded \$3,900 to SHA for project with \$1,000 match from SJC.

SHA signed authorization to proceed to Western Spaces LLC. On 6/13/2024 to begin project. Final draft delivered from Western Spaces LLC to Staff on 8/30/2024. Final draft attached in this packet.

Motion or Direction:

Information only.

Market Demand Study

Anvil Multifamily Development

Prepared for the Silverton Housing Authority

Thursday, August 29th 2024

Prepared by Western
Spaces, LLC



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Background and Objectives

The Silverton Housing Authority, in partnership with Fading West Development, is working to address the critical need for workforce housing in Silverton, CO with the development of the Anvil Mountain Subdivision. The development includes 12 units to be developed across three four-plex buildings. Of these, 4 units will be designated for rent and 8 for sale. The project targets various income levels, ensuring affordability for households earning 80% to 140% of the Area Median Income (AMI).

The primary objective of this study is to determine the spectrum of demand for workforce housing at the Anvil site and to inform a program that effectively addresses this demand. This study aims to provide supporting data for unit mix, pricing, and capture rates, ensuring that the development is strategically aligned with the housing needs of the community. For this analysis, the primary market area (PMA) is defined as San Juan County.

The methodology for this market demand study encompasses an analysis of:

- **Demographic Data:** Reviewing population changes and household composition.
- **Economic Data:** Examining local employment trends and income levels.
- **Housing Market Data:** Assessing current housing inventory, rental and for sale market conditions, and recent developments.
- **Demand Estimate:** Apply a capture rate of 15%, 20% and 25% to all income bands (expressed as AMI) for households below 140% AMI.

The study focuses on Silverton, CO, a small, remote town characterized by its seasonal economy and tourism-driven industry. Silverton's unique geographic and economic conditions pose challenges and opportunities for workforce housing. The town's housing market is marked by high vacancy rates for seasonal use and a limited supply of affordable rental and for sale units.

Overview of the Selected Site

The initial phase of the Anvil Mountain Subdivision included the construction of 8 modular sections, resulting in 12 apartment units. These units are currently serving the community by providing much-needed rental housing options. The first phase was made possible through a combination of grants and in-kind assistance totaling over \$2.1 million, with contributions from the EPA, the Colorado Department of Local Affairs, the Colorado Brownfields Foundation, the Colorado Department of Health and Environment, the Colorado Department of Transportation, and the Bureau of Land Management. San Juan County also contributed over \$500,000 to the project.

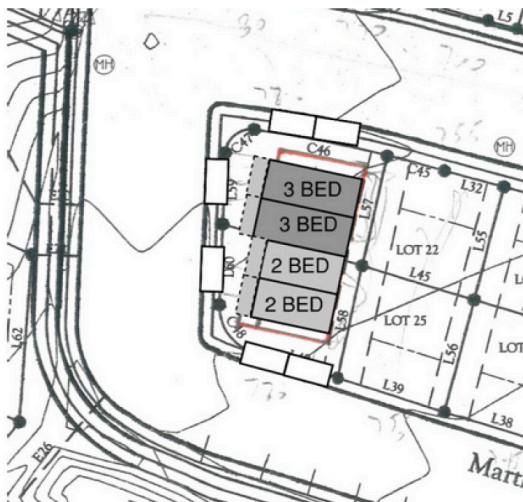
The ongoing development of the Anvil Mountain Subdivision includes both a Rental Phase and a For-Sale Phase. The Silverton Housing Authority is responsible for the Rental Phase, which involves constructing a new four-unit complex. Fading West Development serves as the general contractor for both phases and as the developer for the For-Sale Phase.

The current program includes:

- **Total Units:** 12
- **Configuration:** Three four-plex buildings
- **Units for Sale:** 8 units, targeted at households earning between 100% and 140% of AMI.
- **Units for Rent:** 4 units, targeted at households earning 80% and below AMI.

The project benefits from various subsidies, including in-kind land contributions, building permit waivers, and tap fee waivers, which collectively enhance its financial feasibility. The development aims to provide stable, affordable housing options for Silverton's workforce, thereby reducing in-commuting and supporting local economic growth.

PROPOSED SITE PLAN

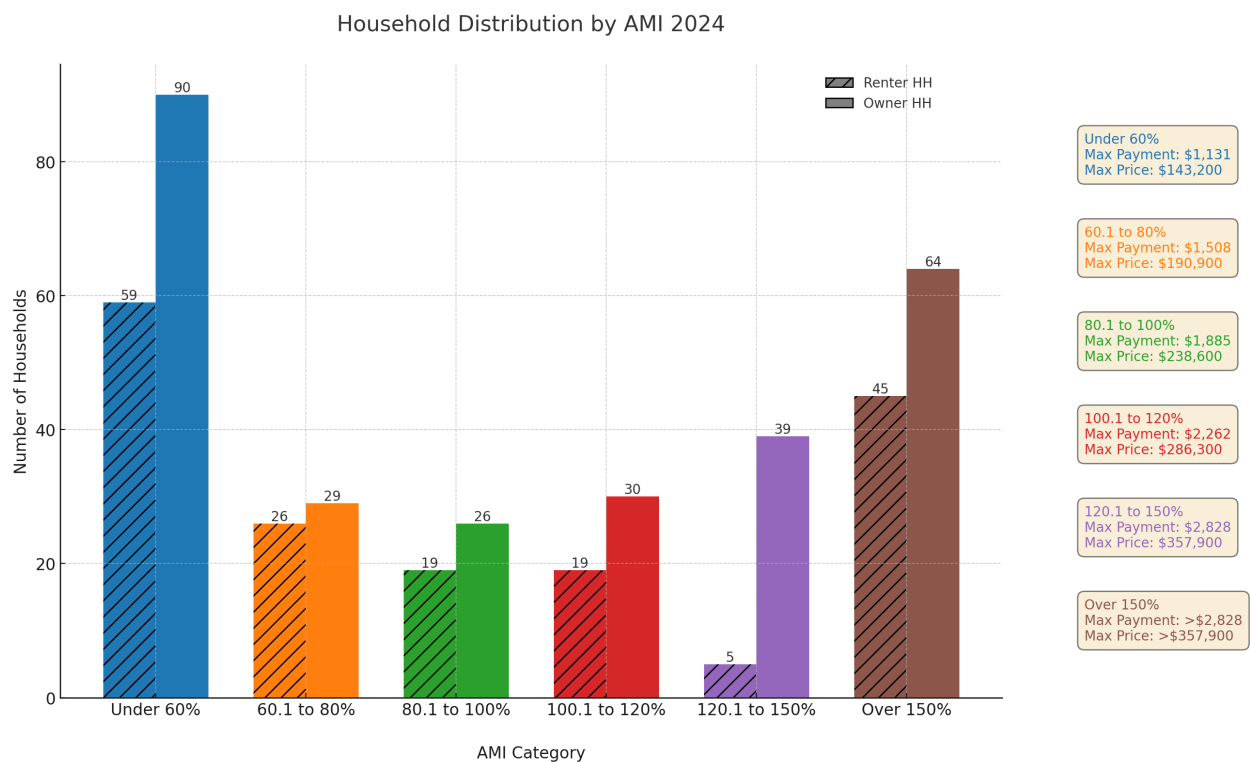


Executive Summary

San Juan County faces ongoing challenges in meeting the housing needs of its residents, particularly those in the workforce. The county's economy is heavily reliant on lower-wage industries such as tourism, retail, and government services, which contributes to the affordability gap for both renters and potential homeowners. The limited availability of affordable housing, coupled with rising property prices, has created a constrained housing market that makes it difficult for many residents to secure suitable housing and for employers to hire and retain qualified staff.

The positive response to the first phase of the Anvil Mountain Subdivision reflects a notable demand for affordable housing in the area. This interest underscores the importance and potential success of the next phase of the project, which will provide additional rental and for-sale units designed to meet community needs.

As illustrated in the chart below, the distribution of households across various AMI (Area Median Income) categories highlights the significant challenges faced by both renters and owners within San Juan County. A substantial number of households fall within the 60% to 150% AMI range, yet the affordability of housing within this bracket remains a pressing issue.



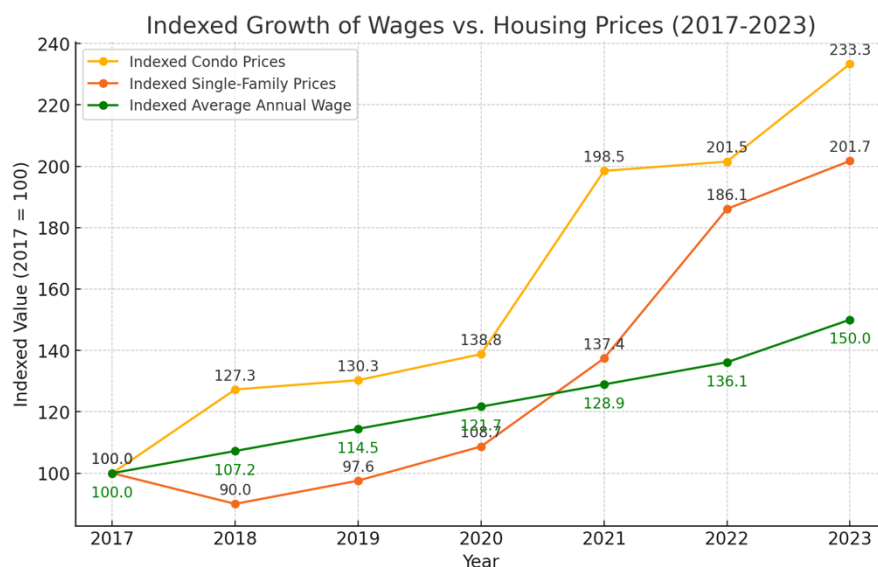
AMI and Prices for an average 2-person HH

Key Demographic and Economic Factors

Housing Affordability

Many working-age residents, including young families and first-time homebuyers, are priced out of the ownership market and face rising rents, often consuming a significant portion of their income. This lack of affordable options forces many to live in suboptimal conditions, exacerbating their housing insecurity.

- Households earning between 100% and 140% of AMI are a key focus due to the homeownership affordability gap they experience. A 2-person household in this income range needs homes priced between \$285,300 and \$357,900 for homeownership, but the current market offers very few options.
- For renting, a 2-person household at 80% AMI can afford monthly rent up to \$1,500. However, the current rental market offers limited options within this price range, making it difficult for these households to find affordable and suitable housing.



Housing Availability

The housing market in San Juan County is extremely constrained, with significant challenges in both the rental and ownership sectors.

- The rental market is particularly tight, with vacancy rates near 0%. To achieve a healthier 5% vacancy rate, the county needs approximately 17 additional rental units. This shortage leads to several issues: rents tend to rise faster than wages and incomes, renters find it difficult to move when their personal circumstances change, new employees may decline job opportunities due to housing unavailability — adversely affecting businesses and the economy — and renters face higher displacement risks when properties are sold or rents surge beyond affordability. Additionally, landlords lack the incentive to maintain or improve their properties under these conditions.
- The ownership market is similarly strained, with limited availability of homes that are affordable to households earning between 100% and 140% of AMI. This shortage of affordable homes, priced up to \$357,900 for a 2-person household, means that many residents who wish to

transition from renting to owning are unable to do so. The lack of available, affordable ownership options further exacerbates housing insecurity and restricts the ability of working-age residents and young families to establish long-term roots in the community.

Employment and Wages

The local economy in San Juan County is heavily reliant on industries such as tourism, retail, and government services. These sectors are characterized by lower wages, with average annual earnings in retail trade and accommodation/food services sectors ranging from \$27,404 to \$30,004, respectively. These wage levels are often insufficient to cover the rising costs of rental housing and homeownership in the area, where housing prices have seen significant increases in recent years.

- The county currently has an estimated 37 unfilled jobs, predominantly in the low-wage sectors. Employers report that the lack of affordable housing is a critical barrier to attracting and retaining workers to fill these positions. Potential employees are often deterred by the high cost of living, which limits their ability to secure suitable housing close to their workplaces.

Strategic Housing Initiatives

San Juan County's workforce housing needs are becoming increasingly urgent, particularly for households earning between 80% and 140% of the Area Median Income (AMI). Many employed residents, especially those working in lower-wage sectors such as tourism and government, are struggling to find affordable housing due to rising property prices and limited availability.

Demand Analysis

The demand analysis indicates a significant need for both rental and ownership housing within the county. Specifically, there is a high demand for rental units affordable to households earning below 80% of AMI. Additionally, there is a strong demand for ownership opportunities for households earning between 100% and 140% of AMI, particularly among young families and first-time homebuyers. The 2024 Silverton Housing Authority homeownership readiness survey showed strong interest, with 75% of respondents indicating they are ready or might be ready to purchase a home. The current market lacks sufficient options in these price ranges, underscoring the need for targeted development.

Rental Market

Adding rental units targeted at the workforce, especially for those earning 80% of AMI, would help stabilize the rental market and provide essential housing options for low- to moderate-income workers. These units are expected to be quickly absorbed due to the near-zero vacancy rates and high demand identified in the analysis.

Homeownership Opportunities

Expanding first-time homeownership opportunities with smaller, more affordable units and accessible financing options will help young families and first-time buyers establish roots in the community. The demand analysis shows that homes priced within the range affordable to households earning between 100% and 140% of AMI are in particularly high demand. Meeting this demand is crucial for ensuring that the next generation of the workforce can secure stable housing.

Absorption Analysis

Both the rental and ownership markets are positioned for a quick absorption of new housing units, as long as they are priced appropriately and aimed at the right demand segments. The rental market, with

its high demand and low vacancy rates, is expected to absorb new units rapidly. In the ownership market, the success of new units will hinge on their affordability and the availability of financial assistance, but strong absorption is anticipated given the current market conditions and the Anvil development program.

Section 1 – Demographics

San Juan County, Colorado, has experienced notable demographic shifts over the past decade, with changes in age distribution, household composition, and income levels. This section outlines these key demographic trends, including the aging population, shifts in household types, and the income gap between homeowners and renters. Understanding these changes is essential for addressing the county's housing challenges and supporting its economic stability.

Age

Over the last decade, there has been a notable increase in the age of residents in San Juan County, Colorado. The share of the population age 55 years and older increased by 17 percentage points between 2012 and 2022. The median age of residents has increased from 37.9 (2008-2012 ACS) to 49.3 (2018-2022 ACS).

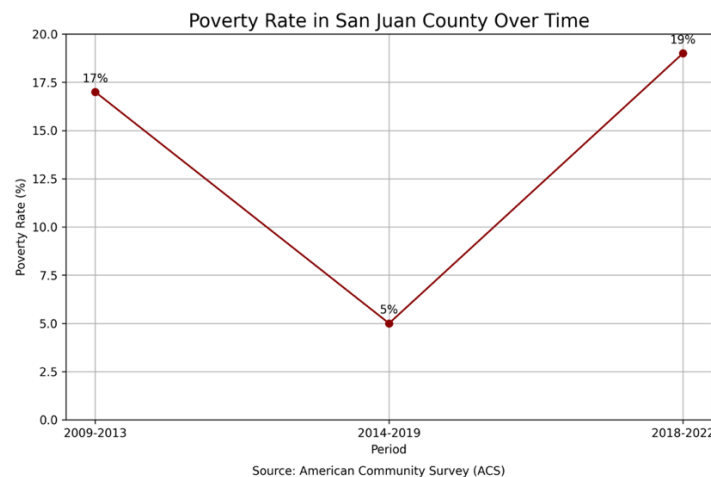
Age Distribution

	2012	2017	2022	2012-2022 point change
Under 18	8%	17%	12%	4.6
18-24	14%	7%	8%	-6.9
25-34	26%	13%	10%	-15.9
35-44	9%	8%	17%	7.6
45-54	15%	19%	9%	-6.4
55-64	12%	20%	20%	7.8
65-74	10%	14%	17%	7.6
75+	5%	3%	7%	1.7

Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

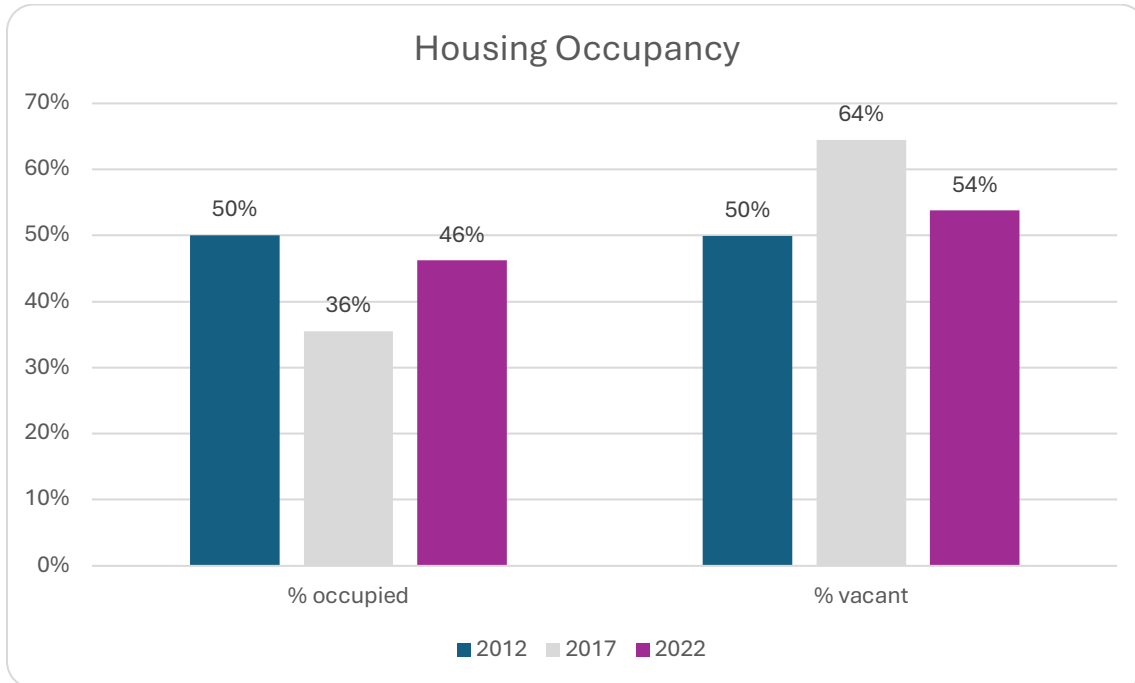
Poverty

The poverty rate in San Juan County, as reported by the American Community Survey (ACS), has fluctuated significantly over the past decade. Between 2009 and 2013, the poverty rate was around 17%. This figure saw a dramatic decrease to approximately 5% during the 2014-2019 period. However, the poverty rate jumped back up post-Covid to 19% in the 2018-2022 period.



Households and Occupancy

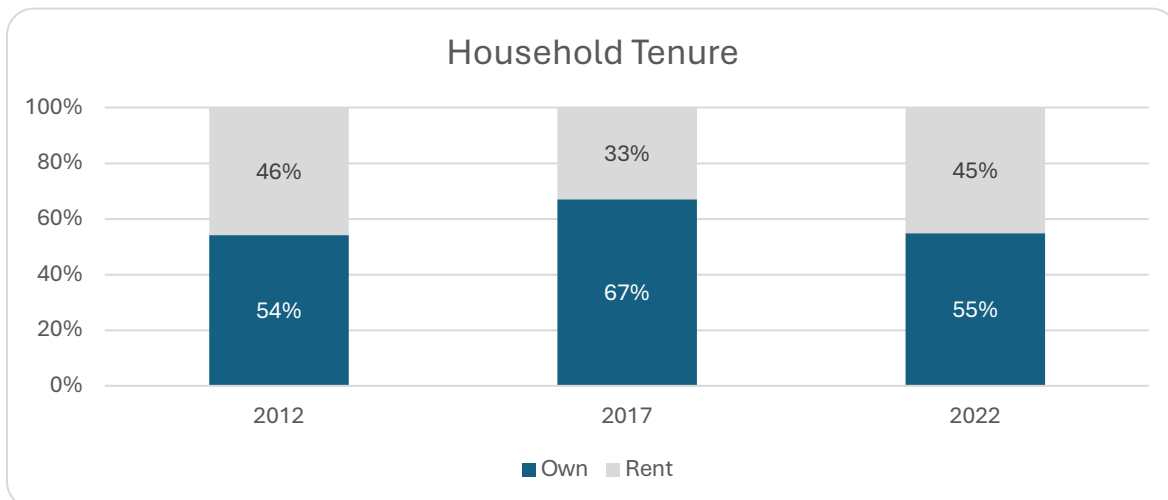
Occupied homes are those lived in by resident households. Homes classified as “vacant” are those with no one living in them or are temporarily occupied by people staying a few months or less. In Silverton, more homes are considered vacant than occupied, and most vacant homes are second homes used seasonally or for vacations. The town has enacted a short-term rental cap, which is currently at capacity.



Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

Tenure (own vs. rent)

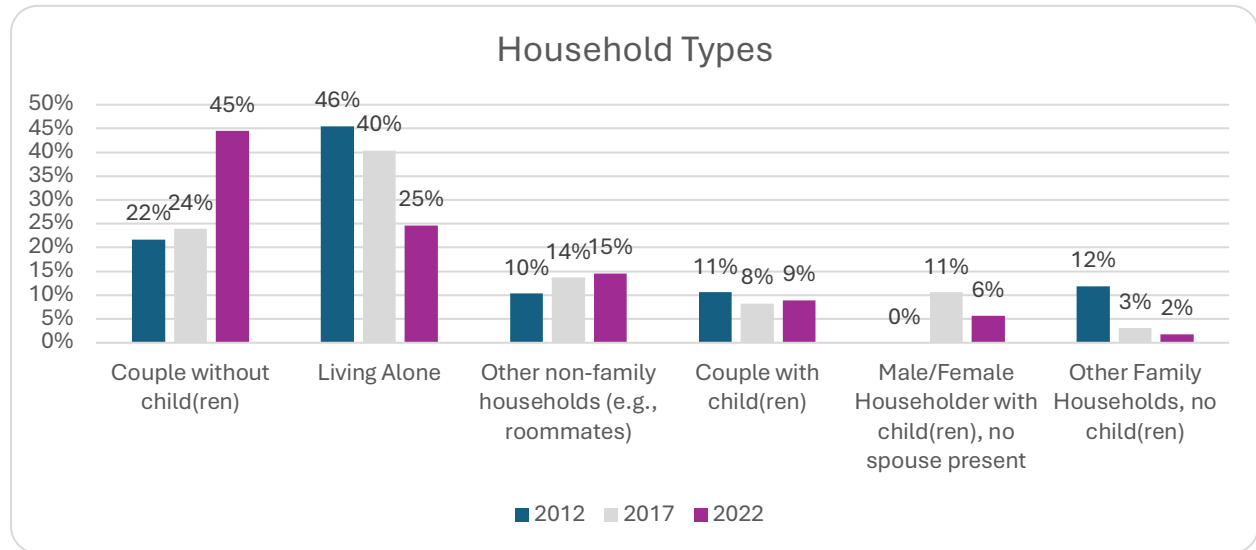
While there was a trend of increasing homeownership between 2012 and 2017, that trend has shifted over the last five years. The share of renters is now about where it was a decade prior at about 45%.



Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

Household Type

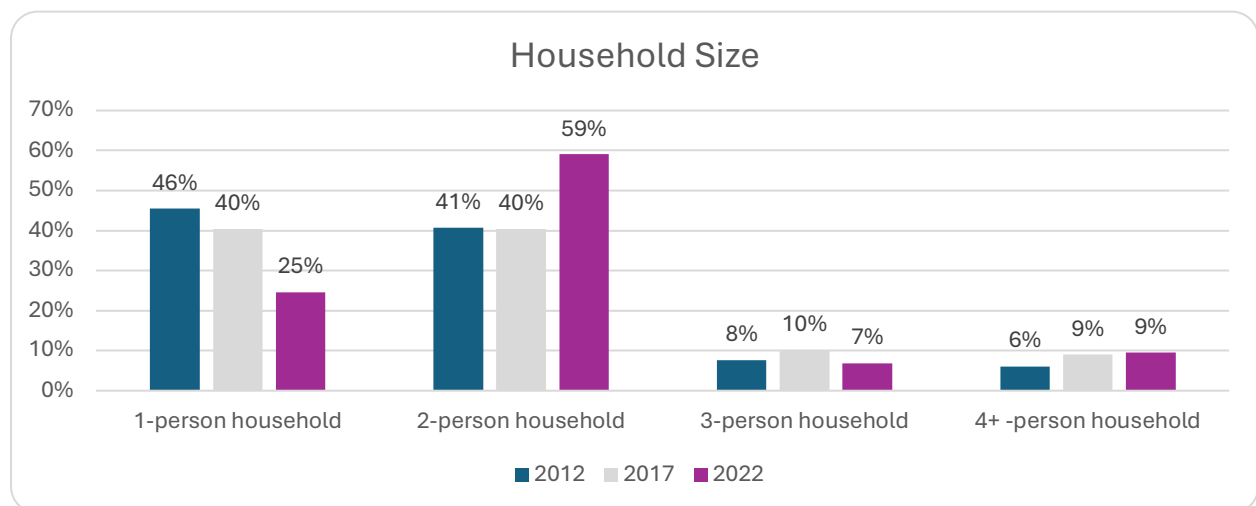
Household composition has changed over time in San Juan County. The two largest changes over the 10 years through 2022 were a 21-percentage point increase in the share of couples without children and a 15 percentage point decline in people living alone. The increase in the share of roommate households indicates that some single-person households have been forced to get roommates to afford housing prices, which have increased notably over this time.



Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

Household Size

Almost 60% of households have two people, followed by a quarter with just one person. Larger households with four or more people now represent almost one in ten households. The average household size is now, unsurprisingly, about 2 people.



Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

Household Income

Over the period from 2012 to 2022, median incomes have shown varying rates of growth across different household types. Household median income experienced the most significant increase, with an average annual growth rate of 6.08%, rising from \$37,330 in 2012 to \$67,344 in 2022. Family median income also saw notable growth, increasing by 4.38% annually on average, from \$47,083 to \$72,292. Married couple families had a more modest increase, with an average annual growth rate of 2.35%, while non-family households experienced the slowest growth, with an average annual increase of 2.15%, going from \$35,871 to \$44,375 over the same period.

Median Households Income

	All Households	Families*	Married Couple Families*	Non Family Households
2012	37,330	47,083	65,909	35,871
2017	46,397	59,250	60,000	36,500
2022	67,344	72,292	83,125	44,375
Average Annual Increase	6.08%	4.38%	2.35%	2.15%

Source: 5-year ACS estimates (2008-2012, 2013-2017, 2018-2022)

*A "family" is defined as a group of two or more people who are related by birth, marriage, or adoption and live together, a "married-couple family" is a family where the householder and their spouse live together, with or without children or other relatives.

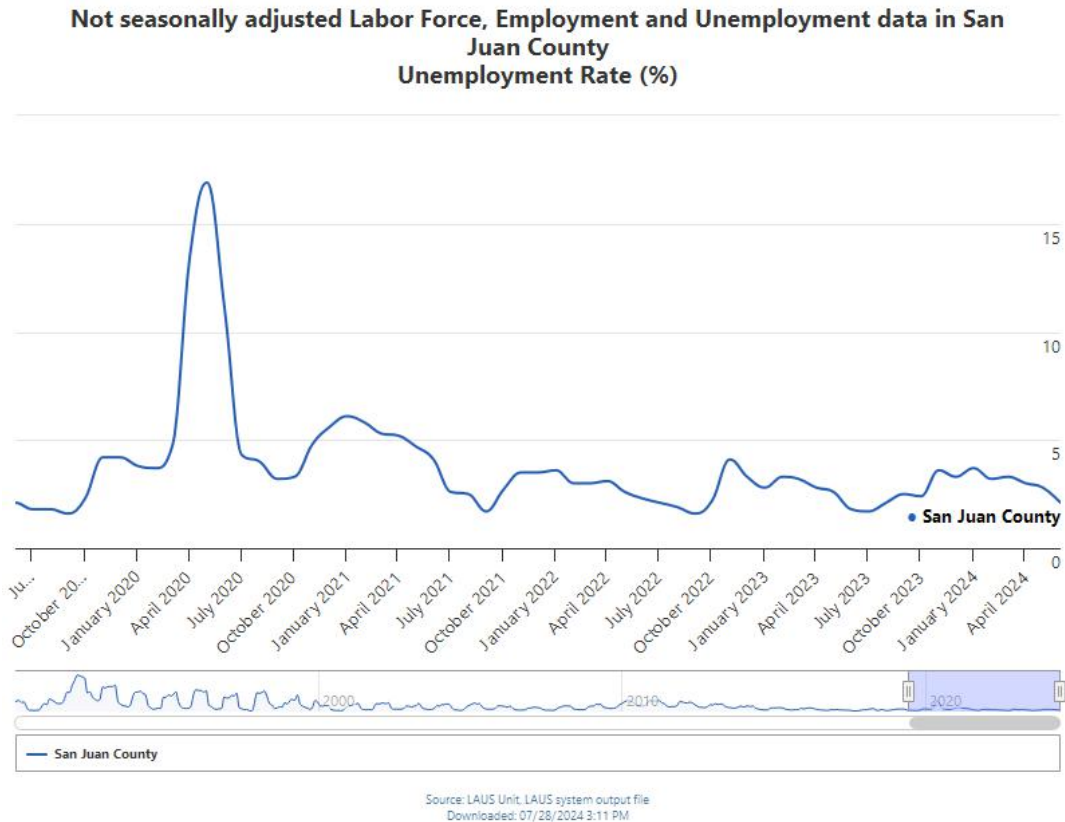
Section 2 - The Economy

San Juan County's economy has seen steady growth over the past decade, driven by increases in both wage and salary jobs and proprietor employment. Despite low unemployment and rising annual pay, the county's economy remains heavily reliant on tourism and government sectors, which offer predominantly low-wage jobs. This section explores key economic trends, including employment patterns, wage levels, and the impact of seasonality and commuting on the local workforce.

Jobs and Unemployment

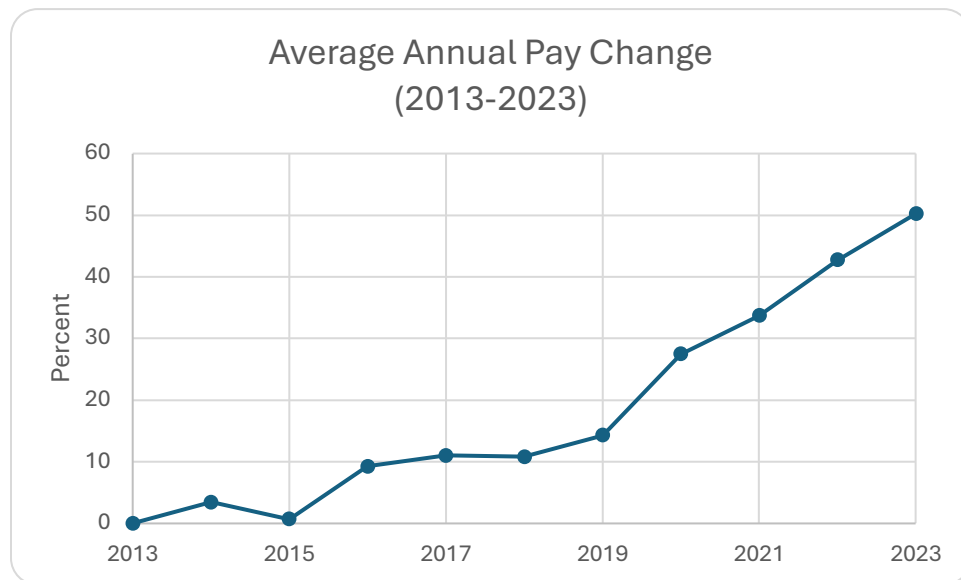
San Juan County's economy continues to grow. From 2012 to 2022, total employment in the county grew by 3.4% per year, with annual average proprietor employment growth (5.3%) outpacing wage and salary growth (2.1%). Proprietor employment represents just under half (47%) of all jobs in the county.

The county has a very low unemployment rate as of June 2024 (2.1%). Its labor force is about 760, and only 16 people were unemployed in June.



Annual Pay

Average annual pay increased each year from 2018 to 2023 to \$36,175¹. Since 2013, pay has increased by about 50%.



¹ Bureau of Labor Statistics, QCEW, preliminary data subject to change.

Source: Bureau of Labor Statistics, QCEW; Western Spaces

Most wage and salary jobs in the county are still directly tied to tourism or government. Key sectors include accommodation and food services, retail trade, and public administration, with the former being low-paying jobs.

Key Economic Sectors: Annual Wage and Maximum Affordable Rent

	2023 Average Annual Wage [1]	Max Housing Payment
Accommodation and Food Services	\$30,004	\$750
Retail Trade	\$27,404	\$685
Public Administration	\$42,068	\$1,052

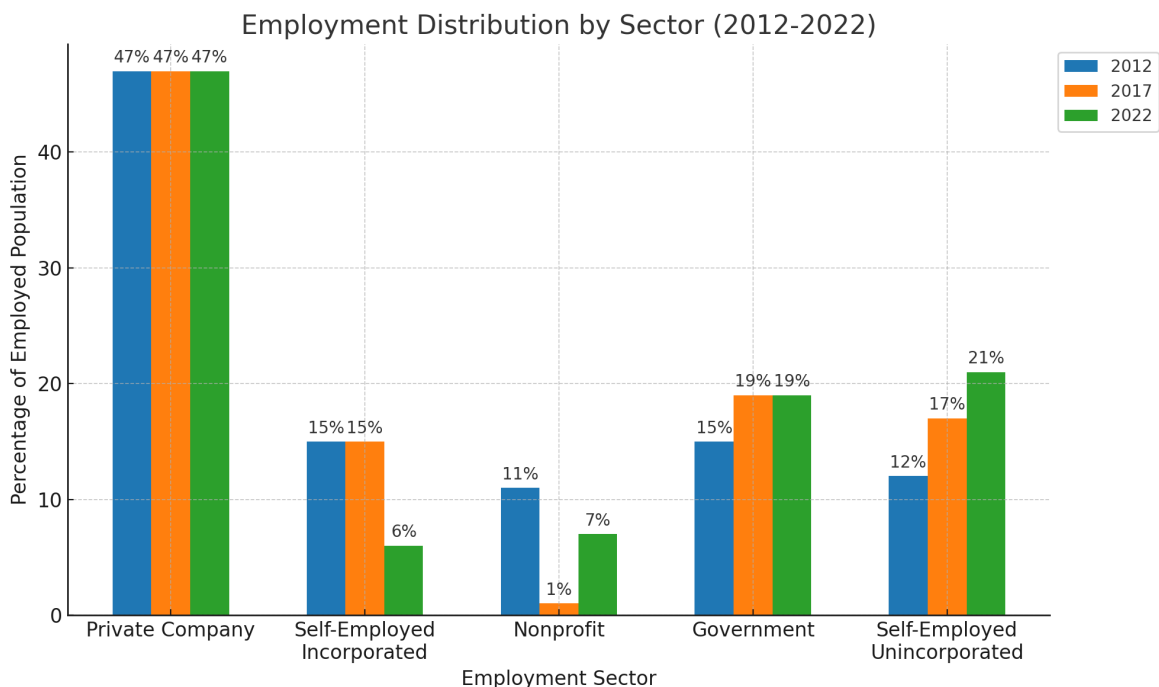
[1] average weekly wage multiplied by 52 weeks per year

Source: Bureau of Labor Statistics, QCEW; Western Spaces

Occupation

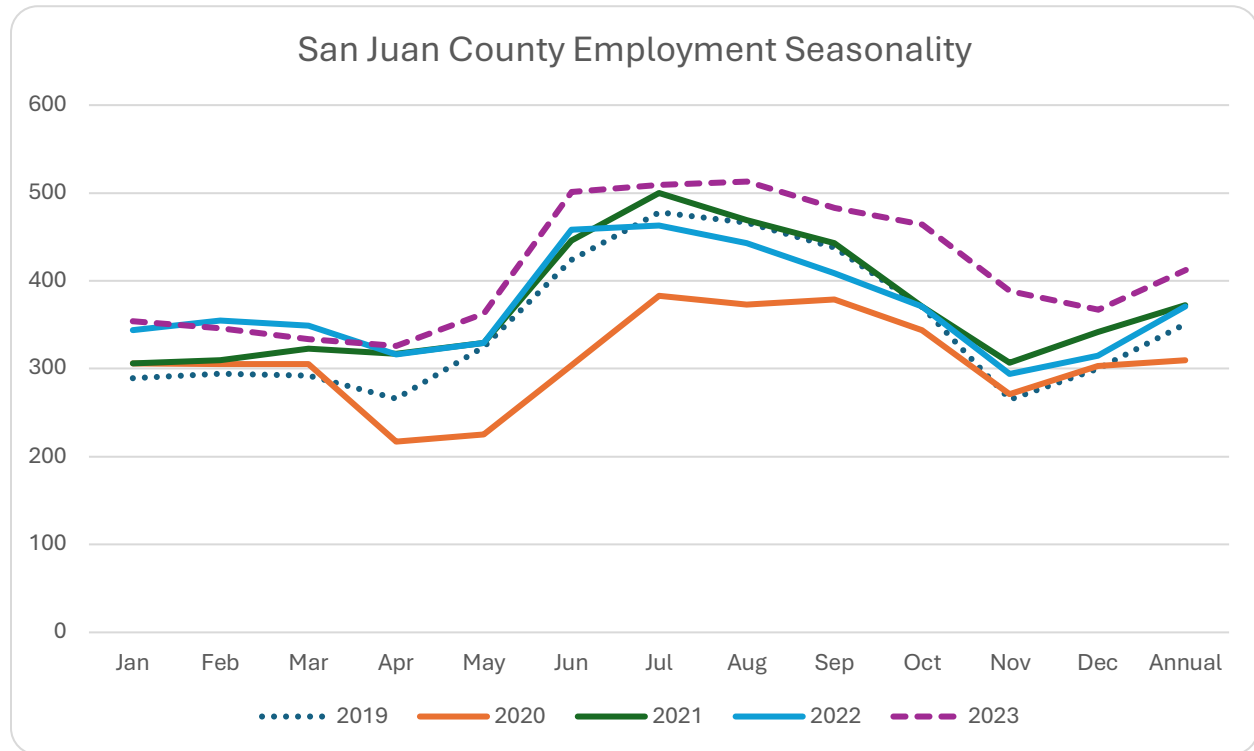
Over the past decade, the civilian employed population aged 16 years and over has seen notable changes. The total employed population was 381 in 2022, a recovery from 305 in 2017 but still lower than the 473 in 2012.

The most significant shifts occurred in self-employment. By 2022, 21% of workers were self-employed in their own unincorporated businesses or as unpaid family workers, up from 17% in 2017 and 12% in 2012. In contrast, self-employment in incorporated businesses dropped sharply from 15% in 2012 and 2017 to just 6% in 2022. Employment in private companies remained steady at 47% throughout the period, while government employment held constant at 19% in both 2022 and 2017.



Employment Seasonality

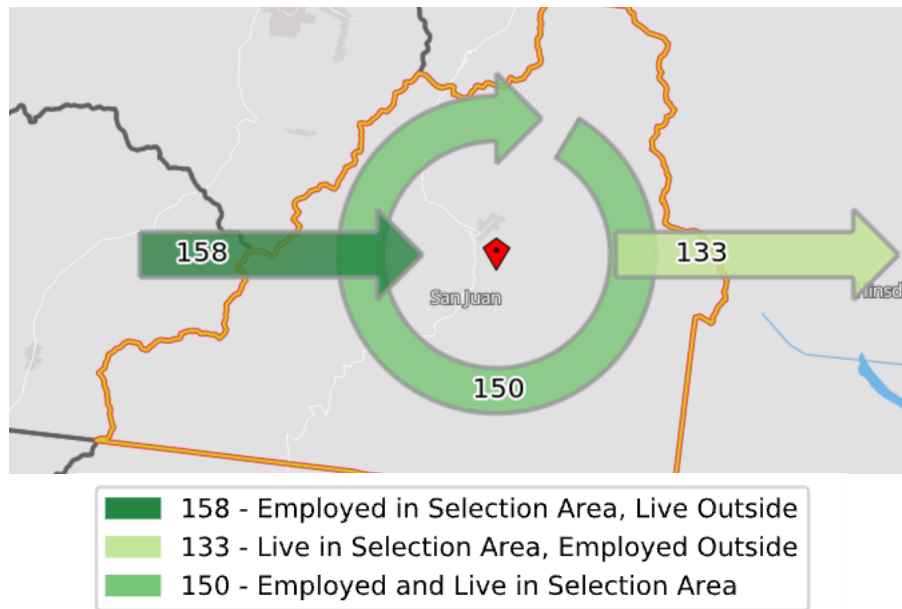
Employment peaks each year in the summer, as seen in the figure below. Employment in 2023 exceeded that of the previous four years for most of the year. The ski resort in town is currently open on weekends only, which brings some winter visitors but not enough to equal out with the summer peak.



Source: Bureau of Labor Statistics, QCEW

Commuting

Of people employed in San Juan County, the share who also live in the county was estimated to be about 58% before Covid (2019), but fell to 49% in 2021. More recent data is not available from the U.S. Census, but the decline may have continued given that most employment growth in the county was from proprietors, not wage earners. In-commuters (those who work in San Juan County and live outside the county) live in many parts of Colorado and New Mexico. Many live in Durango. The county's housing shortage has led to an increase in commuting.



Source: US Census Bureau on the Map 2021

Section 3 - Housing Market Analysis

This section examines current market conditions, including vacancy rates, rent trends, and homeownership affordability. It also analyzes recent sales trends, building permits, and absorption rates to provide a comprehensive overview of the county's housing landscape.

Renter Market

This section provides an overview of the renter market. It includes an evaluation of current conditions and past trends including renter households by income, occupancy and average rents. Data for this section is from secondary sources as well as monitoring of online listing sources and property manager interviews. For rental trends, the section primarily focuses on San Juan County which is the primary market area.

Vacancy

Vacancy rates in San Juan County are currently at or near 0%, indicating a very tight housing market. A healthy market typically sees a 5% vacancy rate, providing enough options for renters. Rates below this level denote a housing shortage, while higher rates point to a surplus.

Rental listings were monitored in July and August of 2024 in the Silverton Standard, Craigslist, Zillow, and multiple Facebook groups. Only 2 listings were found county wide during this time period. Both were three bedrooms, one being a duplex for \$2,400/mo and the other a single-family residence for \$3,000/mo.

The persistently low vacancy rate in San Juan County signals a pressing need for a larger inventory of rental properties to establish a functional market. This shortage leads to several issues: rents tend to rise faster than wages and incomes, renters find it difficult to move when their personal circumstances change, new employees may decline job opportunities due to housing unavailability — adversely affecting businesses and the economy — and renters face higher displacement risks when properties are

sold or rents surge beyond affordability. Additionally, landlords lack the incentive to maintain or improve their properties under these conditions.

Market Rents

Interviews with property managers and real estate agents reveal that rental rates have been rising steadily, driven by a growing scarcity of available units. At the same time, the quality of rental housing has declined, with many properties renting out despite being in poor condition.

Property managers report no vacancies and minimal turnover, indicating a very tight rental market. It's been noted that virtually any property, regardless of its condition, size, or whether it allows pets, is quickly rented. Some properties have maintained 100% occupancy with waitlists extending over the past few years, underscoring the high demand for rental housing.

These high rents, coupled with limited availability, suggest a market struggling with significant affordability challenges. The lack of differentiation in pricing across various property types points to a shortage, which makes it difficult for local workers, particularly those in lower-wage jobs, to secure affordable housing.

Market Rents August 2024

Rent (\$/month)	Bedroom	Bathroom	Description
\$1,800	1	2	Loft Style
\$2,000	1	1	Live/work space
\$1,300	2	1	Victorian
\$1,300*	2	2	Highlander (10 units)
\$2,000	3	2	1600 square feet
\$2,400	3	2.5	Duplex
\$3,000	3	2	Single Family

Source: Property Managers; Zillow, Facebook

*Heat and hot water are included. Excludes internet and electricity, which only powers the lights, refrigerator, microwave, TV, or any other things the tenants plug in.

Rental Trends

Data from the American Community Survey is useful to compare year over year change. While the population is small and one-year estimates are not available, 5-year ACS estimates are available. Some general assumptions regarding gross rents in the County can be made. Please note that, while the ACS data is helpful to illustrate changes in rents over time, the data is not reflective of current rents charged by property managers as reported in the previous section.

Between 2017 and 2022 (2012 data is not available), the rental market experienced notable changes, both in rent prices and in the availability of different unit types. The overall median gross rent slightly decreased by 3.6%, from \$1,069 in 2017 to \$1,031 in 2022. However, this overall decline contrasts with increases in rent for specific unit sizes.

- **1-bedroom units** saw a substantial rent increase of 42.8%, rising from \$788 in 2017 to \$1,125 in 2022.
- **3-bedroom units** also experienced a modest increase of 4.0%, with rents going from \$1,106 to \$1,150.

- **4-bedroom units** at \$1,200.

There were no studio, 2 bedroom or 4 bedroom units in the rental inventory in 2017, however the 2022 data suggest an expansion in the variety of rental options available in the market.

Median Gross Rent San Juan County

	2017	2022	% Change
No bedroom	-	\$555	-
1 bedroom	\$788	\$1,125	42.8%
2 bedrooms	-	\$1,031	-
3 bedrooms	\$1,106	\$1,150	4.0%
4 bedrooms	-	\$1,200	-
Overall	\$1,069	\$1,031	3.6%

Source: 5-year ACS estimates (2013-2017, 2018-2022)

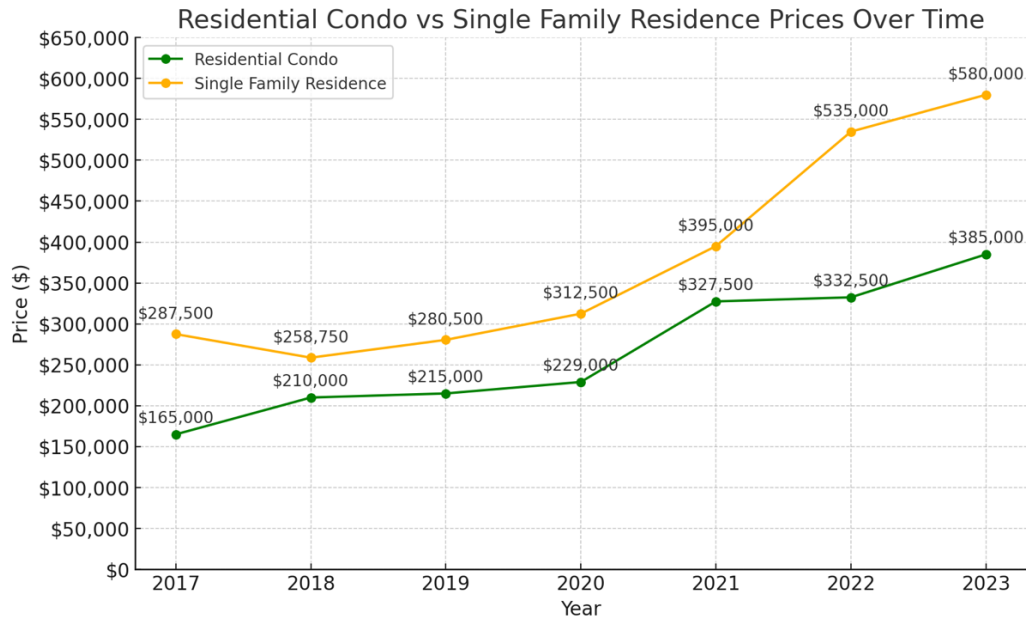
Ownership Market

This section takes a brief look at the ownership market in San Juan County, including current listings and sales trends. It is helpful to understand where the market is and what opportunities there are for first time homebuyer and move-up housing.

Sales

The San Juan County Assessor maintains records of all property sales, including details on quality and type. For this analysis, sales data from the Assessor's records were used, excluding transactions such as deed restricted sales (Anvil), bank-owned properties, multi-unit buildings (4+ units), related party sales, and mobile homes without land. Some qualified modular homes were included in the single-family category.

Over the six years from 2017 to 2023, median sales values for residential properties showed significant growth, particularly in the residential condo and single-family residence categories. Residential condos saw their median price rise from \$165,000 to \$385,000, reflecting a compound annual growth rate (CAGR) of 14.9%. Similarly, single-family residences increased from \$287,500 to \$580,000, with a CAGR of 12.5%. These categories had relatively consistent sales volumes, with 9 condo sales recorded in both 2017 and 2023, and single-family residence sales increasing from 12 in 2017 to 19 in 2023, making these price increases a reliable indicator of market trends.



Source: San Juan County Assessor

The chart below also includes townhomes, however the substantial rise in the median price for townhome residences—from \$198,500 to \$927,500—should be interpreted with caution due to the very low sales volumes in this category. With only two sales recorded in both 2017 and 2023, the median value is likely skewed and may not accurately represent broader market dynamics.

Median Sales by Type 2017 and 2023

Year	Residential Condo	Single Family Residence	Townhome Residence	Grand Total
2017	\$165,000	\$287,500	\$198,500	\$226,550
2023	\$385,000	\$580,000	\$927,500	\$515,200
CAGR (%)	14.9%	12.5%	30.9%	14.6%

Source: San Juan County Assessor

In 2023, 31 property sales were analyzed, revealing distinct trends across different price categories. Notably, there were four single-family homes sold for under \$400,000. These included a 300 sq ft modular unit in badly worn condition sold for \$200,000, a 1,000 sq ft one-bedroom home sold for \$260,000, and a 1,500 sq ft single-family residence, also in badly worn condition, sold for \$395,000. Finally, a badly worn 900 square foot one bedroom for \$310,000.

Townhome sales were limited, with only two transactions, both exceeding \$900,000. Most of the sales activity occurred in the \$301K-\$900K range, particularly for single-family residences and residential condos, with fewer transactions in the higher price ranges.

2023 Sales Volume by price category

	Residential Condo	Single Family	Townhome
\$0-\$300K	2	3	0
\$301K-\$400K	3	1	0
\$401K-\$500K	2	3	0
\$501K-\$600K	1	4	0
\$601K-\$900K	1	7	0
Over \$900K	0	1	2

Source: San Juan County Assessor

Active Listings and Market Trends

There are a total of 20 active residential listings in San Juan County in or near Silverton. Of those, two units are listed below \$500,000. One is a single family 4-bedroom 1,700 square foot unit for \$410,000 in livable condition, the other is a 900 sq ft 2-bedroom one bath, built in 1900 for \$460,000. The rest of the listings (96%) are over \$500,000 and up to about \$3 million.

Realtors in San Juan County provided valuable insights into the current state of the housing market, reflecting on trends in sales volume, inventory, and buyer preferences.

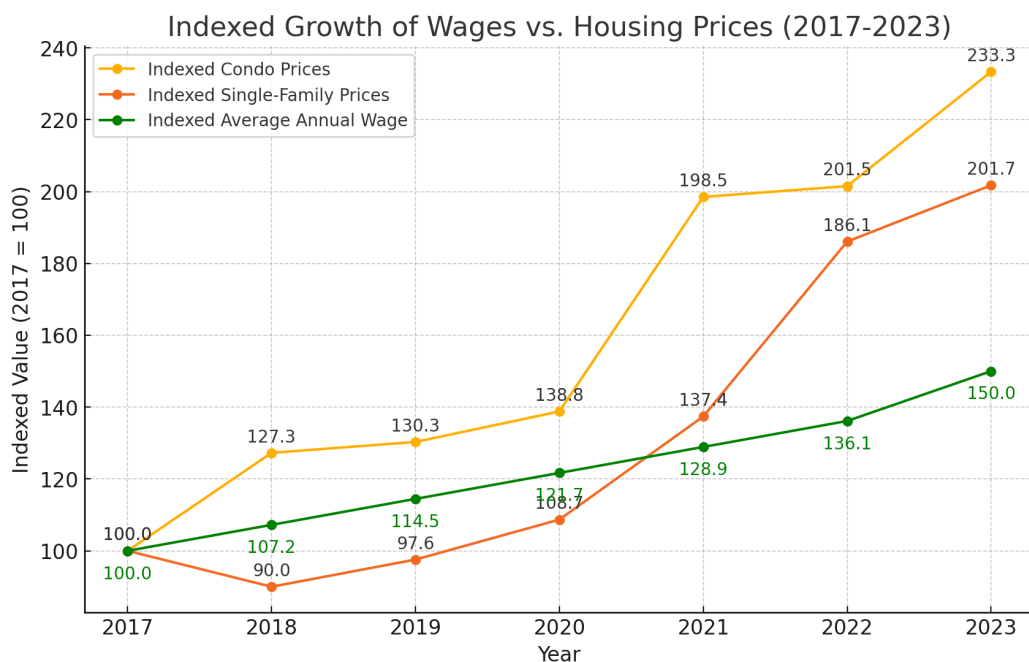
- **Sales Trends:** In general, realtors note that approximately half of the property sales second homes, with the remaining half being local sales. Realtors observed that sales volume has slowed compared to five years ago, although inventory levels have remained consistent during this period.
- **Impact of COVID-19:** During the COVID-19 pandemic, the housing market experienced a surge in rapid sales, with properties selling quickly and prices doubling. This period saw an unprecedented demand for homes, particularly in Silverton. However, as the market stabilizes post-pandemic, sales have slowed, and some properties are now remaining on the market for longer periods, especially those priced around \$700,000. Despite this, prices have not decreased, indicating a potential plateau rather than a decline.
- **Buyer Preferences and Market Gaps:** There is a noticeable demand for new housing products, with buyers particularly interested in options that are not currently available in the market. Realtors identified a significant gap in middle-income housing and townhomes, which are in short supply. This shortage limits options for local residents and potential new homeowners, particularly those seeking more affordable housing.
- **Influences on the Market:** The limited operating schedule of Silverton Mountain (open only Thursday through Sunday) continues to be a driver of interest in the area, particularly for those looking to invest in properties. However, the cap on short-term rentals (STRs) has curbed some investment purchases, as buyers are restricted in their ability to generate rental income.
- **Barriers to Homeownership:** The biggest barriers to homeownership identified by realtors include the availability of suitable housing and the challenge of securing a down payment. These factors contribute to the difficulty many potential buyers face when trying to enter the market, particularly in a region where housing costs have risen significantly.

Affordability over Time

The chart below illustrates the indexed growth of average annual wages compared to the growth in median housing prices for residential condos and single-family homes in San Juan County from 2017 to 2023. All values are normalized to an index of 100 in 2017, providing a clear comparison of growth trends over time.

- Average annual wages have shown steady but moderate growth over the period, as represented by the green line.
- Median housing prices for condos and single-family homes, shown by the blue and orange lines respectively, have increased at a much faster rate.

These trends underscore the existing affordability challenges in San Juan County, where housing costs have risen significantly more than wages. This growing disparity makes it increasingly difficult for local residents, especially those working in lower-wage sectors, to afford homes in the area.

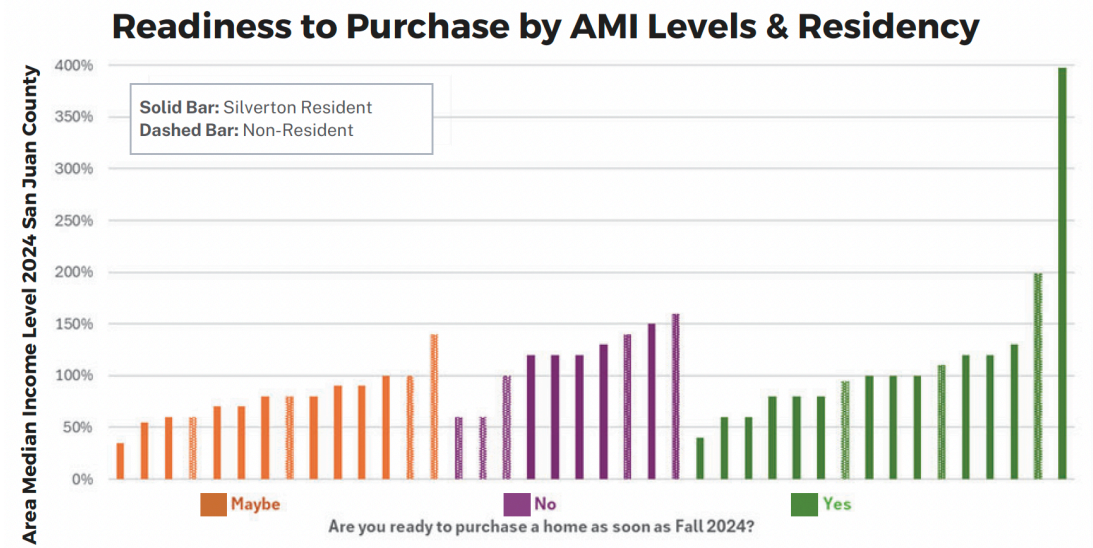


Source: BLS, ACS, San Juan County Assessor

Homeownership Interest

In 2024, the Silverton Housing Authority conducted a survey to gauge the demand for homeownership in Silverton, focusing on various income levels and household sizes. The survey received 40 responses, providing valuable insights into the community's readiness and interest in purchasing homes. The majority of respondents were from 2-person households (53.8%), followed by 1-person households (33.3%). Larger households, including 3-person (7.7%) and 4-person (5.1%), were less common.

Overall, 75% of those surveyed indicated they are either ready or might be ready to purchase a home in Silverton. In considering purchasing power, respondents reported a wide range of gross annual incomes, from \$20,000 to \$300,000. Of those ready to purchase a home, about 44% fall in the 100 to 140% AMI range.

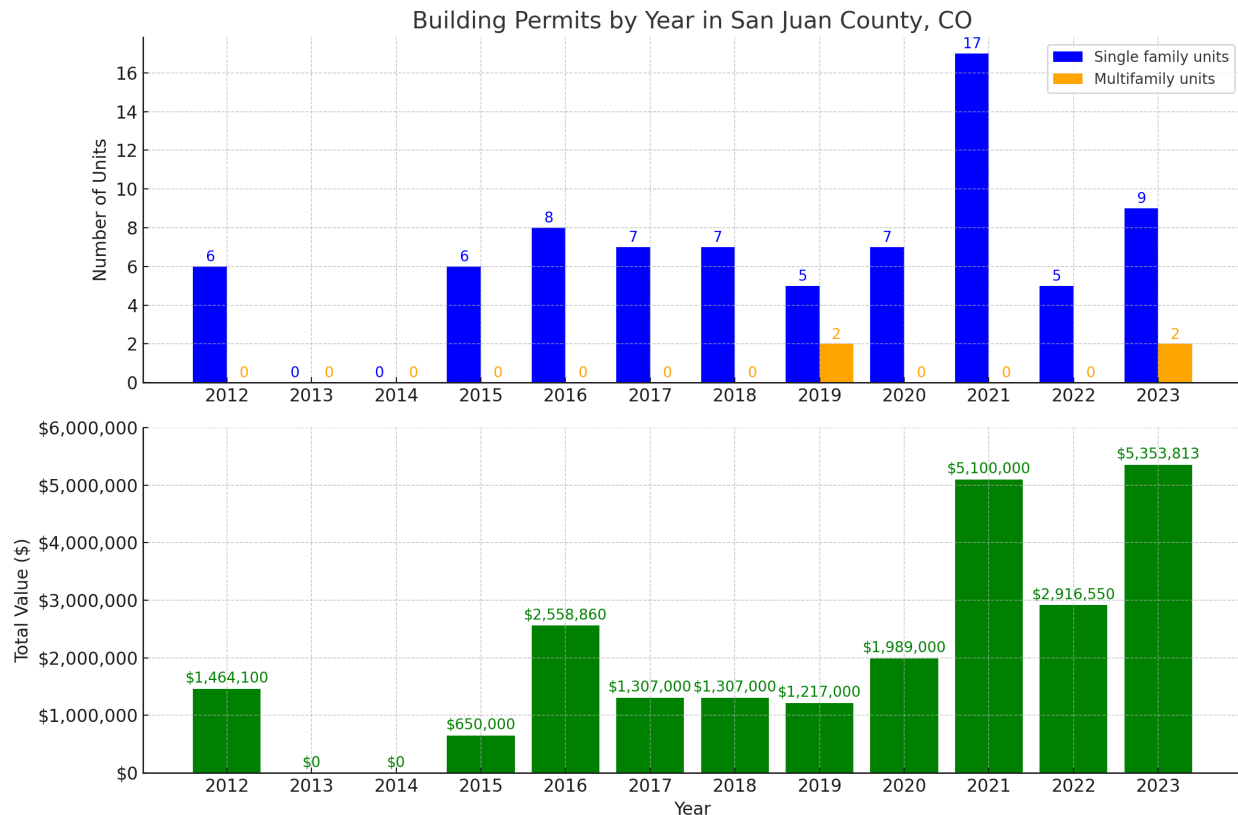


Source: 2024 Silverton Housing Authority Homeownership Interest Survey

Building Permits and Pipeline

Building trends in San Juan County, CO, from 2012 to 2023 show significant fluctuations, with certain years seeing more activity than others. In 2021 and 2023, there was a notable surge in both the number of single-family homes built and the overall value of construction permits. Single-family homes have been the primary focus, with the highest number of permits issued in 2021. Multifamily housing has been much less common, with only a few permits granted in recent years.

The total value of building permits has seen considerable variation, with notable increases in 2016, 2021, and 2023. The spike in 2021, reaching \$5.1 million, aligns with the high number of single-family permits. In 2023, the total value of permits surpassed \$5 million, likely due to both more expensive projects and rising construction costs. These figures suggest a strong emphasis on single-family housing in the county, with periods of increased building activity.



Source: US Census Bureau Building Permits Survey

The Silverton Building Department reports that, as of now, there are no applications for new single-family housing construction for the current building season. It's still too early to predict the activity for the next season.

In addition to the ongoing Anvil and Zanoni projects, there are a few housing development projects in progress, though they are several years out from completion:

- **Mineral Creek Home Sites:** Mineral Creek Homes is currently focusing on the infrastructure development necessary to service up to 64 potential building sites. The exact number of developed sites will depend on how the developer proceeds with the development or parcel sales. At this stage, no plans have been submitted for the construction of dwelling units. The estimated timeline for the commencement of construction is within 1 to 3 years.
- **Aminas Overlook PUD:** GFS LLC is proposing a Planned Unit Development (PUD) to subdivide two blocks into 16 home sites. Similar to the Mineral Creek project, no construction plans for dwelling units have been received yet. Construction is estimated to begin within the next 3 to 5 years.

Absorption - Rental

San Juan County's rental market is currently experiencing near-zero vacancy rates, which indicates a strong demand for rental units. The tightness in the market, driven by a limited supply and increasing rental costs, suggests that any new rental units introduced into the market would likely be absorbed quickly.

- **Historical Context:** In recent years, particularly from 2019 to 2023, the number of building permits for single-family homes ranged from 5 to 17 units annually, with multifamily permits being issued sporadically. Given the high demand and low vacancy, it's reasonable to assume that newly built rental units will be absorbed at a rapid pace.
- **Expected Absorption Rate:** Considering the current market dynamics, new rental units, particularly those targeted at households earning up to 80% of AMI, are expected to achieve full occupancy within a few months of completion. The absorption rate could be as high as 90% within the first three months, particularly if the units are competitively priced and located near employment centers.

Absorption - Ownership

The ownership market in San Juan County has seen significant growth in home prices, reflecting strong demand, particularly among higher-income households. However, the market also faces affordability challenges, which could impact the absorption of new ownership units.

- **Historical Sales Trends:** From 2017 to 2023, the median sales price for residential condos and single-family homes rose significantly, with compounded annual growth rates of 14.9% and 12.5%, respectively. The report also notes a limited number of sales in the lower price ranges, with most transactions occurring in higher price brackets.
- **Target Market:** For new ownership units targeted at households earning between 100% and 140% of AMI, absorption may vary based on the affordability and accessibility of financing options. The target market for these units includes first-time homebuyers and young families, who may require additional financial assistance to make purchases feasible.
- **Expected Absorption Rate:** Given the existing demand and limited availability of affordable ownership options, new units in this price range are expected to be absorbed within 6 to 12 months. However, absorption could be slower if economic conditions worsen or if there is limited access to favorable mortgage products. Conversely, if local and state incentives are provided, the absorption rate could accelerate.

Section 4 - Demand Estimates

This section provides a detailed analysis of the housing demand in San Juan County, focusing on both rental and ownership markets. Using a conservative approach, the estimates consider existing households and the need to fill currently unfilled jobs over the next three years. The analysis breaks down demand by Area Median Income (AMI) and tenure, offering insights into the specific needs of different income groups.

Households by AMI and Tenure

Household incomes are typically expressed as a percentage of the Area Median Income (AMI) to allow for applicability among various programs and across geographies. Figures vary by household size and are published annually by the Department of Housing and Urban Development (HUD).

HUD 2024 San Juan County AMI (up to 4 person household)

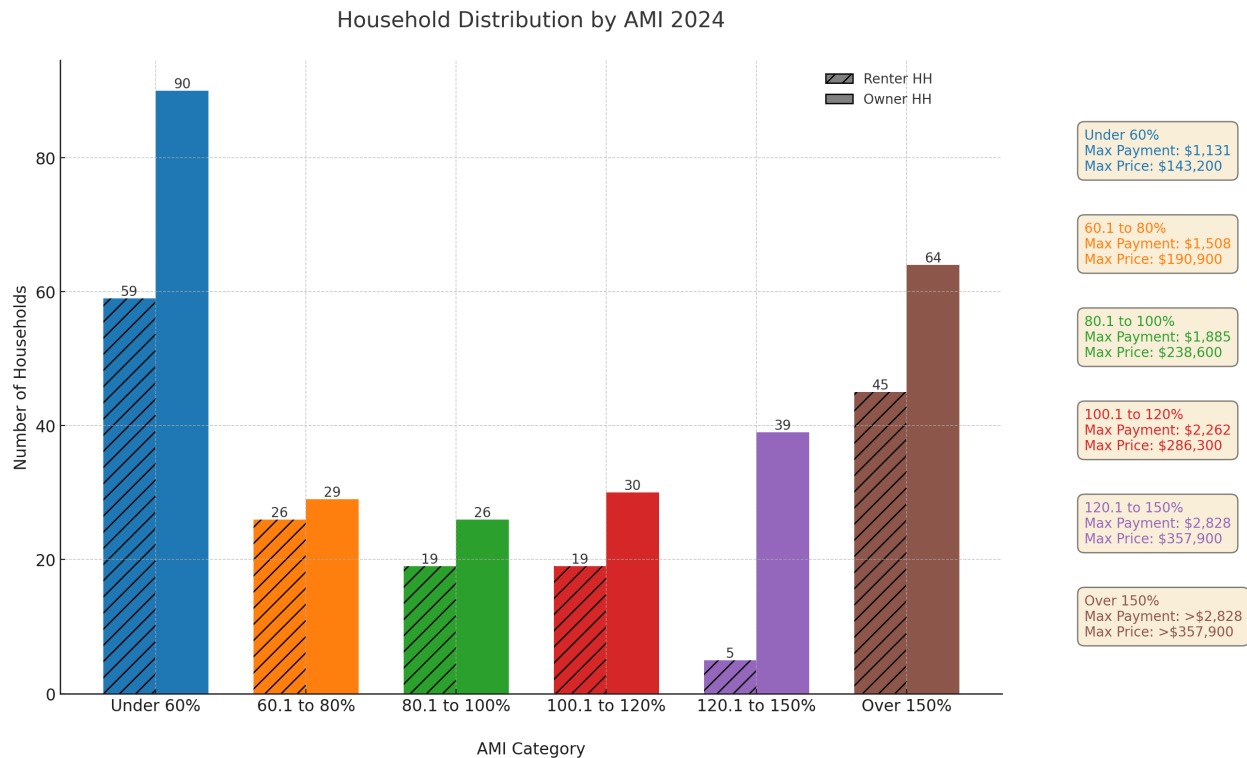
	1-person	2-person	3-person	4-person
60%	\$39,600	\$45,240	\$50,880	\$56,520
80%	\$52,800	\$60,320	\$67,840	\$75,360
100%	\$66,000	\$75,400	\$84,800	\$94,200
120%	\$79,200	\$90,480	\$101,760	\$113,040
150%	\$99,000	\$113,100	\$127,200	\$141,300

Source: HUD

The chart below shows the distribution of households in San Juan County by income level and housing tenure, focusing on their ability to afford housing costs. Households in San Juan County earning under 60% of the AMI, which equates to a maximum income of \$45,240 for a two-person household, represent the largest group among both renters (59 households) and owners (90 households). These households can afford a maximum monthly housing payment of \$1,131, with a purchase price limit of \$143,200.

As incomes increase, the number of households decreases, with fewer households in the higher AMI categories. For example, those earning between 60.1% and 80% of the AMI can afford up to \$1,508 in housing payments, with a maximum purchase price of \$190,900. This group includes 26 renter households and 29 owner households.

The highest income group, earning over 150% of the AMI, can afford housing payments above \$2,828 and homes priced over \$357,900. This group comprises 45 renter households and 64 owner households.



Source: HUD, Ribbon Demographics, Western Spaces Calculations

*Calculated with a 30% housing cost from gross monthly income, a 7% interest rate on a 30-year mortgage, and a 5% down payment.

Unfilled Jobs

Labor is in short supply, both locally and nationally. In such a competitive environment, the near-zero rental vacancy rates, and high and rising home prices and rents, make it even more difficult to attract labor to the area.

Employers as part of the 2021 Housing Needs Assessment reported difficulty in hiring and retaining employees due to housing shortages. Many employees resort to long commutes or living in substandard conditions.

Based on the 2021 Employer Survey conducted as part of the regional housing needs assessment, there were 37 unfilled jobs in Silverton, primarily in low-wage sectors such as food and beverage and housekeeping. Since that survey, 14 new housing units have been permitted. However, sales data from 2022 and 2023 show no new construction sales below \$500,000, suggesting that these new units are not addressing the housing needs of workers in these industries. Without specific data on retiring workers, it's likely that while some positions may have been filled, the lack of affordable new construction means the number of unfilled jobs could remain unchanged in 2024.

Category	Calculation
Unfilled Jobs	37
Jobs per employee	1.2
Employees filling jobs	31
Employees per households with a worker	1.8
New housing units needed	17

Functional Rental Market

The current rental supply in the county is not functional because vacancies are below 1%, placing substantial upward pressure on rents. When vacancy rates are this low, the rental market is near capacity and cannot absorb new residents or employees moving to the area, much less provide opportunities for current residents to find more suitable rentals as their housing needs change. Renters are “stuck” in their homes, and subject to burdensome rent increases.

A 5% vacancy level, while still low, provides some choice and availability of units for residents and employees. To increase the vacancy rate to 5%, about 17 rental units are needed.

Rentals Needed for a Functional Market	
Renter-occupied units (2024 est.)	174
Number of rentals if 5% vacancy rate	183
Total number of units needed for 5% vacancy rate	9

Rental Demand Estimate

The demand for rental housing is estimated for households earning between 60% and 80% of the Area Median Income (AMI). For a two-person household, this income range caps at \$60,320, allowing for a maximum monthly housing payment of \$1,508.

Currently, there are 26 renter households in this income bracket, along with 3 unfilled jobs that could potentially be filled by workers in this category. A functional rental market is projected to add 1 additional household, resulting in a total of 30 eligible households.

Capture rates are used to estimate the portion of the eligible housing market that can realistically be expected to rent newly available units. These rates are expressed as a percentage of the total eligible households within a specific income bracket.

- **Low Capture Rate (15%):** This conservative scenario assumes that only 15% of the eligible households in the 60% to 80% AMI range would choose to rent the new units. Under this scenario, 5 potential units could be absorbed by the market.
- **Mid Capture Rate (20%):** This moderate scenario assumes that 20% of the eligible households would rent the new units. Under this scenario, 6 potential units could be absorbed.

- **Aggressive Capture Rate (25%):** This more optimistic scenario assumes that 25% of the eligible households would rent the new units. Under this scenario, 8 potential units could be absorbed.

These capture rates help estimate the number of new rental units that could be successfully filled based on the existing and projected demand in the market. By applying different capture rates, the analysis provides a range of potential outcomes, helping to guide planning decisions.

Demand for Rental Units

	60.1 to 80%
Max Income - Up to 2 person HH	\$60,320
*Max housing payment 2 person HH	\$1,508
Current Renter Households	26
Unfilled Jobs	3
Functional Rental Market	1
Total Eligible Households	30
Capture Rate-Low	15%
# of potential units	5
Capture Rate-Mid	20%
# of potential units	6
Capture Rate - Aggressive	25%
# of potential units	8

Ownership Demand Estimate

For this estimate, certain assumptions were made. It is assumed that, with growth, demographics and preferences will remain largely the same. Additionally, the estimate includes 20% of current owners as potential movers, accounting for those looking to downsize, upgrade, or relocate due to the quality of their existing home, lifestyle changes, or other personal reasons. This figure may vary based on local market dynamics, the appeal of new developments, and broader economic conditions.

The demand for ownership housing is estimated for households earning between 80.1% and 150% of the Area Median Income (AMI). For a two-person household, this income range spans from \$75,400 to \$113,100, corresponding to maximum purchase prices between \$238,600 and \$357,900.

- **Low Capture Rate (15%):** 4 potential units could be absorbed in both the 80.1% to 100% and 100.1% to 120% AMI categories, and 2 units in the 120.1% to 150% category.
- **Mid Capture Rate (20%):** 5 potential units could be absorbed in the 80.1% to 100% and 100.1% to 120% AMI categories, and 3 units in the 120.1% to 150% category.
- **Aggressive Capture Rate (25%):** 6 potential units could be absorbed in the 80.1% to 100% category, 7 units in the 100.1% to 120% category, and 4 units in the 120.1% to 150% category.

Demand for Ownership Units

	80.1 to 100%	100.1 to 120%	120.1 to 150%
Max Income - Up to 2 person HH	\$75,400	\$90,480	\$113,100
*Max purchase price 2 person HH	\$238,600	\$286,300	\$357,900
Current Renter Households	19	19	5
Owners would move (20%)	5	6	8
Unfilled Jobs	2	2	2
Total Eligible Households	26	27	15
Capture Rate-Low	15%	15%	15%
# of potential units	4	4	2
Capture Rate-Mid	20%	20%	20%
# of potential units	5	5	3
Capture Rate - Aggressive	25%	25%	25%
# of potential units	6	7	4

Capture Rate Considerations

The 2021 Workforce Housing Needs Assessment highlights critical housing challenges in San Juan County, particularly for individuals and families within the 80% to 125% AMI range. Here's a breakdown of the key insights and how they support the use of a higher capture rate:

- **Target Population:** The assessment focuses on those earning between 80% and 125% of the Area Median Income (AMI), a group that is essential to the local workforce. This population faces significant challenges in finding affordable housing, particularly for larger units that can accommodate families.
- **Demand Projections:** The lack of available and affordable units further intensifies the demand, suggesting that the market is not meeting the needs of the local workforce. The needs assessment revealed significant gaps in the current affordable housing supply. At least 22 new units are needed for permanent residents, along with 14 beds for seasonal workers, over the next three years. The sharp increase in in-commuting due to the lack of local housing options has led to unfilled jobs and high turnover rates, directly impacting local businesses.
- **Employer Challenges:** Qualitative data from surveys and interviews with local employers reveal that housing shortages are directly impacting their ability to hire and retain employees. Many workers are forced into long commutes or substandard living conditions, which highlights the urgent need for more affordable housing options.

Market Insights Supporting a Higher Capture Rate:

- Given the severe affordability gaps and the pressing demand for larger rental units, increasing the capture rate could be an effective strategy. A higher capture rate would aim to better meet the housing needs of the local workforce by accelerating the development of affordable units.
- The persistent difficulty in filling jobs due to housing shortages further justifies a more aggressive approach. By targeting a higher percentage of the eligible population, the market could more effectively address the existing gaps and improve the overall quality of life for workers, making it easier for local employers to attract and retain talent.



denver

1981 Blake Street
Denver, CO 80202

303.297.chfa (2432)
800.877.chfa (2432)

PO Box 60
Denver, CO 80201

800.659.2656 tdd
www.chfainfo.com

western slope

348 Main Street
Grand Junction, CO 81501

970.241.2341
800.877.8450

memorandum

to: Jerilynn Francis
from: Community Investment Team
date: July 1, 2024
subject: Town of Silverton and San Juan County Housing Market Analysis
contact: Chris S. Lopez, Community Relationship Manager, Southwest Colorado

subsidy grant request summary

project name: Town of Silverton and San Juan County Housing Market Analysis
amount: \$3,900
community: Town of Silverton and San Juan County
purpose: Support Town of Silverton and San Juan County in obtaining a Housing Market Analysis
timing: ASAP
recipient: Silverton Housing Authority

organization description

Silverton Housing Authority

The Silverton Housing Authority (SHA) was established by Intergovernmental Agreement on 1/8/2024. SHA's mission is to facilitate and promote the supply of quality and affordable housing in the Town of Silverton to enhance the well-being of Silverton's residents and economy.

request description

The SHA is working with local governments and partner organizations to complete a Housing Market Analysis (HMA) specific to their region to help address their affordable housing needs and attract federal and state resources. A Housing Needs Assessment (HNA) was performed for Silverton and San Juan County by Root Policy in the summer of 2021 as part of a broader regional HNA and in partnership with San Juan Development Association (SJDA), the Southwest Colorado Council of Government, and Housing Solutions for the Southwest. The report analyzed existing housing data, housing plans, and identifies housing needs and the full report is accessible here, [San Juan County & Silverton Housing Needs Assessment - August 2021](#).

Like many mountain communities, Silverton is experiencing a housing shortage. Currently more than 65% of Silverton homes sit vacant at least part of the year, as second homes or vacation rentals. Creating more workforce housing like the Anvil Mountain development, incentivizing infill with Accessory Dwelling Units, and revisiting zoning and building codes are just a few of the ways SHA, SJDA and local government is addressing this issue.

In Fall 2021, SJDA applied for and was awarded a technical assistance grant from CHFA to progress the Anvil Mountain affordable housing development that was recently annexed into the Town of Silverton. The Town and newly created SHA again applied for CHFA's technical assistance program, and they are currently participating in the current round for their Zaroni parcel that is immediately adjacent to the Anvil Mountain development.

The SHA is seeking CHFA assistance from our Subsidy Grant funds to help offset some of the costs associated with completing the HMA. The organization through San Juan County has currently budgeted \$4,900 for this work which will include basic market analysis, stakeholder engagement, consultant recommendations, a graphically rich executive summary of the findings for public distribution and discussions for addressing urgent and longer-term housing needs. A rough timeline for the project is as follows:

- May 6: SHA Request for Quotes
- June 10: SHA Board Meeting approval of contract with Western Spaces LLC, pending funding.
- June 12: SHA request funding from San Juan County Board of Commissioners from Lodgers Tax Affordable Housing Fund.
- July: Virtual project kick off meeting to discuss and refine scope of work.
- July-August: Existing conditions and housing cost analysis; presentation of findings to city staff and/or advisory or working group. Community engagement consisting of fielding a resident/employer survey, meetings with housing providers (nonprofit developers, private developers, city and county leadership, major employers)
- August: Completion of draft, staff review
- September: SHA Regular Meeting to present and discuss findings to stakeholders and general public

leverage

Total Project Cost: \$4,900

Total CHFA funding: \$3,900

Total Committed or Pending Funding: \$1,000 (San Juan County Lodgers Tax Fund)

benefits

- Provides CHFA support to the SHA to complete a HNA for their community.
- Completion of the HMA will provide critical information and guidance for addressing the affordable housing needs in their community, as well as meet requirements for accessing federal and state resources.
- Provides increased visibility to CHFA and their Community Investment work in the region.



AGENDA MEMO

SUBJECT: ADU Stock Plan Project / CHFA Direct Effects Grant Application

MEETING DATE: 9/9/2024

STAFF CONTACT: Anne Chase

Overview:

In March 2024, the SHA Steering Committee attending Community Builders' Building Better Places Training. The SHA Board adopted the SHA Building Better Places Action Plan during the 4/22/2024 SHA meeting.

Staff has been working on the SHA Action Plan - Strategy 2: Policy – Key Actions #3: Acquire local builder/developer affordable housing plans to create a housing "pattern book." The purpose behind this strategy is to encourage the private market development of affordable housing by incentivizing building ADUs by providing pre-approved and inexpensive plans to land owners in Silverton.

Staff identified CHFA Direct Effects Grant as a funding opportunity to support this project. Application due September 13, 2024.

Staff has been working with Mountain Studio Architects over the summer to create a proposal for the project. Staff will use the budget proposed by Mountain Studio Architects as the grant funding request amount. Mountain Studio Architects' proposal is attached below.

Pending grant award, Staff will release an RFQ for the ADU Stock Plan project.

SHA Action Plan Strategy:

Strategy 2: Policy – Key Actions #3: Acquire local builder/developer affordable housing plans to create a housing "pattern book."

Strategy 2: Policy <i>Purpose: Create clear direction from Town of Silverton Trustees, staff, and community</i>		
The Town of Silverton is currently updating their Land Use and Development code to better support a variety of housing types/ choices and price points. A major goal of the new code update is to create a more predictable code that attracts developers to create a variety of affordable and attainable housing.		
Key Actions	Timeframe	Coordinator(s)
1. Meet with Clarion Associates to review land use code options	May	Lucy/Steering Committee
2. Community engagement begins on land use code update	May	Lucy, Melissa, Emily
3. Acquire local builder/developer affordable housing plans to create a housing "pattern book" a. Follow up with non locals and issue RFP if necessary	Q2 2025	Lucy
Potential Barriers <ul style="list-style-type: none"> • Differing opinions by community members on building heights, densities, types, and location. • Ability for the community to listen and understand the specifics and benefits of the AH program • Appealing to potential home owners and renters as well as attracting developers for market rate and affordable housing 		

Motion or Direction: Information only.

September 5, 2024

Town of Silverton
Attn: Anne Chase, Director, Silverton Housing Authority
Silverton, CO 81433



Re: Silverton Housing Authority ADU Stock Plans

Dear Anne,

Mountain Studio Architects is pleased to present this estimate for design services for the Silverton Housing Authority's ADU Stock Plan project. The following is an estimate only and has been provided to assist in the application process for the CHFA Direct Effects Grant.

This proposal is based on the following design criteria:

- (4) Accessory Dwelling Unit floor plan types, plus variations to accommodate site and zoning circumstances unique to the Town of Silverton

Project Services:

We anticipate a three-phase process for design, including: the Research and Pre-Design Phase occurring prior to the Request for Proposal and Qualifications (RFP/RFQ); the Development Phase occurring once the project has been awarded to a design team; and the subsequent Design and Documentation Phase. These Phases are outlined and described as follows:

1. Research and Pre-Design Phase

This phase will include initial research into the Town's existing zoning, lot sizes, conforming and non-conforming lots, and ADU opportunities at a minimum to better gauge the suitability for the proposed ADU configurations and make adjustments as the Town sees fit. This phase will include:

- Maps and summary of Town lot sizes, conforming and non-conforming lots, and ADU suitability
- Planning Commission and Historic Review Committee consultation
- Town Forum and Community Input in a format to be determined

2. Development Phase:

This phase will further develop the conversation between the Town and the Design Team, as well as develop the Design Manual, which will illustrate the ADU project offerings. This phase will include:

- Planning Commission and Historic Review Committee consultation
- Town Forum and Community Input in a format to be determined

- Design Manual describing the overall Silverton ADU project, the benefits of and uses for ADUs, the permitting process, the ADU plan designs, and Town Resources

3. Design and Documentation Phase:

This phase will include the design drawings and documentation for four Accessory Dwelling Units of various sizes, accommodations and configurations. Each plan will include a baseline design most suitable for the greater part of Silverton, as well as an alternate design preapproved for the Historic Overlay District (HOD) and Architectural Review Overlay District (AROD). The anticipated ADU configurations are as follows:

Unit 1: One-story, One-bedroom, One-bath (approx. 600 sf)

- 1A: Mountain Contemporary
- 1B: Alternate Exterior – HOD/AROD modifications
- ADA modifications for 1A and 1B (add/modify ADA features)

Unit 2: Two-story, One-bedroom, One-bath (approx. 450 sf)

- 2A: Mountain Contemporary
- 2B: Alternate Exterior - HOD/AROD modifications

Unit 3: Two-story, One-bedroom, One-bath (approx. 600 sf) + Garage

- 2A: Mountain Contemporary
- 2B: Alternate Exterior - HOD/AROD modifications

Unit 4: Two-story, Two-bedroom, Two-bath (approx. 800 sf) + Garage

- 3A: Mountain Contemporary
- 3B: Alternate Exterior - HOD/AROD modifications

Fee Schedule:

This document includes a fee estimate for architectural and structural design and documentation services provided by Mountain Studio Architects and Goff Engineering & Surveying, Inc.

Our estimated fee for design and documentation services is based on a baseline design of four accessory dwelling units of various sizes and accommodations, as well as an alternate design option to assist in meeting the design requirements of the Town's Historic District and Architectural Review Overlay District. These plans will be made available to Town of Silverton homeowners as pre-approved stock plans. The proposed services and estimated fees are as follows:

Research and Pre-Design Phase	
Town Lot and ADU Suitability Study	\$2,500
Planning / Historic Review Consultation	\$1,000
Town Forum / Community Input	\$1,000
Total	\$4,500

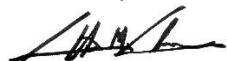
Development Phase	
Planning / Historic Review Consultation	\$1,000
Town Forum / Community Input	\$1,000
Design Manual	\$7,500
Total	\$9,500

Design and Documentation Phase (includes Structural Engineering)		
Unit	Description	\$ Amount
1A	Mountain Contemporary design	\$14,050
1B	Alternate Exterior Design – HOD/AROD modifications	+\$2,760
ADA	ADA Modifications	+\$1,620
2A	Mountain Contemporary design	\$10,100
2B	Alternate Exterior Design – HOD/AROD modifications	+\$2,220
3A	Mountain Contemporary design	\$12,550
3B	Alternate Exterior Design – HOD/AROD modifications	+\$2,760
4A	Mountain Contemporary design	\$16,150
4B	Alternate Exterior Design – HOD/AROD modifications	+\$3,480
Total		\$65,690

TOTAL ESTIMATED FEE	
PHASE	\$ Amount
Research and Pre-Design Phase	\$4,500
Development Phase	\$9,500
Design and Documentation Phase	\$65,690
TOTAL	\$79,690

Thank you for the opportunity to provide this estimate for architectural and structural design services. Please do not hesitate to contact us, and we look forward to the opportunity of working with you on this exciting project.

Sincerely,



Christopher M. Clemmons, RA, NCARB
Principal Architect

September 9, 2024
BOARD OF TRUSTEES
REGULAR MEETING PACKET

September 9, 2024

1. Staff and/or Board Revisions to Agenda

This is an opportunity for staff to add, delete or amend items on the agenda as well as an opportunity for the board to revise the agenda as well. Trustees can use this agenda item to pull an item from the consent agenda that they have either need additional information or would like to have a discussion on and put it either in new business or in continued business. Typically, the Town Administrator will make an adjustment to the agenda since managing the agenda is their main responsibility.

September 9, 2024

1. Public Comment—*Comments must be limited to three (3) minutes in duration.*

The opening Public Comment is intended for a citizen to bring up any topic whether it is on the agenda or not. The citizen will be asked to state their name for the record.

The Mayor or Pro Tem will call out the public to comment as well as time the comment and let the public know when they have run out of time.

If a Trustee would like to discuss the comment, they can do so in Trustee Updates. It is not encouraged to engage in a dialogue on a public comment because if a public comment is not related to an agenda item, staff should be directed to either follow up with the citizen outside the meeting or include the topic in the next appropriate agenda (this can be a committee agenda or a board of trustee agenda).

If the comment is related to an agenda item, their comments can be brought up in the discussion of that agenda item.

Comments that are submitted via email about an agenda item will be accepted up until the agenda packet is constructed on noon on Wednesday before the Regular Meeting. Comments that are received after this deadline will be emailed to the trustees and not included in the packet. Comments that are emailed are not considered “official public comment” unless they are presented at the meeting or submitted for a Public Hearing before the Wednesday deadline.

Public Comments specific to a Public Hearing on the agenda should be encouraged to take place during the public hearing and not during the opening Public Comment, so that their comments can be recorded with the hearing.

Opening Public Comment is not addressed in the Silverton Municipal Code.

September 9, 2024

3. Presentations and Proclamations

Presentations can be scheduled with the board on a variety of topics that usually relate to board direction or goals. The Town Administrator schedules these presentations and works with the presenter to keep their presentation in 30 minutes or less including an anticipated questions and answer period with the Trustees.

Proclamations can be used to declare an emergency (SMC 2-7-30) or recognize a community member or organization for their service. Trustees can request a proclamation during the Trustee Updates agenda item.

September 9, 2024

4. New Business

Items that the Board of Trustees have not discussed will appear in this agenda item. If the topic has appeared in a committee prior to the regular meeting, the topic is still considered New Business for the entire board.

Per Silverton Municipal Code [2-2-110\(6\)](#):

New business. The Board of Trustees shall consider any business not heretofore considered, including the introduction or reading of ordinances and resolutions.

September 9, 2024

5. Consent Agenda

The Consent Agenda's purpose is to group routine meeting discussion points into a single action item. If Trustees would like to pull an item from this agenda for discussion to amend or deny this can take place at the beginning of the meeting during agenda item #1 Staff and/or Board Revisions to the Agenda.

Typical items found in the consent agenda:

1. Payroll report (for transparency)
2. Meeting Minutes
3. Accounts payable (for transparency)
4. Sales Tax (for transparency)
5. YTD Actuals (for transparency)
6. Renewal Licenses
7. Special Event Applications for established events
8. Contracts

Suggested Motion:

Motion to approve the consent agenda items.

Statistical Summary

Company: Z9X - Town of Silverton Service Center: 0075 Northern California Status: Cycle Complete
 Week#: 36 Pay Date: 09/06/2024 P/E Date: 08/31/2024
 Qtr/Year: 3/2024 Run Time/Date: 10:16:14 AM EDT 09/04/2024

Taxes Debited	Federal Income Tax	3,693.10
	Earned Income Credit Advances	0.00
	Social Security - EE	2,919.60
	Social Security - ER	2,919.65
	Social Security Adj - EE	0.00
	Medicare - EE	682.79
	Medicare - ER	682.82
	Medicare Adj - EE	0.00
	Medicare Surtax - EE	0.00
	Medicare Surtax Adj - EE	0.00
	Federal Unemployment Tax	0.00
	FMLA-PSL Payments Credit	0.00
	FMLA-PSL ER FICA Credit	0.00
	FMLA-PSL Health Care Premium Credit	0.00
	Employee Retention Qualified Payments Credit	0.00
	Employee Retention Qualified Health Care Credit	0.00
	COBRA Premium Assistance Payments	0.00
	State Income Tax	1,713.85
	Non Resident State Income Tax	0.00
	State Unemployment Insurance - EE	0.00
	State Unemployment Insurance Adj - EE	0.00
	State Disability Insurance - EE	0.00
	State Disability Insurance Adj - EE	0.00
	State Unemployment/Disability Ins - ER	94.18
	State Family Leave Insurance - EE	0.00
	State Family Leave Insurance - ER	0.00
	State Family Leave Insurance Adj - EE	0.00
	State Medical Leave Insurance - EE	0.00
	State Medical Leave Insurance - ER	0.00
	State Medical Leave Insurance Adj - EE	0.00
	State Cares Fund - EE	0.00
	Transit Tax - EE	0.00
	Workers' Benefit Fund Assessment - EE	0.00
	Workers' Benefit Fund Assessment - ER	0.00
	State Child Care Fund - EE	0.00
	State Child Care Fund - ER	0.00
	Local Income Tax	0.00
	School District Tax	0.00
	Total Taxes Debited	12,705.99

Other Transfers	ADP Check Acct. No.XXXXXXXXXX8915Tran/ABAXXXXXXXXX	2,725.00		
	Full Service Direct Deposit Acct.	34,150.60		
Total Amount Debited From Your Account			49,581.59	Total Liability 49,581.59
Bank Debits & Other Liability	Adjustments/Prepay/Voids	0.00		49,581.59
Taxes- Your Responsibility	None this payroll			49,581.59

Statistical Summary - Statistics

Company:Z9X - Town of Silverton
 Week#:36
 Qtr/Year:3/2024

Service Center:0075 Northern California
 Pay Date:09/06/2024
 Run Time/Date:10:16:14 AM EDT 09/04/2024

Status:Cycle Complete
 P/E Date:08/31/2024

Statistics	Amount	Number of Pays
Gross Pay	47,150.28	
Vouchers		
eVouchers		31
Checks (A)	2,725.00	4
Direct Deposits (B)	34,150.60	32
Adjustments/Prepay/Voids (C)	0.00	
Net Payroll (A + C)	2,725.00	
Net Cash (A + B)	36,875.60	
Net Pay Liability (A + B + C)	36,875.60	
Other Transfers (D)	36,875.60	
Taxes - debited from your account (E)	12,705.99	
Total Amount Debited from your Account (D + E)	49,581.59	
Taxes - your responsibility (F)	0.00	
Company Liability (C + D + E + F)	49,581.59	
Net Cash pays 1,000.00 or more		18
Flagged Pays		9

Statistical Summary - Federal Taxes

Company:Z9X - Town of Silverton
 Week#:36
 Qtr/Year:3/2024

Service Center:0075 Northern California
 Pay Date:09/06/2024
 Run Time/Date:10:16:14 AM EDT 09/04/2024

Status:Cycle Complete
 P/E Date:08/31/2024

Federal Tax Type	EE Withheld	ER Contribution	EE Taxable Amount	ER Taxable Amount
Federal Income Tax	3,693.10		45,884.94	
Social Security	2,919.60	2,919.65	47,091.12	47,091.12
Medicare	682.79	682.82	47,091.12	47,091.12
FMLA-PSL Payments Credit		0.00		
FMLA-PSL ER FICA Credit		0.00		
FMLA-PSL Health Care Premium Credit		0.00		
Employee Retention Qualified Payments Credit		0.00		
Employee Retention Qualified Health Care Credit		0.00		
COBRA Premium Assistance Amount		0.00		

Statistical Summary - State Taxes

Company:Z9X - Town of Silverton

Service Center:0075 Northern California

Status:Cycle Complete

Week#:36

Pay Date:09/06/2024

P/E Date:08/31/2024

Qtr/Year:3/2024

Run Time/Date:10:16:14 AM EDT 09/04/2024

State Code	State Tax Type	EE Withheld	ER Contribution	EE Taxable Amount	ER Taxable Amount	Experience Rate	State Tax Rebate Amount
CO	State Income Tax	1,713.85		45,884.94			
CO	Unemployment Tax		94.18		47,091.12	0.20	

Statistical Summary - Hours & Earnings

Company:Z9X - Town of Silverton

Service Center:0075 Northern California

Status:Cycle Complete

Week#:36

Pay Date:09/06/2024

P/E Date:08/31/2024

Qtr/Year:3/2024

Run Time/Date:10:16:14 AM EDT 09/04/2024

Field Number	Hours/Earnings Code	Description	Hours	Earnings
1	Regular		1,579.14	45,668.90
2	Overtime		10.91	376.16
3	PTO	P.T.O.	94.85	1,105.22
3	CTM	Comp Time T	11.77	

Statistical Summary - Deductions

Company:Z9X - Town of Silverton
Week#:36
Qtr/Year:3/2024

Service Center:0075 Northern California
Pay Date:09/06/2024
Run Time/Date:10:16:14 AM EDT 09/04/2024

Status:Cycle Complete
P/E Date:08/31/2024

Deduction Code	Description	Deduction	Category
401	CCOERA EE 4	1,206.18	Other
AFL	AFLAC PRETAX	36.48	Other
CK1	CHECKING	31,576.85	Deposit
CK2	CHECKING	1,982.11	Deposit
DEN	Den Pre Tax	20.00	Other
SV1	SAVINGS	591.64	Deposit
VIS	Vis Pre Tax	2.68	Other



WORK SESSION & REGULAR MEETING – Silverton Board of Trustees

Silverton Town Hall – Monday, August 26, 2024

Call to Order & Roll Call –Work Session @ 5:00pm and Regular Meeting @7:00pm

ATTENTION: The Town of Silverton Trustee meetings are being conducted in a hybrid virtual/in-person. Instructions for public participation in Town Trustee meetings are as follows:

- Zoom Webinar Link: <https://us02web.zoom.us/j/88637487127>
- By Telephone: Dial 669-900-6833 and enter Webinar ID 886 3748 7127 when prompted.
- YouTube (live and recorded for later viewing, does not support public comment):
www.youtube.com/channel/UCmJgal9lUXK5TZahHugprpQ

If you would like to make a public comment during a specific Agenda Item, please submit a request to the Town Administrator at gkaasch-buerger@silverton.co.us

MEETING PROTOCOLS: Please turn off cell phones; be respectful and take personal conversations into the lobby. The public is invited to attend all regular meetings and work sessions of the Board of Trustees. Regular Meeting Closing Public Comment must be related to an agenda item.

Present: Trustee Wakefield, Trustee Halvorson, Trustee Schnitker, Trustee Gardiner, Mayor Pro Tem Harper, Mayor Kranker

Absent: Trustee George

Staff: Administrator Kaasch-Buerger, Community Development Director Lucy Mulvihill

Work Session @ 5:00pm

1) Wetlands Study presented by Ironwood Consulting

- Administrator Kaasch-Buerger provided background regarding budget impact.
- Community Development Director Lucy Mulvihill provided context regarding the history of the wetlands discussion.
- Esa Crumb from Ironwood Consulting presented the wetlands inventory summary/ the work that has been done on this project in the last year.
- The Trustees discussed the map and the new state regulations.
- Evin Harris stood and spoke in support of the new state regulations.
- Melody Skinner commented on the wetlands discussion.

Present: Trustee Wakefield, Trustee Halvorson, Trustee Schnitker, Trustee Gardiner, Mayor Pro Tem Harper, Mayor Kranker

Absent: Trustee George

Staff: Administrator Kaasch-Buerger, Clerk Melina Marks, Community Development Director Lucy Mulvihill, Facilities & Events Coordinator Ana Mendiluce, Public Works Admin Coordinator Steve Mead, Attorney Clayton Buchner

Regular Meeting @ 7:03pm



- 1) Staff and/or Board Revisions to Agenda
- 2) Public Comment - *Comments must be limited to three (3) minutes in duration.*
 - Deanne Gallegos stood and spoke about her role regarding the Blair St. Project.
 - Mike Geryak stood and spoke in support of the Blair St. Project.
 - Evin Harris stood and expressed support about the Blair St. Project in addition to her concern regarding the several bears we have in town this season.
 - Wendy Polly stood and spoke about the Blair St. Project.
 - Becky Joyce stood and spoke about the Blair St. Project and the need for more accessibility in town.
 - Tommy Swimmer, a CDOT employee, introduced himself and offered his help in regard to CDOT specific information relating to the Blair St. Project.
- 3) Presentations/Proclamations
- 4) New Business
 - a) Resolution 2024-17 A Resolution of the Town of Silverton approving the sale and conveyance of certain Real Property from the Town of Silverton to the Silverton Housing Authority for the Town of Silverton
 - CDD Lucy Mulvihill provided background information regarding the proposed Resolution.

Trustee Schnitker moved, and Trustee Halvorson seconded to approve Resolution 2024-17 A Resolution of the Town of Silverton approving the sale and conveyance of certain Real Property from the Town of Silverton to the Silverton Housing Authority for the Town of Silverton. Passed unanimously with roll call.

- b) Resolution 2024-18 A Resolution of the Town of Silverton Providing that Certain Appointed Officials of the Town of Silverton Shall be Deemed not to be “Employees” within the Meaning of the Workers’ Compensation Laws
 - Administrator Kaasch-Buerger provided background information regarding this Resolution and stated that this is a yearly, routine Resolution.

Trustee Gardiner moved, and Trustee Wakefield seconded to approve Resolution 2024-18 A Resolution of the Town of Silverton Providing that Certain Appointed Officials of the Town of Silverton Shall be Deemed not to be “Employees” within the Meaning of the Workers’ Compensation Laws. Passed unanimously with roll call.

- c) Blair Street Funding Decision Point
 - Mayor Kranker addressed Wendy Polly’s public comment regarding how meetings are noticed.
 - PW Admin Steve Mead provided some background information regarding this agenda item and the grant funding that is available for the Blair St. Project.
 - Administrator Kaasch-Buerger and PW Admin Steve Mead walked the board through the memo in the board packet – we do have plans for the project; however, the plans are not CDOT complaint, and this increases cost significantly.
 - Steve reviewed the options that are in the memo.
 - The Trustees asked a few clarification questions for the new members of the board and the audience.
 - Bill Walko stood and spoke about the history of the Blair St. Association/ the Blair St. Project.



- Mayor Kranker asked questions surrounding the other avenues that the Blair St. Association has explored to get this project rolling.
- Bill provided context.
- Trustee Schnitker asked a clarifying question regarding the lighting and the full scope vs. the reduced scope.
- Administrator Kaasch-Buerger responded.
- Mayor Kranker provided background information regarding this project and what she has learned/ absorbed over the last few years.
- Trustee Gardiner expressed support for pursuing the reduced scope of the project and support for tackling the projected in a phased approach as Bill Walko proposed.
- Trustee Wakefield weighed the pros and cons of the project and expressed a lack of support for replacing the sidewalks.
- Mayor Kranker discussed the code regarding businesses and residents being responsible for replacing sidewalks.
- Administrator Kaasch-Buerger stated that CDOT has expressed concern over getting priced out of this project and the town must decide.
- Trustee Halvorson asked if there is money in the budget next year to match this grant and achieve this project.
- Administrator Kaasch-Buerger provided financial context.
- Trustee Schnitker provided input.
- Mayor Pro Tem Harper asked how much the Blair St. Association can put into the project.
- Bill Walko said that the association has \$40,000.00 and stated that there are additional issues having individuals replacing sidewalks without consistency.
- Tommy Swimmer provided some additional context and options in making this fit in the budget in stages.
- Trustee Halvorson asked if the funds can be spread over 2-3 years.
- Administrator Kaasch-Buerger stated she believes so.
- Mayor Pro Tem Harper reviewed the discussion and spread the project over more time to make the project cost more manageable.
- The Trustees continued to deliberate.
- The board decided to bring this discussion back on October 28th.
- Wendy Polly stood and thanked the board for their discussion and further commented on the investment needed on Blair St.
- Mario Lateyf stood and spoke and stated that he will be open in the winter and expressed support for lighting on Blair St.
- Mike Geryak further spoke about Blair St.
- Deanne Gallegos stood and spoke.
- Paul Joyce stood and spoke.
- The board directed staff to look at the budget impacts in pursuing the engineering plans for the full scope of the project and to fit this topic into the prioritization of this project and to bring this back to the board on the October 28th meeting following the next finance committee meeting and work session.



~~—moved, and —seconded to accept the additional CDOT granted funds and direct staff to present a new resolution committing the matching funds with direction on which option to be presented at a future meeting. Passed unanimously with roll call.~~

- d) SB 24-131 Prohibit Carrying Firearms in Sensitive Spaces Direction
 - Administrator Kaasch-Buerger provided background information.
 - Attorney Clayton Buchner provided context.
 - The board gave staff direction to draft a Resolution opting out of SB 24-131.
- e) SPECIAL EVENT: Town of Silverton's 150th Anniversary Party 9/15/24 at Anesi
 - Events Coordinator Ana Mendiluce provided background information on this new special event.

Trustee Gardiner moved, and Trustee Halvorson seconded to approve the Special Event Application for the Town of Silverton's 150th Anniversary Party 9/15/24 at Anesi. Passed unanimously with roll call.

- 5) Consent Agenda
 - a) Payroll
 - b) Meeting Minutes 8.12.24
 - c) Accounts Payable
 - d) Resolution 2024-16 A Resolution of the Town of Silverton to Authorize the Unbudgeted Expenditure of up to \$25,000 for the purpose of contracting with 21 Stinger LLC for the repair of the Kendall Ski Lift
 - Administrator Kaasch-Buerger provided context regarding this previously approved Resolution.

Mayor Pro Tem Harper moved, and Trustee Gardiner seconded to approve the Consent Agenda Items. Passed unanimously with roll call.

- 6) Staff Reports
 - a) Brownfield Update
 - CDD Lucy Mulvihill provided an update on this project.
- 7) Committee/Board Reports
 - a) 8.13 Historic Review Committee
 - Trustee Schnitker provided an update on the HRC meeting.
 - b) 8.14 Sneffels Energy Board
 - Trustee Halvorson provided an update on the Sneffels Energy Board meeting.
 - c) 8.14 Utility Committee
 - Administrator Kaasch-Buerger provided an update on the Utility Committee meeting and asked for direction on the committee's proposed 15% increase on rates.
 - Mayor Pro Tem Harper provided further context on the necessity for a rate increase immediately.
 - The board directed staff to begin the public hearing process and draft a Resolution to raise the utility rates by 15%.
 - d) 8.15 Library Board
 - Administrator Kaasch-Buerger provided an update on the Library Board meeting.
 - e) 8.15 Personnel and Ordinance Committee



- Trustee Gardiner and Trustee Schnitker provided an update on the Personnel and Ordinance Committee meeting.
- f) 8.19 Finance Committee
 - Mayor Kranker provided an update on the Finance Committee meeting.
- g) 8.20 San Juan Regional Planning Commission
 - Trustee Halvorson provided an update on the San Juan Regional Planning Commission meeting.
- 8) Trustee Reports
 - Trustee Gardiner mentioned community basketball.
 - Mayor Kranker mentioned that the mobile market will be on Wednesday.
 - CDD Lucy Mulvihill updated the board on the land use community night and her presence at the farmer's market, summer sounds, and the Silverton creates event.
- 9) Continued Business
- 10) Public Comment
 - No public comment.

Adjourn @ 10:00pm

Up-coming Meeting Dates:

- 8.26 @4pm Facilities, Parks and Recreation Committee (@Anesi Park)
- 9.5 @5pm Town and County Emergency Services Work Session
- 9.9 @7pm Board of Trustees Regular Meeting
- 9.10 @5pm Historic Review Committee Meeting
- 9.12 @TBD Land Use Code Community Night

End of Agenda

Report Criteria:

Report printed and checks created

Due Date	Vendor Number	Name	Invoice Number	Net Due Amount	Pay	Payment Amount	Discount Amount	Remittance
10/09/2023	1403	Prineth	23950068	1,225.56-	N	.00	.00	Vendor Address
10/23/2023	1062	LAWSON PRODUCTS INC	93109653	278.33-	N	.00	.00	Vendor Address
10/23/2023	1080	Lincoln National Life Insurance	46098521	556.27	N	.00	.00	Vendor Address
09/09/2024	29	Advance Fire Systems, Inc.	24315	6,900.00	Y	6,900.00	.00	Vendor Address
09/09/2024	2189	Brett Locke	9/7/24	358.70	Y	358.70	.00	Vendor Address
09/09/2024	220	Bruin Waste Management	1976427	41,518.41	Y	41,518.41	.00	Vendor Address <i>Waste Management</i>
09/09/2024	2187	Christopher Woosley	8/12/24	193.20	Y	193.20	.00	Vendor Address
09/09/2024	326	Clayton M. Buchner, Attorney a	0849	4,332.00	Y	4,332.00	.00	Vendor Address
09/09/2024	407	Community Planning Strategies	2024-0143	8,777.50	Y	8,777.50	.00	Vendor Address
09/09/2024	2109	Department of Public Health/En	FGD2024	665.00	Y	665.00	.00	Vendor Address
09/09/2024	686	FOUR CORNERS WELDING	DD313404	295.99	Y	295.99	.00	Vendor Address
09/09/2024	2188	John Short	8/8/24	110.40	Y	110.40	.00	Vendor Address
09/09/2024	1032	Knight Equipment Company	6069	3,075.08	Y	3,075.08	.00	Vendor Address
09/09/2024	2156	La Plata County Public Health	8101	331.10	Y	331.10	.00	Vendor Address
09/09/2024	1072	LEITNER-POMA	24050012	1,478.25	Y	1,478.25	.00	Vendor Address
09/09/2024	1114	MAISEL EXCAVATION LLC	791	745.00	Y	745.00	.00	Vendor Address
09/09/2024	2169	Mr. Lock	24-8391	272.60	Y	272.60	.00	Vendor Address
09/09/2024	2121	Peak Companies	1416686&	160.00	Y	160.00	.00	Vendor Address
09/09/2024	1598	SAN MIGUEL POWER ASSOC	45936/371	6,655.58	Y	6,655.58	.00	Vendor Address
09/09/2024	2119	Sarah Moore	24-18	1,294.00	Y	1,294.00	.00	Vendor Address
09/09/2024	1626	Securo	24989 & 2	2,414.67	Y	2,414.67	.00	Vendor Address
09/09/2024	1632	SGM	2015-513	4,056.25	Y	4,056.25	.00	Vendor Address
09/09/2024	1664	SILVERTON GROCERY	467918 &	45.58	Y	45.58	.00	Vendor Address
09/09/2024	1666	SILVERTON HARDWARE	2409-3228	841.26	Y	841.26	.00	Vendor Address
09/09/2024	1670	SILVERTON LP GAS	09430	662.53	Y	662.53	.00	Vendor Address
09/09/2024	1686	SILVERTON STANDARD & TH	202519	945.00	Y	945.00	.00	Vendor Address
09/09/2024	1689	SILVERTON VISITORS CENT	9/4/2024	37,500.00	Y	37,500.00	.00	Vendor Address <i>Arnesi's Visitor center</i>
09/09/2024	1837	THE CLEAN TEAM	736919	1,075.00	Y	1,075.00	.00	3
09/09/2024	1948	UTILITY NOTIFICATION CENT	22408135	37.41	Y	37.41	.00	Vendor Address
09/09/2024	1970	VISION SERVICE PLAN	82107913	159.14	Y	159.14	.00	Vendor Address
09/09/2024	1978	WAGNER EQUIPMENT CO	P01C0330	490.21	Y	490.21	.00	Vendor Address
Totals:				123,329.70		125,389.86	.00	

Number of invoices to be fully paid: 28
 Number of invoices to be partially paid: 0
 Number of invoices with no payment: 3
 Total number of invoices listed: 31
 Total checks from invoices selected: 28
 Total adjustment checks: 0
 Total adjusted invoices: 0
 Total negative checks not created: 0

Cash Requirements Summary

Date	Net Due Amount	Payment Amount	Discount Taken
10/09/2023	1,225.56-	.00	.00
10/23/2023	834.60-	.00	.00
09/09/2024	125,389.86	125,389.86	.00

Date	Net Due Amount	Payment Amount	Discount Taken
	123,329.70	125,389.86	.00

Complete

Yes

Town of Silverton 5% Total Sales Tax Collection

2 months in the rear

Column Labels		Combined sales tax receipts												Change from year prior												Change from year prior (%)						
		2018	2019	2020	2021	2022	2023	2024	2018	2019	2020	2021	2022	2023	2024	2018	2019	2020	2021	2022	2023	2024										
Row Labels																																
Complete months (YTD)		\$321,754	\$449,646	\$374,000	\$677,216	\$716,652	\$732,040	\$754,345		\$127,892	-\$75,646	\$303,217	\$39,436	\$15,388	\$22,306		40%	-17%	81%	6%	2%	3%										
1		\$21,571	\$22,639	\$34,825	\$51,466	\$59,049	\$52,640	\$57,203		\$1,068	\$12,186	\$16,641	\$7,583	-\$6,410	\$4,564		5%	54%	48%	15%	-11%	9%										
2		\$29,552	\$31,685	\$47,673	\$54,916	\$69,617	\$60,289	\$62,813		\$2,133	\$15,988	\$7,243	\$14,701	-\$9,328	\$2,524		7%	50%	15%	27%	-13%	4%										
3		\$27,249	\$41,082	\$42,112	\$56,087	\$100,503	\$66,074	\$67,962		\$13,833	\$1,031	\$13,974	\$44,416	-\$34,429	\$1,889		51%	3%	33%	79%	-34%	3%										
4		\$30,782	\$95,301	\$45,547	\$56,689	\$73,587	\$70,373	\$80,987		\$64,519	-\$49,754	\$11,142	\$16,898	-\$3,214	\$10,614		210%	-52%	24%	30%	-4%	15%										
5		\$26,325	\$39,113	\$30,192	\$74,733	\$72,096	\$79,287	\$86,738		\$12,788	-\$8,921	\$44,541	-\$2,637	\$7,191	\$7,451		49%	-23%	148%	-4%	10%	9%										
6		\$20,876	\$26,150	\$26,612	\$53,071	\$50,652	\$118,620	\$55,031		\$5,274	\$463	\$26,459	-\$2,418	\$67,968	-\$63,589		25%	2%	99%	-5%	134%	-54%										
7		\$65,849	\$62,039	\$35,471	\$91,726	\$88,207	\$53,803	\$114,400		-\$3,810	-\$26,568	\$56,255	-\$3,519	-\$34,404	\$60,598		-6%	-43%	159%	-4%	-39%	113%										
8		\$99,552	\$131,639	\$111,567	\$238,529	\$202,941	\$230,955	\$229,211		\$32,087	-\$20,072	\$126,962	-\$35,588	\$28,014	-\$1,744		32%	-15%	114%	-15%	14%	-1%										
Incomplete months		\$564,457	\$673,528	\$698,313	\$926,361	\$880,355	\$1,064,713			\$109,071	\$24,785	\$228,048	-\$46,006	\$184,358	-\$1,064,713		19%	4%	33%	-5%	21%	#NULL!										
9		\$188,368	\$222,786	\$212,227	\$290,429	\$269,781	\$318,372			\$34,418	-\$10,559	\$78,202	-\$20,648	\$48,591	-\$318,372		18%	-5%	37%	-7%	18%	#NULL!										
10		\$151,055	\$188,565	\$192,949	\$240,614	\$239,549	\$297,609			\$37,510	\$4,384	\$47,665	-\$1,065	\$58,060	-\$297,609		25%	2%	25%	0%	24%	#NULL!										
11		\$163,255	\$182,168	\$190,968	\$234,204	\$226,111	\$293,745			\$18,913	\$8,800	\$43,236	-\$8,093	\$67,634	-\$293,745		12%	5%	23%	-3%	30%	#NULL!										
12		\$61,779	\$80,009	\$102,170	\$161,114	\$144,914	\$154,987			\$18,230	\$22,161	\$58,944	-\$16,200	\$10,073	-\$154,987		30%	28%	58%	-10%	7%	#NULL!										
Grand Total		\$886,211	\$1,123,174	\$1,072,313	\$1,603,577	\$1,597,007	\$1,796,753	\$754,345		\$236,963	-\$50,861	\$531,264	-\$6,570	\$199,746	-\$1,042,407		27%	-5%	50%	0%	13%	-58%										

TOWN OF SILVERTON
COMBINED CASH INVESTMENT
JULY 31, 2024COMBINED CASH ACCOUNTS

01-10000001	XPRESS DEPOSIT ACCOUNT	29,423.95
01-10000020	CASH - (BSJ) COMBINED CHECKING	182,027.29
01-10200000	CASH CLEARING - UTILITY	3.43
01-10380000	COLOTRUST	153,054.33
01-10390000	INVESTMENTS - CD'S	508,014.30
TOTAL COMBINED CASH		872,523.30
01-10100000	TOTAL ALLOCATION TO FUNDS	(872,523.30)
TOTAL UNALLOCATED CASH		.00

CASH ALLOCATION RECONCILIATION

10	ALLOCATION TO GENERAL FUND	335,097.68
11	ALLOCATION TO LIBRARY FUND	6,856.39
20	ALLOCATION TO CONSERVATION TRUST (PARKS)	(5,500.00)
21	ALLOCATION TO MOLAS LAKE PARK FUND	411,348.24
22	ALLOCATION TO CEMETERY FUND	57,259.44
51	ALLOCATION TO WATER FUND	65,047.73
52	ALLOCATION TO SEWER FUND	85,913.64
53	ALLOCATION TO REFUSE FUND	(83,499.82)
TOTAL ALLOCATIONS TO OTHER FUNDS		872,523.30
ALLOCATION FROM COMBINED CASH FUND - 01-10100000		(872,523.30)
ZERO PROOF IF ALLOCATIONS BALANCE		.00

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

GENERAL FUND

ASSETS

10-10100000	CASH - POOLED	335,097.68	
10-10110000	PETTY CASH	500.00	
10-10500000	TAXES RECEIVABLE	422,686.00	
10-11500000	ACCOUNTS RECEIVABLE	160,540.05	
10-12600000	INTER-GOVERNMENTAL RECEIVABLE	4,256.24	
	TOTAL ASSETS		923,079.97

LIABILITIES AND EQUITY

LIABILITIES

10-20090000	ACCRUED SALARIES & BENEFITS	30,622.15	
10-20141000	HEALTH INSURANCE PAYABLE	(19,696.96)	
10-20142000	VISION PAYABLE	74.45	
10-20144000	LIFE INSURANCE PAYABLE	885.83	
10-20150000	SUTA PAYABLE	2,059.81	
10-20180000	RETIREMENT PAYABLE	(10,188.20)	
10-20192000	AFLAC PAYABLE	36.48	
10-20200000	ACCOUNTS PAYABLE	9,698.73	
10-22210000	DEFERRED REV-PROPERTY TAXES	422,686.00	
	TOTAL LIABILITIES		436,178.29

FUND EQUITY

10-27500000	COMMITTED TO FUTURE CAP OUTLAY	50,000.00	
	UNAPPROPRIATED FUND BALANCE:		
10-27900000	FUND BALANCE UNRESERVED	1,053,793.78	
	REVENUE OVER EXPENDITURES - YTD	(616,892.10)	
	BALANCE - CURRENT DATE	436,901.68	
	TOTAL FUND EQUITY		486,901.68
	TOTAL LIABILITIES AND EQUITY		923,079.97

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
10-31-110000 PROPERTY TAXES	56,440.40	379,150.35	422,686.00	43,535.65	89.7
10-31-120000 SPECIFIC OWNERSHIP TAXES	3,523.38	18,366.03	23,041.00	4,674.97	79.7
10-31-300000 GENERAL SALES TAXES	114,400.13	525,135.33	1,600,000.00	1,074,864.67	32.8
10-31-320000 MARIJUANA SALES TAX	445.06	1,604.98	15,406.00	13,801.02	10.4
10-31-420000 CIGARETTE TAXES	232.58	1,302.94	2,056.00	753.06	63.4
10-31-460000 FUEL TAXES	.00	2,186.46	3,000.00	813.54	72.9
10-31-810000 SEVERANCE TAX PAYMENT	.00	.00	2,250.00	2,250.00	.0
10-31-820000 FRANCHISE TAX	8,349.85	28,124.20	29,353.00	1,228.80	95.8
10-31-900000 PENALTIES AND INTEREST	.00	.00	1,899.00	1,899.00	.0
TOTAL TAXES	183,391.40	955,870.29	2,099,691.00	1,143,820.71	45.5
<u>LICENSES AND PERMITS</u>					
10-32-110000 LIQUOR LICENSES	628.75	4,673.75	4,750.00	76.25	98.4
10-32-160000 PROFESSIONAL & OCCUP LICENSES	125.00	14,875.00	23,000.00	8,125.00	64.7
10-32-170000 LODGING FEE	15,040.00	43,148.00	67,845.00	24,697.00	63.6
10-32-210000 BUILDING PERMITS - TOWN	177.50	31,171.75	50,000.00	18,828.25	62.3
10-32-250000 DINING PERMITS	.00	5,632.00	.00	5,632.00	.0
10-32-260000 ANIMAL PERMITS	.00	.00	50.00	50.00	.0
10-32-270000 MISCELLANEOUS PERMITS	.00	1,085.00	375.00	710.00	289.3
10-32-310000 MARIJUANA LICENSE	.00	1,000.00	3,000.00	2,000.00	33.3
10-32-320000 VACATION RENTAL FEES	.00	26,825.00	17,725.00	9,100.00	151.3
TOTAL LICENSES AND PERMITS	15,971.25	128,410.50	166,745.00	38,334.50	77.0
<u>INTERGOVERNMENTAL REVENUE</u>					
10-33-410000 GRANT REVENUE	.00	.00	446,000.00	446,000.00	.0
10-33-410001 2023 SJDA DOLA REDI GRANT	.00	12,753.25	.00	12,753.25	.0
10-33-410004 DOLA HB21-1271 PROP ACQ/ANNXTN	.00	.00	22,800.00	22,800.00	.0
10-33-410005 DOLA MSOB GRANT (SB21-251)	736.74	736.74	.00	736.74	.0
10-33-410006 2019 GOCO GRANT KMRA	.00	2,838.00	.00	2,838.00	.0
10-33-420000 DOLA EIAF CODE REWRITE GRNT	.00	33,126.97	.00	33,126.97	.0
10-33-540000 HIGHWAY USERS TAX	3,826.11	25,393.75	38,583.00	13,189.25	65.8
10-33-550000 MOTOR VEHICLE REGISTRATION	144.34	4,808.79	4,923.00	114.21	97.7
10-33-700000 LOCAL GOVERNMENT GRANTS	.00	5,756.61	.00	5,756.61	.0
10-33-730000 SAN JUAN COUNTY ROAD & BRIDGE	845.45	6,056.40	5,430.00	626.40	111.5
10-33-740000 TOWN/COUNTY SHARED EXPENSES	.00	.00	12,872.00	12,872.00	.0
10-33-741000 SJC SHARED LAW ENFORCEMENT	.00	.00	31,886.00	31,886.00	.0
10-33-750000 SNOWMOBILE CLUB REIMBURSEMENT	.00	6,250.00	8,740.00	2,490.00	71.5
TOTAL INTERGOVERNMENTAL REVENUE	5,552.64	97,720.51	545,490.00	447,769.49	17.9

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>CHARGES FOR SERVICES</u>					
10-34-130000	PLANNING REVIEW FEES - TOWN	.00	18,372.75	3,000.00	(15,372.75)	612.4
10-34-140000	COPIES & FAXES	.00	.00	20.00	20.00	.0
10-34-741000	KMRA MERCHANDISE	.00	.00	300.00	300.00	.0
10-34-741100	KENDALL MTN SKI AREA CONCESS	.00	.00	100.00	100.00	.0
10-34-800000	EXPENSE REIMBURSEMENT	2,997.20	2,728.76	3,000.00	271.24	91.0
10-34-820000	ADMINISTRATIVE FEE	53,145.84	327,017.84	670,010.00	342,992.16	48.8
	TOTAL CHARGES FOR SERVICES	56,143.04	348,119.35	676,430.00	328,310.65	51.5
	<u>FINES AND FORFEITURES</u>					
10-35-110000	COURT FINES	800.00	1,525.00	2,000.00	475.00	76.3
10-35-140000	PENALTY ASSESSMENT FEES	775.00	3,771.00	7,000.00	3,229.00	53.9
	TOTAL FINES AND FORFEITURES	1,575.00	5,296.00	9,000.00	3,704.00	58.8
	<u>MISCELLANEOUS REVENUE</u>					
10-36-100000	INTEREST REVENUE	701.17	3,054.33	3,000.00	(54.33)	101.8
10-36-210000	ANESI PARK SHOWERS	2,500.00	2,500.00	.00	(2,500.00)	.0
10-36-301000	MEMORIAL PARK RENTAL FEE	.00	1,500.00	1,300.00	(200.00)	115.4
10-36-303000	KMRA SP. EVENT REVENUE	75.00	75.00	.00	(75.00)	.0
10-36-304000	KM COMMUNITY CENTER RENT	10,987.50	25,882.50	20,000.00	(5,882.50)	129.4
10-36-305000	SKI LIFT TICKETS	.00	32,245.37	40,000.00	7,754.63	80.6
10-36-320000	CELL TOWER LEASE	.00	.00	11,169.00	11,169.00	.0
10-36-370000	EQUIPMENT RENTAL	.00	1,160.00	5,000.00	3,840.00	23.2
10-36-380000	CHAIR RENTALS	.00	87.50	.00	(87.50)	.0
10-36-500000	KMRA DONATIONS	450.00	700.00	.00	(700.00)	.0
10-36-501000	COLUMBINE PARK RENTAL FEE	.00	395.00	.00	(395.00)	.0
10-36-720000	SPECIAL EVENT REVENUE	505.00	2,871.20	12,000.00	9,128.80	23.9
	TOTAL MISCELLANEOUS REVENUE	15,218.67	70,470.90	92,469.00	21,998.10	76.2
	<u>OTHER REVENUES</u>					
10-38-000000	OTHER REVENUES	.29	18,716.64	35,000.00	16,283.36	53.5
	TOTAL OTHER REVENUES	.29	18,716.64	35,000.00	16,283.36	53.5
	<u>CONTRIBUTIONS AND TRANSFERS</u>					
10-39-370000	PROCEEDS FROM CAPITAL LEASES	.00	41,250.00	.00	(41,250.00)	.0
	TOTAL CONTRIBUTIONS AND TRANSFERS	.00	41,250.00	.00	(41,250.00)	.0

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
TOTAL FUND REVENUE	277,852.29	1,665,854.19	3,624,825.00	1,958,970.81	46.0

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TOWN BOARD</u>						
10-41110-110	REGULAR EMPLOYEES	2,111.30	16,132.59	27,447.00	11,314.41	58.8
10-41110-220	SOCIAL SECURITY CONTRIBUTIONS	161.52	1,234.17	2,607.00	1,372.83	47.3
10-41110-250	UNEMPLOYMENT INSURANCE	4.22	57.61	82.00	24.39	70.3
10-41110-341	TRAINING	149.72	3,463.90	3,000.00	(463.90)	115.5
10-41110-580	TRAVEL	539.35	759.35	500.00	(259.35)	151.9
10-41110-590	ORGANIZATIONAL DUES	.00	1,156.00	1,058.00	(98.00)	109.3
10-41110-802	COMMUNITY CONTRIBUTIONS	.00	47,672.00	58,000.00	10,328.00	82.2
	TOTAL TOWN BOARD	2,966.11	70,475.62	92,694.00	22,218.38	76.0
<u>MUNICIPAL JUDGE</u>						
10-41210-110	REGULAR EMPLOYEES	690.56	5,179.20	8,977.00	3,797.80	57.7
10-41210-220	SOCIAL SECURITY CONTRIBUTIONS	52.84	396.30	615.00	218.70	64.4
10-41210-250	UNEMPLOYMENT INSURANCE	1.38	18.63	23.00	4.37	81.0
10-41210-590	ORGANIZATIONAL DUES	.00	.00	2,500.00	2,500.00	.0
10-41210-640	BOOKS & PERIODICALS	.00	.00	500.00	500.00	.0
	TOTAL MUNICIPAL JUDGE	744.78	5,594.13	12,615.00	7,020.87	44.4
<u>TOWN ADMINISTRATOR</u>						
10-41310-110	REGULAR EMPLOYEES	8,000.52	62,004.18	105,930.00	43,925.82	58.5
10-41310-211	HEALTH AND LIFE INSURANCE	949.12	6,622.84	10,662.00	4,039.16	62.1
10-41310-220	SOCIAL SECURITY CONTRIBUTIONS	608.56	4,653.11	10,033.00	5,379.89	46.4
10-41310-230	RETIREMENT CONTRIBUTIONS	240.02	1,920.15	3,169.00	1,248.85	60.6
10-41310-250	UNEMPLOYMENT INSURANCE	7.96	169.34	305.00	135.66	55.5
10-41310-260	WORKERS COMPENSATION	.00	.00	833.00	833.00	.0
10-41310-340	PROFESSIONAL SERVICES	.00	2,936.00	13,000.00	10,064.00	22.6
10-41310-341	TRAINING	.00	1,835.89	2,500.00	664.11	73.4
10-41310-531	POSTAGE	39.50	79.00	.00	(79.00)	.0
10-41310-580	TRAVEL	155.00	1,813.36	1,000.00	(813.36)	181.3
10-41310-590	ORGANIZATIONAL DUES	.00	.00	1,000.00	1,000.00	.0
10-41310-610	OFFICE SUPPLIES	.00	61.44	.00	(61.44)	.0
	TOTAL TOWN ADMINISTRATOR	10,000.68	82,095.31	148,432.00	66,336.69	55.3
<u>PARTNER ORGANIZATIONS</u>						
10-41330-800	PARTNERING	.00	30,664.00	35,000.00	4,336.00	87.6
10-41330-803	SAN JUAN REGIONAL PLAN COMM	.00	.00	500.00	500.00	.0
10-41330-807	SAN JUAN COUNTY 2000	.00	.00	10,000.00	10,000.00	.0
10-41330-809	REGION 9 EDD	.00	.00	1,664.00	1,664.00	.0
	TOTAL PARTNER ORGANIZATIONS	.00	30,664.00	47,164.00	16,500.00	65.0

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>TOWN CLERK-TREASURER</u>					
10-41350-110 REGULAR EMPLOYEES	11,977.22	68,524.58	62,000.00	(6,524.58)	110.5
10-41350-112 DEPUTY CLERK SALARY	.00	.00	44,720.00	44,720.00	.0
10-41350-130 OVERTIME/PAID COMP TIME	.00	149.63	3,000.00	2,850.37	5.0
10-41350-211 HEALTH AND LIFE INSURANCE	2,078.46	14,502.22	23,544.00	9,041.78	61.6
10-41350-220 SOCIAL SECURITY CONTRIBUTIONS	916.24	5,253.55	9,938.00	4,684.45	52.9
10-41350-230 RETIREMENT CONTRIBUTIONS	143.08	1,144.64	3,138.00	1,993.36	36.5
10-41350-250 UNEMPLOYMENT INSURANCE	16.24	212.92	313.00	100.08	68.0
10-41350-260 WORKERS COMPENSATION	.00	.00	1,666.00	1,666.00	.0
10-41350-340 PROFESSIONAL SERVICES- CPA	.00	32,190.00	40,000.00	7,810.00	80.5
10-41350-341 TRAINING	.00	400.00	2,000.00	1,600.00	20.0
10-41350-531 POSTAGE	(207.00)	.00	.00	.00	.0
10-41350-580 TRAVEL	.00	621.67	500.00	(121.67)	124.3
10-41350-590 ORGANIZATIONAL DUES	.00	.00	200.00	200.00	.0
10-41350-614 OPERATING SUPPLIES	.00	148.02	.00	(148.02)	.0
10-41350-800 OTHER	.00	.03	.00	(.03)	.0
TOTAL TOWN CLERK-TREASURER	14,924.24	123,147.26	191,019.00	67,871.74	64.5
<u>ELECTIONS</u>					
10-41400-340 TECH - ELECT JUDGES, ETC	.00	900.00	3,000.00	2,100.00	30.0
10-41400-531 POSTAGE	517.50	517.50	500.00	(17.50)	103.5
10-41400-550 PRINTING & BINDING	.00	980.05	1,751.00	770.95	56.0
10-41400-580 TRAVEL & MEALS	.00	.00	200.00	200.00	.0
TOTAL ELECTIONS	517.50	2,397.55	5,451.00	3,053.45	44.0
<u>FINANCIAL ADMINISTRATION</u>					
10-41500-332 SUPPORT AGREEMENT	551.00	4,500.00	7,000.00	2,500.00	64.3
10-41500-340 BANK CHARGES	1,095.94	5,756.12	11,000.00	5,243.88	52.3
10-41500-800 CASH OVER/SHORT	.00	(.98)	.00	.98	.0
TOTAL FINANCIAL ADMINISTRATION	1,646.94	10,255.14	18,000.00	7,744.86	57.0
<u>LEGAL SERVICES</u>					
10-41530-340 CONTRACT SERVICES-LEGAL	4,338.00	19,891.00	40,000.00	20,109.00	49.7
TOTAL LEGAL SERVICES	4,338.00	19,891.00	40,000.00	20,109.00	49.7

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>COMMUNITY DEVELOPMENT</u>					
10-41915-110 REGULAR EMPLOYEES	4,800.00	36,000.00	64,240.00	28,240.00	56.0
10-41915-115 PART TIME EMPLOYEES	4,800.00	34,575.90	62,400.00	27,824.10	55.4
10-41915-130 OVERTIME	.00	2,688.75	.00	(2,688.75)	.0
10-41915-211 HEALTH AND LIFE INSURANCE	2,081.50	14,030.12	23,544.00	9,513.88	59.6
10-41915-220 SOCIAL SECURITY CONTRIBUTIONS	734.40	5,604.75	11,894.00	6,289.25	47.1
10-41915-230 RETIREMENT CONTRIBUTIONS	144.00	1,152.00	3,739.00	2,587.00	30.8
10-41915-250 UNEMPLOYMENT INSURANCE	9.60	221.69	374.00	152.31	59.3
10-41915-260 WORKERS COMPENSATION - GEN GOV	.00	.00	1,666.00	1,666.00	.0
10-41915-330 PROFESSIONAL SERVICES	16,248.00	75,244.90	83,723.00	8,478.10	89.9
10-41915-341 TRAINING	.00	269.95	1,500.00	1,230.05	18.0
10-41915-342 SPECIAL PROJECT FUNDS	.00	223.74	.00	(223.74)	.0
10-41915-531 POSTAGE	.00	48.30	.00	(48.30)	.0
10-41915-540 ADVERTISING	.00	.00	3,000.00	3,000.00	.0
10-41915-550 PRINTING & BINDING	.00	.00	600.00	600.00	.0
10-41915-580 TRAVEL	.00	927.09	300.00	(627.09)	309.0
10-41915-640 BOOKS & PERIODICALS	.00	440.00	500.00	60.00	88.0
TOTAL COMMUNITY DEVELOPMENT	28,817.50	171,427.19	257,480.00	86,052.81	66.6
<u>GENERAL GOVT OPERATIONS</u>					
10-41940-310 TREASURERS FEES	1,145.72	7,156.54	6,236.00	(920.54)	114.8
10-41940-321 AUDIT SERVICES	.00	.00	9,800.00	9,800.00	.0
10-41940-330 ENGINEER SERVICES	.00	10,900.25	15,000.00	4,099.75	72.7
10-41940-331 SOFTWARE	362.19	1,246.60	.00	(1,246.60)	.0
10-41940-340 PROFESSIONAL SERVICES - IT & M	.00	13,309.27	20,000.00	6,690.73	66.6
10-41940-442 COPIER LEASE	266.11	4,553.24	7,000.00	2,446.76	65.1
10-41940-443 INTERNET - TOWN HALL	2,623.54	10,460.42	11,553.00	1,092.58	90.5
10-41940-520 INSURANCE - WC, PROP & LIA	.00	67,422.27	62,587.00	(4,835.27)	107.7
10-41940-521 INSURANCE-DEDUCTIBLE	.00	.00	1,000.00	1,000.00	.0
10-41940-531 POSTAGE	8.73	2,557.04	4,000.00	1,442.96	63.9
10-41940-532 TELEPHONE	1,594.72	8,400.09	7,359.00	(1,041.09)	114.2
10-41940-540 ADVERTISING	621.03	1,805.49	11,000.00	9,194.51	16.4
10-41940-610 OFFICE SUPPLIES	83.54	5,249.25	10,000.00	4,750.75	52.5
10-41940-614 OPERATING SUPPLIES	.00	1,202.24	.00	(1,202.24)	.0
10-41940-741 MACHINERY	.00	.00	2,000.00	2,000.00	.0
10-41940-743 FURNITURE & FIXTURES	(6,710.00)	59.84	2,000.00	1,940.16	3.0
10-41940-800 CITIZEN ENGAGEMENT	.00	1,800.00	2,000.00	200.00	90.0
TOTAL GENERAL GOVT OPERATIONS	(4.42)	136,122.54	171,535.00	35,412.46	79.4

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>VISTOR'S CENTER OPERATIONS</u>						
10-41942-420	CLEANING SERVICES	285.44	613.78	3,590.00	2,976.22	17.1
10-41942-423	CUSTODIAL	1,050.00	1,050.00	9,000.00	7,950.00	11.7
10-41942-430	REPAIRS & MAINTENANCE	.00	1,504.20	4,500.00	2,995.80	33.4
10-41942-614	OPERATING SUPPLIES	.00	4.72	.00	(4.72)	.0
10-41942-620	ELECTRICITY	407.00	1,471.00	3,000.00	1,529.00	49.0
10-41942-622	PROPANE	397.78	7,605.91	12,200.00	4,594.09	62.3
10-41942-801	CHAMBER CONTRACT	.00	15,000.00	45,000.00	30,000.00	33.3
TOTAL VISTOR'S CENTER OPERATIONS		2,140.22	27,249.61	77,290.00	50,040.39	35.3
<u>SENIOR CENTER</u>						
10-41943-304	GRANT EXPENDITURES SR CTR	.00	6,048.50	.00	(6,048.50)	.0
10-41943-443	INTERNET	50.00	250.00	.00	(250.00)	.0
10-41943-614	MODULAR OPERATING SUPPLIES	912.50	5,613.05	8,600.00	2,986.95	65.3
10-41943-620	MODULAR ELECTRICITY	(5,413.07)	4,113.29	1,500.00	(2,613.29)	274.2
10-41943-622	MODULAR PROPANE	225.27	2,162.76	2,800.00	637.24	77.2
TOTAL SENIOR CENTER		(4,225.30)	18,187.60	12,900.00	(5,287.60)	141.0
<u>TOWN HALL OPERATIONS</u>						
10-41944-345	TESTING & INSPECTIONS	115.00	1,732.75	4,000.00	2,267.25	43.3
10-41944-420	CLEANING SERVICES	587.40	1,175.07	3,000.00	1,824.93	39.2
10-41944-423	CUSTODIAL	(705.00)	6,000.00	6,500.00	500.00	92.3
10-41944-430	REPAIRS & MAINTENANCE	3,883.04	7,914.09	29,000.00	21,085.91	27.3
10-41944-610	GENERAL SUPPLIES	.00	418.25	.00	(418.25)	.0
10-41944-614	OPERATING SUPPLIES	11.04	2,445.83	500.00	(1,945.83)	489.2
10-41944-620	ELECTRICITY	338.00	1,010.00	2,244.00	1,234.00	45.0
10-41944-622	PROPANE	.00	8,236.23	14,800.00	6,563.77	55.7
10-41944-741	MACHINERY & EQUIPMENT	.00	702.19	1,000.00	297.81	70.2
10-41944-743	FURNITURE & FIXTURES	.00	900.00	2,000.00	1,100.00	45.0
TOTAL TOWN HALL OPERATIONS		4,229.48	30,534.41	63,044.00	32,509.59	48.4
<u>FEDERAL GRANT EXPENDITURES</u>						
10-41945-100	GRANTS	1,691.50	44,970.31	544,800.00	499,829.69	8.3
10-41945-104	2022 BROWNFIELDS GRANT	11,971.20	11,971.20	.00	(11,971.20)	.0
TOTAL FEDERAL GRANT EXPENDITURES		13,662.70	56,941.51	544,800.00	487,858.49	10.5

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>STATE GRANTS EXPENDITURES</u>					
10-41946-200	DOLA EIAF CODE REWRITE GRNT	.00	25,687.60	.00	(25,687.60)	.0
10-41946-206	2019 GOCO KMRA GRANT	.00	4,227.00	.00	(4,227.00)	.0
10-41946-210	2023 SJDA DOLA REDI GRANT	.00	3,500.50	.00	(3,500.50)	.0
10-41946-211	2023 COSIPA GRANT	.00	4,574.00	.00	(4,574.00)	.0
	TOTAL STATE GRANTS EXPENDITURES	.00	37,989.10	.00	(37,989.10)	.0
	<u>LAW ENFORCEMENT</u>					
10-42100-340	CONTRACT SERVICES	.00	166,546.98	309,271.00	142,724.02	53.9
	TOTAL LAW ENFORCEMENT	.00	166,546.98	309,271.00	142,724.02	53.9
	<u>FIRE DEPARTMENT</u>					
10-42200-340	CONTRACT SERVICES	13,687.50	41,062.50	54,750.00	13,687.50	75.0
	TOTAL FIRE DEPARTMENT	13,687.50	41,062.50	54,750.00	13,687.50	75.0
	<u>CARRIAGE HOUSE</u>					
10-42300-330	OTHER PROFESSIONAL-PHYSICIAN	.00	.00	400.00	400.00	.0
10-42300-345	TESTING & INSPECTIONS	.00	.00	350.00	350.00	.0
10-42300-430	REPAIRS & MAINTENANCE	1,035.42	4,803.77	3,000.00	(1,803.77)	160.1
10-42300-615	MAINTENANCE SUPPLIES	.00	1,358.48	1,000.00	(358.48)	135.9
10-42300-620	ELECTRICITY	(1,516.00)	2,250.00	3,300.00	1,050.00	68.2
10-42300-622	PROPANE	530.65	5,685.11	8,200.00	2,514.89	69.3
	TOTAL CARRIAGE HOUSE	50.07	14,097.36	16,250.00	2,152.64	86.8

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>BUILDING AND CODE OFFICER</u>					
10-42400-110	REGULAR EMPLOYEES	4,825.60	36,192.00	84,331.00	48,139.00	42.9
10-42400-115	PART-TIME/SEASONAL EMPLOYEES	3,010.00	11,340.00	.00	(11,340.00)	.0
10-42400-211	HEALTH AND LIFE INSURANCE	1,051.38	7,336.16	11,772.00	4,435.84	62.3
10-42400-220	SOCIAL SECURITY CONTRIBUTIONS	599.42	3,636.16	7,536.00	3,899.84	48.3
10-42400-230	RETIREMENT CONTRIBUTIONS	144.76	1,158.08	1,929.00	770.92	60.0
10-42400-250	UNEMPLOYMENT INSURANCE	10.85	135.34	238.00	102.66	56.9
10-42400-260	WORKERS COMPENSATION	.00	.00	833.00	833.00	.0
10-42400-341	TRAINING	.00	.00	2,500.00	2,500.00	.0
10-42400-580	TRAVEL	.00	5.25	1,000.00	994.75	.5
10-42400-590	ORGANIZATIONAL DUES	.00	.00	500.00	500.00	.0
10-42400-610	OFFICE SUPPLIES	6,710.00	6,877.12	.00	(6,877.12)	.0
10-42400-640	BOOKS & PERIODICALS	.00	.00	500.00	500.00	.0
	TOTAL BUILDING AND CODE OFFICER	16,352.01	66,680.11	111,139.00	44,458.89	60.0
	<u>PUBLIC WORKS PERSONNEL</u>					
10-43100-110	REGULAR EMPLOYEES	33,435.32	249,055.18	452,456.00	203,400.82	55.1
10-43100-130	OVERTIME	1,969.14	11,928.22	20,000.00	8,071.78	59.6
10-43100-211	HEALTH LIFE & DENTAL INSURANCE	6,868.56	40,284.94	78,456.00	38,171.06	51.4
10-43100-220	SOCIAL SECURITY CONTRIBUTIONS	2,702.84	19,923.36	44,408.00	24,484.64	44.9
10-43100-230	RETIREMENT	799.40	6,413.68	13,573.00	7,159.32	47.3
10-43100-250	UNEMPLOYMENT INSURANCE	35.95	926.73	1,357.00	430.27	68.3
10-43100-580	TRAVEL	.00	322.66	500.00	177.34	64.5
	TOTAL PUBLIC WORKS PERSONNEL	45,811.21	328,854.77	610,750.00	281,895.23	53.8

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STREET MAINTENANCE</u>					
10-43120-320 PROFESSIONAL	.00	.00	2,000.00	2,000.00	.0
10-43120-330 OTHER PROFESSIONAL	.00	345.00	20,000.00	19,655.00	1.7
10-43120-341 SAFETY & TRAINING	.00	249.00	500.00	251.00	49.8
10-43120-345 TESTING & INSPECTIONS	.00	3,919.03	1,200.00	(2,719.03)	326.6
10-43120-420 CLEANING SERVICES	1,009.96	2,019.92	3,800.00	1,780.08	53.2
10-43120-430 REPAIRS & MAINTENANCE	1,520.76	58,253.04	76,500.00	18,246.96	76.2
10-43120-442 RENTALS - EQUIPMENT & VEHICLES	.00	25,663.65	25,000.00	(663.65)	102.7
10-43120-521 INSURANCE-DEDUCTIBLE	.00	.00	1,000.00	1,000.00	.0
10-43120-580 TRAVEL & MEALS	.00	14.58	200.00	185.42	7.3
10-43120-611 DUST CONTROL	.00	41,400.00	38,000.00	(3,400.00)	109.0
10-43120-612 GRAVEL	.00	36,964.50	40,000.00	3,035.50	92.4
10-43120-613 SIGNS	.00	343.68	10,000.00	9,656.32	3.4
10-43120-614 OPERATING SUPPLIES	1,559.37	15,683.89	26,000.00	10,316.11	60.3
10-43120-615 MAINTENANCE SUPPLIES	36.69	36.69	.00	(36.69)	.0
10-43120-618 CLOTHING ALLOWANCE	648.44	1,394.52	1,250.00	(144.52)	111.6
10-43120-620 ELECTRICITY	4,499.00	8,243.00	13,506.00	5,263.00	61.0
10-43120-626 FUEL	.00	30,313.50	31,000.00	686.50	97.8
10-43120-741 MACHINERY & EQUIPMENT	.00	22,500.00	40,000.00	17,500.00	56.3
TOTAL STREET MAINTENANCE	9,274.22	247,344.00	329,956.00	82,612.00	75.0
<u>FACILITIES AND PARK ADMIN</u>					
10-45110-110 REGULAR EMPLOYEES	14,393.14	91,843.23	200,740.00	108,896.77	45.8
10-45110-115 PART-TIME/SEASONAL EMPLOYEES	874.50	22,151.07	37,000.00	14,848.93	59.9
10-45110-130 OVERTIME	372.06	4,378.01	4,000.00	(378.01)	109.5
10-45110-211 HEALTH AND LIFE INSURANCE	3,000.48	22,794.46	47,088.00	24,293.54	48.4
10-45110-220 SOCIAL SECURITY CONTRIBUTIONS	1,196.44	8,993.91	22,977.00	13,983.09	39.1
10-45110-230 RETIREMENT CONTRIBUTIONS	190.87	1,486.35	4,966.00	3,479.65	29.9
10-45110-250 UNEMPLOYMENT INSURANCE	25.66	386.87	726.00	339.13	53.3
10-45110-341 TRAINING	459.00	1,345.16	3,200.00	1,854.84	42.0
10-45110-344 JULY 4 VOLUNTEERS	.00	92.82	.00	(92.82)	.0
10-45110-614 OPERATING SUPPLIES	(192.21)	.00	.00	.00	.0
10-45110-801 RECREATION PROGRAMS	34.95	244.65	.00	(244.65)	.0
TOTAL FACILITIES AND PARK ADMIN	20,354.89	153,716.53	320,697.00	166,980.47	47.9

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
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GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PARK MAINTENANCE</u>					
10-45120-430 REPAIRS & MAINTENANCE	2,343.73	7,794.41	11,000.00	3,205.59	70.9
10-45120-531 POSTAGE	.00	24.20	.00	(24.20)	.0
10-45120-614 OPERATING SUPPLIES	3,664.11	7,794.28	15,000.00	7,205.72	52.0
10-45120-616 SUPPLIES JULY 4TH CAMPGROUND	.00	132.37	16,700.00	16,567.63	.8
10-45120-620 ELECTRICITY	345.00	474.26	10,000.00	9,525.74	4.7
10-45120-626 FUEL	.00	288.11	14,000.00	13,711.89	2.1
10-45120-701 COLUMBINE PARK	172.00	23,474.17	10,000.00	(13,474.17)	234.7
10-45120-730 CAPITAL IMPROVEMENT	.00	5,782.46	.00	(5,782.46)	.0
TOTAL PARK MAINTENANCE	6,524.84	45,764.26	76,700.00	30,935.74	59.7
<u>KENDALL MOUNTAIN PARK</u>					
10-45121-330 TECHNICAL SERVICES	.00	2,997.01	6,500.00	3,502.99	46.1
10-45121-340 SNOW GROOMING	.00	4,184.65	9,000.00	4,815.35	46.5
10-45121-345 TESTING & INSPECTIONS	.00	557.60	5,000.00	4,442.40	11.2
10-45121-423 CUSTODIAL	2,609.58	2,652.48	5,780.00	3,127.52	45.9
10-45121-430 REPAIRS & MAINTENANCE	2,559.45	8,449.36	12,000.00	3,550.64	70.4
10-45121-442 RENTALS	.00	792.69	2,500.00	1,707.31	31.7
10-45121-614 OPERATING SUPPLIES	.00	15,578.43	18,000.00	2,421.57	86.6
10-45121-620 ELECTRICITY	536.72	2,251.80	11,600.00	9,348.20	19.4
10-45121-622 PROPANE	769.33	8,320.48	11,000.00	2,679.52	75.6
10-45121-730 IMPROVEMENTS OTHER THAN BLDGS	.00	113,775.83	175,000.00	61,224.17	65.0
TOTAL KENDALL MOUNTAIN PARK	6,475.08	159,560.33	256,380.00	96,819.67	62.2
<u>COMMUNICATIONS & EVENTS</u>					
10-46100-110 REGULAR EMPLOYEES	.00	15,502.13	71,245.00	55,742.87	21.8
10-46100-211 HEALTH & LIFE INSURANCE	.00	2,070.26	11,772.00	9,701.74	17.6
10-46100-220 SOCIAL SECURITY CONTRIBUTIONS	.00	1,185.92	6,767.00	5,581.08	17.5
10-46100-230 RETIREMENT	.00	311.55	1,620.00	1,308.45	19.2
10-46100-250 UNEMPLOYMENT INSURANCE	.00	80.40	169.00	88.60	47.6
10-46100-340 PROFESSIONAL SERVICES	29.00	1,046.39	1,000.00	(46.39)	104.6
10-46100-341 TRAINING	.00	.00	2,000.00	2,000.00	.0
10-46100-347 ENTERTAINMENT/PERFORMERS	.00	10,375.00	11,600.00	1,225.00	89.4
10-46100-423 CUSTODIAL	207.01	207.01	7,000.00	6,792.99	3.0
10-46100-541 MARKETING	1,134.00	14,073.69	12,500.00	(1,573.69)	112.6
10-46100-580 TRAVEL	62.01	268.29	1,000.00	731.71	26.8
10-46100-614 OPERATING SUPPLIES	418.77	2,985.72	7,000.00	4,014.28	42.7
10-46100-621 REPLACEABLE FURNITURE	.00	.00	1,200.00	1,200.00	.0
10-46100-801 FIREWORKS	.00	4,650.00	9,000.00	4,350.00	51.7
TOTAL COMMUNICATIONS & EVENTS	1,850.79	52,756.36	143,873.00	91,116.64	36.7

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CONTRIB TO FUTURE CAP OUTLAY</u>					
10-46500-850	CONTRIB TO FUTURE CAP OUTLAY	.00	.00	25,000.00	25,000.00	.0
	TOTAL CONTRIB TO FUTURE CAP OUTLAY	.00	.00	25,000.00	25,000.00	.0
	<u>LONG TERM DEBT PAYMENTS</u>					
10-47110-746	CATERPILLAR LEASES	1,085.59	7,672.09	90,229.00	82,556.91	8.5
10-47110-747	GENIE BOOM LIFT LEASE	.00	.00	13,027.00	13,027.00	.0
10-47110-751	PRINOTH SNOW GROOMER	950.00	6,650.00	11,400.00	4,750.00	58.3
10-47110-752	TOWN VEHICLE	.00	1,708.88	.00	(1,708.88)	.0
10-47110-754	COLUMBINE PARK LEASE	.00	13,897.65	95,622.00	81,724.35	14.5
10-47110-755	2006 DUMP TRUCK	.00	35,412.50	.00	(35,412.50)	.0
	TOTAL LONG TERM DEBT PAYMENTS	2,035.59	65,341.12	210,278.00	144,936.88	31.1
	<u>OPERATING TRANSFERS OUT</u>					
10-49110-960	TRANSFER TO REFUSE FUND	.00	53,050.00	106,100.00	53,050.00	50.0
10-49110-980	TRANSFER TO LIBRARY FUND	.00	65,000.00	130,000.00	65,000.00	50.0
	TOTAL OPERATING TRANSFERS OUT	.00	118,050.00	236,100.00	118,050.00	50.0
	TOTAL FUND EXPENDITURES	202,174.63	2,282,746.29	4,383,568.00	2,100,821.71	52.1
	NET REVENUE OVER EXPENDITURES	75,677.66	(616,892.10)	(758,743.00)	(141,850.90)	(81.3)

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

LIBRARY FUND

ASSETS

11-10100000	CASH-POOLED	6,856.39	
	TOTAL ASSETS		6,856.39

LIABILITIES AND EQUITY

FUND EQUITY

11-27300000	FUND BAL RESERVED - LIBRARY	7,753.00	
11-27500000	COMMITTED TO FUTURE CAP OUTLAY	1,500.00	
	UNAPPROPRIATED FUND BALANCE:		
11-27900000	FUND BALANCE UNRESERVED	3,091.34	
	REVENUE OVER EXPENDITURES - YTD	(5,487.95)	
	BALANCE - CURRENT DATE	(2,396.61)	
	TOTAL FUND EQUITY		6,856.39
	TOTAL LIABILITIES AND EQUITY		6,856.39

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

LIBRARY FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>INTERGOVERNMENTAL REVENUES</u>					
11-33-132100	FEDERAL GRANT - USAC (UNIVRSL	.00	.00	7,018.00	7,018.00	.0
11-33-410010	GRANT REVENUE-2024 SCHOOL GRAN	.00	5,000.00	.00	(5,000.00)	.0
11-33-493000	STATE GRANTS-LIBRARY	5,500.00	10,163.20	9,000.00	(1,163.20)	112.9
	TOTAL INTERGOVERNMENTAL REVENUES	5,500.00	15,163.20	16,018.00	854.80	94.7
	<u>MISCELLANEOUS REVENUE</u>					
11-36-500000	CONTRIBUTIONS	.00	.00	500.00	500.00	.0
	TOTAL MISCELLANEOUS REVENUE	.00	.00	500.00	500.00	.0
	<u>TRANSFERS</u>					
11-39-110000	TRANSFERS IN - GENERAL FUND	.00	65,000.00	130,000.00	65,000.00	50.0
	TOTAL TRANSFERS	.00	65,000.00	130,000.00	65,000.00	50.0
	TOTAL FUND REVENUE	5,500.00	80,163.20	146,518.00	66,354.80	54.7

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

LIBRARY FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LIBRARY</u>					
11-45500-110 REGULAR EMPLOYEES	5,853.56	42,145.96	64,480.00	22,334.04	65.4
11-45500-115 PART-TIME/SEASONAL EMPLOYEES	1,221.36	9,785.98	22,776.00	12,990.02	43.0
11-45500-211 HEALTH AND LIFE INSURANCE	135.20	946.40	1,500.00	553.60	63.1
11-45500-220 SOCIAL SECURITY CONTRIBUTIONS	541.23	3,972.77	8,090.00	4,117.23	49.1
11-45500-230 RETIREMENT CONTRIBUTIONS	148.80	1,190.40	1,888.00	697.60	63.1
11-45500-250 UNEMPLOYMENT INSURANCE	9.19	162.89	255.00	92.11	63.9
11-45500-260 WORKERS COMPENSATION	.00	.00	833.00	833.00	.0
11-45500-321 AUTOMATION	.00	.00	1,950.00	1,950.00	.0
11-45500-341 TRAINING	.00	1,887.71	2,000.00	112.29	94.4
11-45500-420 CLEANING SERVICES	120.24	240.48	.00	(240.48)	.0
11-45500-423 CUSTODIAL	.00	1,295.00	2,000.00	705.00	64.8
11-45500-430 REPAIRS & MAINTENANCE	437.50	986.45	3,000.00	2,013.55	32.9
11-45500-441 PO BOX RENTAL	.00	264.00	252.00	(12.00)	104.8
11-45500-442 RICOH COPIER LEASE	.00	.00	1,700.00	1,700.00	.0
11-45500-443 INTERNET DSL	310.87	2,469.28	2,900.00	430.72	85.2
11-45500-531 POSTAGE	.00	.00	100.00	100.00	.0
11-45500-532 TELEPHONE	.00	366.98	1,200.00	833.02	30.6
11-45500-540 ADVERTISING	390.00	1,327.57	2,000.00	672.43	66.4
11-45500-580 TRAVEL & MEALS	.00	796.77	3,000.00	2,203.23	26.6
11-45500-590 ORGANIZATIONAL DUES	.00	75.00	1,000.00	925.00	7.5
11-45500-610 GENERAL & OFFICE SUPPLIES	3,519.85	5,656.74	5,000.00	(656.74)	113.1
11-45500-614 PROGRAMS	164.33	1,801.15	3,000.00	1,198.85	60.0
11-45500-620 ELECTRICITY	186.00	689.00	1,500.00	811.00	45.9
11-45500-624 HEATING OIL	.00	3,353.39	8,000.00	4,646.61	41.9
11-45500-641 COLLECTION	424.37	3,237.23	8,000.00	4,762.77	40.5
11-45500-651 2023 STATE GRNT-GROWING READER	.00	3,000.00	.00	(3,000.00)	.0
TOTAL LIBRARY	13,462.50	85,651.15	146,424.00	60,772.85	58.5
TOTAL FUND EXPENDITURES	13,462.50	85,651.15	146,424.00	60,772.85	58.5
NET REVENUE OVER EXPENDITURES	(7,962.50)	(5,487.95)	94.00	5,581.95	(5838.

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

CONSERVATION TRUST (PARKS)

ASSETS

20-10100000	CASH - POOLED	(5,500.00)	
20-10310000	CTF INVESTMENTS - BSJ		82,507.75	
	TOTAL ASSETS			77,007.75

LIABILITIES AND EQUITY

FUND EQUITY

	UNAPPROPRIATED FUND BALANCE:			
20-27900000	FUND BALANCE UNRESERVED	72,270.98		
	REVENUE OVER EXPENDITURES - YTD	4,736.77		
	BALANCE - CURRENT DATE		77,007.75	
	TOTAL FUND EQUITY			77,007.75
	TOTAL LIABILITIES AND EQUITY			77,007.75

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CONSERVATION TRUST (PARKS)

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>INTERGOVERNMENTAL REVENUE</u>					
20-33-780000	LOTTERY FUNDS	.00	4,736.77	7,156.00	2,419.23	66.2
	TOTAL INTERGOVERNMENTAL REVENUE	.00	4,736.77	7,156.00	2,419.23	66.2
	<u>MISCELLANEOUS REVENUE</u>					
20-36-100000	INTEREST REVENUE	.00	.00	21.00	21.00	.0
	TOTAL MISCELLANEOUS REVENUE	.00	.00	21.00	21.00	.0
	TOTAL FUND REVENUE	.00	4,736.77	7,177.00	2,440.23	66.0

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CONSERVATION TRUST (PARKS)

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>PARKS ADMINISTRATION & MTCE</u>					
20-45120-730	IMPROVEMENTS OTHER THAN BLDGS	.00	.00	29,667.00	29,667.00	.0
	TOTAL PARKS ADMINISTRATION & MTCE	.00	.00	29,667.00	29,667.00	.0
	TOTAL FUND EXPENDITURES	.00	.00	29,667.00	29,667.00	.0
	NET REVENUE OVER EXPENDITURES	.00	4,736.77	(22,490.00)	(27,226.77)	21.1

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

MOLAS LAKE PARK FUND

ASSETS

21-10100000	CASH - POOLED	411,348.24	
	TOTAL ASSETS		411,348.24

LIABILITIES AND EQUITY

FUND EQUITY

21-27500000	COMMITTED TO FUTURE CAP OUTLAY	30,000.00	
	UNAPPROPRIATED FUND BALANCE:		
21-27900000	FUND BALANCE UNRESERVED	284,077.37	
	REVENUE OVER EXPENDITURES - YTD	97,270.87	
	BALANCE - CURRENT DATE	381,348.24	
	TOTAL FUND EQUITY		411,348.24
	TOTAL LIABILITIES AND EQUITY		411,348.24

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

MOLAS LAKE PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>USER FEES</u>					
21-34-741100	CAMPGROUND RESERVATIONS ONLINE	20,060.75	155,285.57	200,000.00	44,714.43	77.6
21-34-743000	DOG SLED TOURS	.00	.00	500.00	500.00	.0
	TOTAL USER FEES	20,060.75	155,285.57	200,500.00	45,214.43	77.5
	TOTAL FUND REVENUE	20,060.75	155,285.57	200,500.00	45,214.43	77.5

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

MOLAS LAKE PARK FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MOLAS LAKE PARK</u>					
21-45220-330 OTHER PROFESSIONAL SERVICES	(13,877.44)	9,480.30	6,181.00	(3,299.30)	153.4
21-45220-340 MANAGEMENT SERVICES	11,680.00	25,951.18	53,250.00	27,298.82	48.7
21-45220-341 CREDIT CARD FEES	120.30	595.44	700.00	104.56	85.1
21-45220-350 ADMINISTRATIVE FEE	.00	.00	72,531.00	72,531.00	.0
21-45220-410 OPERATING EXPENSES	120.00	6,517.34	45,000.00	38,482.66	14.5
21-45220-430 REPAIRS & MAINTENANCE	13,877.44	13,877.44	15,000.00	1,122.56	92.5
21-45220-520 INSURANCE	.00	.00	341.00	341.00	.0
21-45220-540 ADVERTISING	.00	.00	500.00	500.00	.0
21-45220-610 SUPPLIES	120.00	120.00	5,000.00	4,880.00	2.4
21-45220-620 ELECTRICITY	.00	1,473.00	1,000.00	(473.00)	147.3
TOTAL MOLAS LAKE PARK	12,040.30	58,014.70	199,503.00	141,488.30	29.1
TOTAL FUND EXPENDITURES	12,040.30	58,014.70	199,503.00	141,488.30	29.1
NET REVENUE OVER EXPENDITURES	8,020.45	97,270.87	997.00	(96,273.87)	9756.4

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

CEMETERY FUND

ASSETS

22-10100000	CASH - POOLED	57,259.44	
	TOTAL ASSETS		57,259.44

LIABILITIES AND EQUITY

FUND EQUITY

	UNAPPROPRIATED FUND BALANCE:		
22-27900000	FUND BALANCE UNRESERVED	54,609.44	
	REVENUE OVER EXPENDITURES - YTD	2,650.00	
	BALANCE - CURRENT DATE	57,259.44	
	TOTAL FUND EQUITY		57,259.44
	TOTAL LIABILITIES AND EQUITY		57,259.44

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CEMETERY FUND

		<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
	<u>MISCELLANEOUS REVENUE</u>					
22-36-510000	CEMETERY SITE FEES	<u>1,100.00</u>	<u>2,650.00</u>	<u>5,000.00</u>	<u>2,350.00</u>	<u>53.0</u>
	TOTAL MISCELLANEOUS REVENUE	<u>1,100.00</u>	<u>2,650.00</u>	<u>5,000.00</u>	<u>2,350.00</u>	<u>53.0</u>
	TOTAL FUND REVENUE	<u>1,100.00</u>	<u>2,650.00</u>	<u>5,000.00</u>	<u>2,350.00</u>	<u>53.0</u>

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CEMETERY FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>HILLSIDE CEMETERY</u>					
22-44190-614	OPERATING SUPPLIES	.00	.00	20,000.00	20,000.00	.0
	TOTAL HILLSIDE CEMETERY	.00	.00	20,000.00	20,000.00	.0
	TOTAL FUND EXPENDITURES	.00	.00	20,000.00	20,000.00	.0
	NET REVENUE OVER EXPENDITURES	1,100.00	2,650.00	(15,000.00)	(17,650.00)	17.7

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

WATER FUND

ASSETS

51-10100000	CASH - POOLED	65,047.73	
51-11500000	ACCOUNTS RECEIVABLE	98,355.15	
51-14100000	INVENTORIES - MATERIAL & SUPPL	112,855.18	
51-16200000	BUILDINGS	222,775.00	
51-16300000	IMPROVEMENTS OTHER THAN BLDGS	2,167,227.21	
51-16310000	ACCUMULATED DEPRECIATION-OTHER	(1,381,912.43)	
51-16400000	MACHINERY & EQUIPMENT	253,060.99	
51-16410000	ACCUMULATED DEPRECIATION-MACH	(152,854.00)	
TOTAL ASSETS			1,384,554.83

LIABILITIES AND EQUITY

LIABILITIES

51-22550000	CWRPDA #18F390 LOAN PAYABLE	212,189.95	
TOTAL LIABILITIES			212,189.95

FUND EQUITY

51-27500000	COMMITTED TO FUTURE CAP OUTLAY	323,276.33	
UNAPPROPRIATED FUND BALANCE:			
51-27900000	RETAINED EARNINGS	864,352.91	
	REVENUE OVER EXPENDITURES - YTD	(15,264.36)	
BALANCE - CURRENT DATE		849,088.55	
TOTAL FUND EQUITY			1,172,364.88
TOTAL LIABILITIES AND EQUITY			1,384,554.83

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>GRANT REVENUES</u>					
51-33-430400	GRANTS	.00	.00	112,000.00	112,000.00	.0
	TOTAL GRANT REVENUES	.00	.00	112,000.00	112,000.00	.0
	<u>CHARGES FOR SERVICES</u>					
51-34-410000	WATER FEES	(1,282.68)	186,455.90	339,753.00	153,297.10	54.9
51-34-411000	WATER TAP CONNECTION FEES	.00	.00	34,672.00	34,672.00	.0
51-34-412000	PLANT INVESTMENT FEES	.00	4,741.00	51,161.00	46,420.00	9.3
51-34-413000	OPERATING ASSESSMENT	.00	52,580.86	107,487.00	54,906.14	48.9
	TOTAL CHARGES FOR SERVICES	(1,282.68)	243,777.76	533,073.00	289,295.24	45.7
	<u>OTHER REVENUES</u>					
51-38-000000	OTHER REVENUES	.00	40.00	200.00	160.00	20.0
51-38-100000	WATER DISPENSER REVENUE	1,152.68	1,444.21	3,000.00	1,555.79	48.1
51-38-150000	BACKFLOW TESTING	.00	6,266.00	.00	(6,266.00)	.0
	TOTAL OTHER REVENUES	1,152.68	7,750.21	3,200.00	(4,550.21)	242.2
	TOTAL FUND REVENUE	(130.00)	251,527.97	648,273.00	396,745.03	38.8

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>FIRE HYDRANT REPAIR SERVICES</u>					
51-42260-730	FIRE HYDRANTS	.00	.00	15,000.00	15,000.00	.0
	TOTAL FIRE HYDRANT REPAIR SERVICES	.00	.00	15,000.00	15,000.00	.0
	<u>DISTRIBUTION (INCL TANK)</u>					
51-43310-340	TECHNICAL	.00	.00	2,500.00	2,500.00	.0
51-43310-430	REPAIRS & MAINTENANCE	2,680.00	13,477.71	20,000.00	6,522.29	67.4
51-43310-612	GRAVEL	.00	6,763.75	7,000.00	236.25	96.6
51-43310-614	OPERATING SUPPLIES	5,202.85	7,131.68	12,000.00	4,868.32	59.4
51-43310-616	WATER METERS	.00	731.28	5,000.00	4,268.72	14.6
51-43310-730	IMPROVEMENTS OTHER THAN BLDGS	.00	.00	112,000.00	112,000.00	.0
	TOTAL DISTRIBUTION (INCL TANK)	7,882.85	28,104.42	158,500.00	130,395.58	17.7
	<u>TREATMENT</u>					
51-43320-345	TESTING & INSPECTIONS	348.00	3,424.00	5,714.00	2,290.00	59.9
51-43320-346	PERMITS	.00	.00	4,431.00	4,431.00	.0
51-43320-430	REPAIRS & MAINTENANCE	.00	3,843.81	10,000.00	6,156.19	38.4
51-43320-614	OPERATING SUPPLIES	1,332.03	4,984.56	10,000.00	5,015.44	49.9
51-43320-620	ELECTRICITY	664.00	2,345.00	4,500.00	2,155.00	52.1
51-43320-622	PROPANE	768.51	4,059.86	7,770.00	3,710.14	52.3
	TOTAL TREATMENT	3,112.54	18,657.23	42,415.00	23,757.77	44.0
	<u>SOURCE/SUPPLY & TRANSMISSION</u>					
51-43330-430	REPAIRS & MAINTENANCE	.00	.00	10,000.00	10,000.00	.0
51-43330-730	IMPROVEMENTS OTHER THAN BLDGS	.00	250.00	15,000.00	14,750.00	1.7
	TOTAL SOURCE/SUPPLY & TRANSMISSION	.00	250.00	25,000.00	24,750.00	1.0
	<u>GRANT EXPENDITURES</u>					
51-43331-400	GRANTS	.00	.00	112,000.00	112,000.00	.0
	TOTAL GRANT EXPENDITURES	.00	.00	112,000.00	112,000.00	.0

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
51-43340-340 TECHNICAL	2,631.00	3,975.32	7,500.00	3,524.68	53.0
51-43340-341 TRAINING	.00	980.00	2,000.00	1,020.00	49.0
51-43340-342 LEGAL FEES	.00	.00	1,000.00	1,000.00	.0
51-43340-350 ADMINISTRATIVE FEE	29,780.50	208,463.50	357,366.00	148,902.50	58.3
51-43340-580 TRAVEL & MEALS	.00	1,557.09	1,000.00	(557.09)	155.7
51-43340-590 ORGANIZATIONAL DUES	.00	500.00	325.00	(175.00)	153.9
51-43340-626 FUEL	.00	60.97	6,500.00	6,439.03	.9
TOTAL ADMINISTRATION	32,411.50	215,536.88	375,691.00	160,154.12	57.4
<u>DEBT INTEREST</u>					
51-47220-723 CWPDA SRF LOAN DEBT PRINCIPAL	.00	4,243.80	8,488.00	4,244.20	50.0
TOTAL DEBT INTEREST	.00	4,243.80	8,488.00	4,244.20	50.0
<u>GLTD LEASE</u>					
51-47310-722 CWPDA SRF LOAN	.00	.00	8,575.00	8,575.00	.0
TOTAL GLTD LEASE	.00	.00	8,575.00	8,575.00	.0
TOTAL FUND EXPENDITURES	43,406.89	266,792.33	745,669.00	478,876.67	35.8
NET REVENUE OVER EXPENDITURES	(43,536.89)	(15,264.36)	(97,396.00)	(82,131.64)	(15.7)

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

SEWER FUND

ASSETS

52-10100000	CASH - POOLED	85,913.64	
52-11500000	ACCOUNTS RECEIVABLE	63,576.79	
52-14100000	INVENTORIES - MATERIAL & SUPPL	6,985.20	
52-16100000	LAND	670.10	
52-16300000	IMPROVEMENTS OTHER THAN BLDGS	1,114,534.66	
52-16310000	ACCUMULATED DEPRECIATION-OTHER	(836,799.00)	
52-16400000	MACHINERY & EQUIPMENT	224,294.00	
52-16410000	ACCUMULATED DEPRECIATION-MACH	(120,386.00)	
TOTAL ASSETS			538,789.39

LIABILITIES AND EQUITY

FUND EQUITY

52-27500000	COMMITTED TO FUTURE CAP OUTLAY	66,343.41	
UNAPPROPRIATED FUND BALANCE:			
52-27900000	RETAINED EARNINGS	484,703.28	
	REVENUE OVER EXPENDITURES - YTD	(12,257.30)	
BALANCE - CURRENT DATE		472,445.98	
TOTAL FUND EQUITY			538,789.39
TOTAL LIABILITIES AND EQUITY			538,789.39

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>GRANT REVENUE</u>					
52-33-430402	GRANT REVENUE	.00	.00	75,000.00	75,000.00	.0
	TOTAL GRANT REVENUE	.00	.00	75,000.00	75,000.00	.0
	<u>CHARGES FOR SERVICES</u>					
52-34-420000	SEWER FEES	(123.52)	131,629.40	265,531.00	133,901.60	49.6
52-34-421000	SEWER TAP CONNECTION FEES	.00	.00	31,520.00	31,520.00	.0
52-34-422000	PLANT INVESTMENT FEES	.00	.00	27,740.00	27,740.00	.0
52-34-423000	COMMITTED FOR FUTURE CAP ACQ	.00	10,249.42	20,779.00	10,529.58	49.3
	TOTAL CHARGES FOR SERVICES	(123.52)	141,878.82	345,570.00	203,691.18	41.1
	TOTAL FUND REVENUE	(123.52)	141,878.82	420,570.00	278,691.18	33.7

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>GRANT EXPENDITURES</u>					
52-43200-750 GRANTS--TREATMENT PLANT	3,315.00	3,815.00	70,000.00	66,185.00	5.5
TOTAL GRANT EXPENDITURES	3,315.00	3,815.00	70,000.00	66,185.00	5.5
<u>SANITARY SEWER MAINTENANCE</u>					
52-43252-430 REPAIRS & MAINTENANCE	227.37	5,078.07	9,596.00	4,517.93	52.9
52-43252-612 GRAVEL	.00	7,221.75	7,120.00	(101.75)	101.4
52-43252-614 OPERATING SUPPLIES	.00	222.97	.00	(222.97)	.0
TOTAL SANITARY SEWER MAINTENANCE	227.37	12,522.79	16,716.00	4,193.21	74.9
<u>TREATMENT PLANT</u>					
52-43256-330 ENGINEERING	.00	8,227.07	13,900.00	5,672.93	59.2
52-43256-345 TESTING & INSPECTIONS	497.60	3,422.10	5,000.00	1,577.90	68.4
52-43256-346 PERMITS	.00	.00	1,593.00	1,593.00	.0
52-43256-430 REPAIRS & MAINTENANCE	.00	280.67	8,900.00	8,619.33	3.2
52-43256-614 OPERATING SUPPLIES	.00	926.63	6,399.00	5,472.37	14.5
52-43256-620 ELECTRICITY	6,253.00	15,987.00	45,000.00	29,013.00	35.5
52-43256-622 PROPANE	331.53	371.53	1,500.00	1,128.47	24.8
TOTAL TREATMENT PLANT	7,082.13	29,215.00	82,292.00	53,077.00	35.5
<u>SEWER ADMINISTRATION</u>					
52-43257-340 TECHNICAL	2,495.43	3,316.16	2,000.00	(1,316.16)	165.8
52-43257-341 TRAINING	.00	255.00	1,000.00	745.00	25.5
52-43257-350 ADMINISTRATIVE FEE	21,392.17	104,742.17	211,703.00	106,960.83	49.5
52-43257-580 TRAVEL & MEALS	.00	270.00	500.00	230.00	54.0
52-43257-626 FUEL	.00	.00	6,000.00	6,000.00	.0
TOTAL SEWER ADMINISTRATION	23,887.60	108,583.33	221,203.00	112,619.67	49.1
TOTAL FUND EXPENDITURES	34,512.10	154,136.12	390,211.00	236,074.88	39.5
NET REVENUE OVER EXPENDITURES	(34,635.62)	(12,257.30)	30,359.00	42,616.30	(40.4)

TOWN OF SILVERTON
BALANCE SHEET
JULY 31, 2024

REFUSE FUND

ASSETS

53-10100000	CASH - POOLED	(83,499.82)	
53-11500000	ACCOUNTS RECEIVABLE		57,449.99	
53-16400000	MACHINERY & EQUIPMENT		17,638.00	
53-16410000	ACCUMULATED DEPR - MACH/EQUIP	(17,638.00)	
TOTAL ASSETS				(26,049.83)

LIABILITIES AND EQUITY

FUND EQUITY

UNAPPROPRIATED FUND BALANCE:				
53-27900000	RETAINED EARNINGS	(32,499.27)	
	REVENUE OVER EXPENDITURES - YTD		6,449.44	
BALANCE - CURRENT DATE				(26,049.83)
TOTAL FUND EQUITY				(26,049.83)
TOTAL LIABILITIES AND EQUITY				(26,049.83)

TOWN OF SILVERTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

REFUSE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>CHARGES FOR SERVICES</u>					
53-34-430000	REFUSE FEES	(3,858.03)	113,819.00	210,979.00	97,160.00	54.0
	TOTAL CHARGES FOR SERVICES	(3,858.03)	113,819.00	210,979.00	97,160.00	54.0
	<u>OTHER REVENUES</u>					
53-38-000000	BEAR AWARE DONATIONS	.00	15.00	6,000.00	5,985.00	.3
	TOTAL OTHER REVENUES	.00	15.00	6,000.00	5,985.00	.3
	<u>CONTRIBUTIONS AND TRANSFERS</u>					
53-39-110000	TRANSFERS IN FROM GENERAL FUND	.00	53,050.00	106,000.00	52,950.00	50.1
	TOTAL CONTRIBUTIONS AND TRANSFERS	.00	53,050.00	106,000.00	52,950.00	50.1
	TOTAL FUND REVENUE	(3,858.03)	166,884.00	322,979.00	156,095.00	51.7

TOWN OF SILVERTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

REFUSE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>SANITATION</u>					
53-43200-330	PROF SERVICES	851.68	2,372.36	2,000.00	(372.36)	118.6
53-43200-340	CONTRACT SERVICES	28,624.43	144,250.03	275,643.00	131,392.97	52.3
53-43200-350	ADMINISTRATIVE FEE	1,973.17	13,812.17	23,678.00	9,865.83	58.3
	TOTAL SANITATION	31,449.28	160,434.56	301,321.00	140,886.44	53.2
	TOTAL FUND EXPENDITURES	31,449.28	160,434.56	301,321.00	140,886.44	53.2
	NET REVENUE OVER EXPENDITURES	(35,307.31)	6,449.44	21,658.00	15,208.56	29.8



AGENDA MEMO

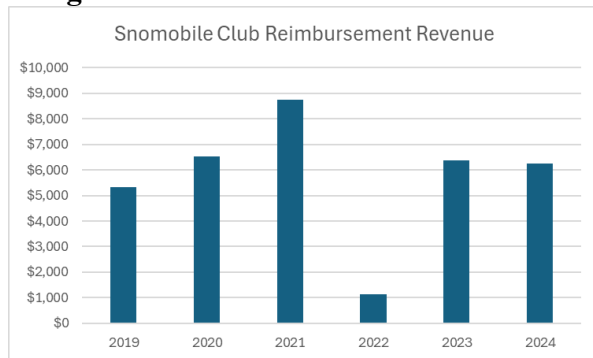
SUBJECT: Snowmobile Club MOU renewal
STAFF CONTACT: Gloria Kaasch-Buerger
MEETING DATE: September 9, 2024

Overview:

The Silverton Snowmobile Club operates two snowcat and grooms over 100 miles of snowmobile, cross country and multiple use trails located on USFS, BLM, and San Juan County land surrounding our isolated town. Each year, the snowmobile club receives a grant to cover the fuel expenses for this service, this is all facilitated by Jim Lokey. The town and the Snowmobile Club grooms up at Molas and the Town grooms in town.

The following MOU is the same as years previous with updated language for 2024-2025.

Budget:



Master Plan:

Strengthen our Local Economy: Strategy A: Expand Winter and Shoulder Season to Enhance Year-Round Economy
Action Item 2

Attachments:

- Contract with Exhibits

Motion or Direction:

Included in the consent agenda

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE SNOWMOBILE CLUB AND THE TOWN OF SILVERTON
REGARDING WINTER TRAIL GROOMING SERVICES, TOWN OF SILVERTON**

This Memorandum of Understanding entered into this 9th day of September, 2024, between the Town of Silverton, Colorado, a body politic and corporate, hereinafter “Town,” and Silverton Snowmobile Club, hereinafter the “Snowmobile Club,” shall cover the provisions of snow grooming services provided by The Town of Silverton to the Snowmobile Club as set forth in the terms and conditions herein.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, CONDITIONS, AND OBLIGATIONS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

1. WINTER TRAIL GROOMING

The Snowmobile Club and the Town of Silverton have agreed to groom the trails as mapped and delineated in EXHIBIT A.

2. TERM OF MOU

The term of this MOU shall commence on November 15, 2024, and shall continue in effect until April 15, 2025. Annual renewal will be considered if mutual consent is reached between the Town and the Snowmobile Club.

3. SNOWMOBILE CLUB DUTIES AND OBLIGATIONS

- a. The Snowmobile Club will apply for a grant through the Colorado State Parks & Wildlife for the grooming of 104 miles in both the Town and San Juan County.
- b. The Snowmobile Club will compile the invoices from the Town and the Snowmobile Club and submit to the State of Colorado and facilitate reimbursements based off the number of miles groomed.
- c. The Snowmobile Club will be allowed the use of the Molas Lake Campground facilities for winter use including staging, storage and search and rescue.
- d. The Snowmobile Club will be allowed access to the use of the Town’s Star Link at Molas Lake Campground in the winter months.
- e. The Snowmobile Club will groom and maintain the Molas Lake Campground parking lot for recreation use in the winter months.

4. TOWN DUTIES AND OBLIGATIONS

- a. Grooming in Town and San Juan County will begin after a depth of 24” or more is accumulated.
- b. Town staff will facilitate the winter grooming in town limits and in San Juan County on the River Road including the NW side from Howardsville to Eureka, Deer Park, Lackawanna, Aspen Town, Lower Cunningham, Old 100 Road and Arrastra roads and trails after storms with accumulation of 8-12” or more.
- c. The Town will reimburse the Snowmobile Club for the grooming services if the total exceeds the amount of the granted funds.

5. COMPENSATION FOR SERVICES

The Snowmobile Club will prepare invoices prior to the 1st of each month to the Town for services provided outside Town Limits (see 4b of this agreement) and facilitate reimbursement by the State of Colorado Parks. The Snowmobile Club will provide payment to the Town in the amount of \$125 per hour for five (5) months when winter trail grooming service is necessary (November – April, approximately five months) or until funds are exhausted.

6. GENERAL TERMS AND CONDITIONS

a. INDEMNITY AND INSURANCE

Snowmobile Club shall at all times indemnify Town for, defend Town against, and save Town harmless from any liability, loss, cost, injury, damage, claims and demands or other expense or risk whatsoever that may occur or be claimed by or with respect to any person(s) or property on or about the Town's property and resulting directly or indirectly from the use, misuse, occupancy, possession or unoccupancy of the Town's property by Snowmobile Club or any concessionaires, subtenants or other persons claiming through or under Snowmobile Club, or their respective agents, employees, licensees, invitees, guests or other such persons, or from the condition of the Town's property. Except for the willful misconduct of Town or Town's employees, agents or contractors, Town shall not in any, event whatsoever be liable for any injury or damage to the Town's property used by the Snowmobile Club, and Snowmobile Club shall not make any claim or demand upon or institute any action against the Town as a result of such injury or damage. The Snowmobile Club agrees to procure and maintain, at its own cost, a policy or policies of insurance protecting against injury, damage or loss occurring on the Town's property in the amount of \$1,195,000 for bodily injury, death, or damage to property per occurrence, or the maximum amount that may be recovered under the Colorado Governmental Immunity Act, § 24-10-101 *et seq.*, C.R.S., as from time to time amended (the "CGIA"), whichever is higher. Such policy or policies shall name the Town as an "additional insured." Snowmobile Club shall provide the Town with copy of an insurance certificate identifying that the Town has been named as an additional insured. However, the Snowmobile Club's failure to take such steps to insure the premises shall not waive, affect, or impair any obligation of the Snowmobile Club to indemnify or hold the Town harmless in accordance with this Agreement.

b. NOTIFICATION

Any notice required pursuant to the terms of this Memorandum of Understanding shall be sufficient if sent in writing through the United States certified or registered mails addressed to either party to this MOU at the addresses provided below, or at such other address as a party may designate through written notification to the other party to the MOU.

Address for Notices to the Town of Silverton:

Town Administrator
P. O. Box 250
Silverton, CO 81433

Silverton Snowmobile Club
PO Box 571
Silverton, CO 81433

c. ASSIGNMENT

The parties hereto acknowledge that this is a services contract and accordingly no assignment of this MOU or any right accruing thereunder shall be made in whole or in part by the Contractor without prior express written consent of the Town, which consent shall not be unreasonably withheld.

d. AMENDMENT

This MOU constitutes the final and complete agreement and understanding between the parties hereto with respect to the subject matter hereof. All prior agreements and understandings, whether oral or written, shall be of no effect in the construction of any provisions or terms of this MOU if they alter, vary or contradict this MOU.

IN WITNESS WHEREOF, the parties have executed this MOU on the day and year first written above.

SILVERTON SNOWMOBILE CLUB

TOWN OF SILVERTON, COLORADO

ATTEST: _____
Melina Marks Lanis
Town Clerk

Dayna Kranker
Mayor

EXHIBIT A



Silverton Snowmobile Club
Scope of work 2024-2025 winter

Subject:

Molas Lake parking: Snow removal from December 15,
2024- April 1, 2025

Snow removal of parking lot with tractor, snow blower
and truck plow.

Hwy 550 main entrance down to main cabin, buildings.
(please see attached map)

Per 6" + of snowfall, @ the rate of \$125.00 per hour

Plowing of Molas Lake Parking lot will help in providing
access for parking of multi users and winter activities.

Thank You,

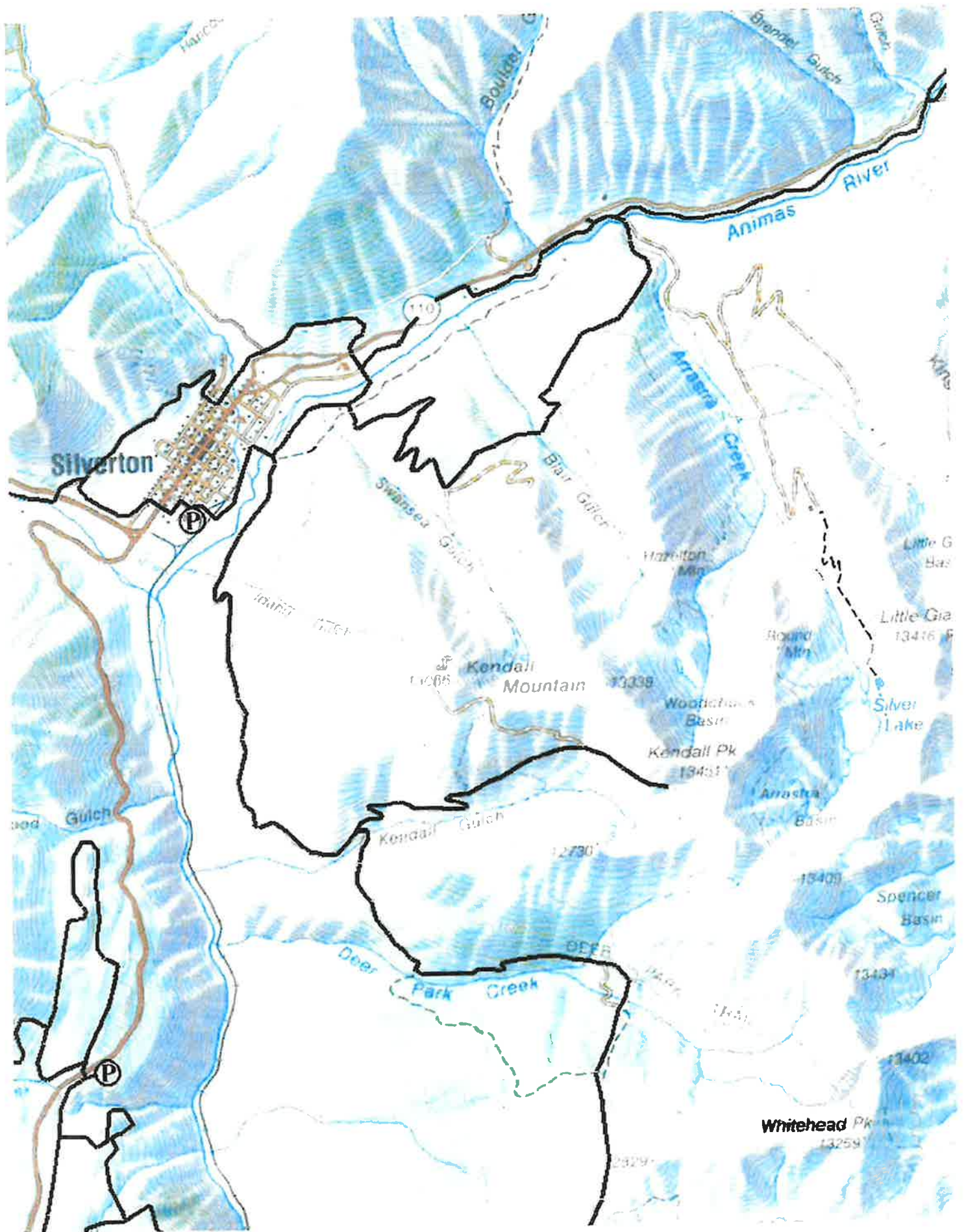
Jim Lokey

Silverton Snowmobile Club

Google Maps



Imagery ©2018 Google, Map data ©2018 Google 100 ft



September 9, 2024

6. Staff Reports

Staff submits a department report to the Trustees that covers projects updates, meetings, grants, and items for immediate consideration. If a Trustee desires to know more about the report, the Staff is typically available to answer their question, or the Town Administrator will research the question and report back to the Board of Trustees. Staff submits a report once a month and are currently able to pick which meeting depending on their workload.

Town of Silverton Staff Report

Department: Administration
Head of Department: Gloria Kaasch-Buerger
Date of Trustee Meeting: September 9, 2024

For immediate Trustee consideration:

Regular Meetings & Communication:

8.23 Meeting with Willy Tookey for Shared Services
8.26 Clarion LUC Rewrite
8.27 HRC Orientation
8.27 SJDA Board Meeting
9.3 Brownfields Steering Committee
9.3 HRC Orientation
9.5 CHFA SHIP Project Update

Top on the TO DO list:

2025 Budget
Water and Waste Water Capital Improvements
Assist with WWTP and Water Funding
Code Rewrite Grant Reporting
Citizen Survey
Finance Organization- Starting with SOPs for GL Codes
Rate Study Assistance
Energizing Rural Communities Prize Administration
Assist with Affordable Housing Projects
Social Media Communications –on HOLD until Facebook Account is fixed
RV Ordinance revisions—On Hold until after budget season to hold a work session with BOT
Contract Management
Staff Performance Evaluations
150th Celebration
Blair Street Project Funding

Grants (applications, updates, awards):

Applied/Awaiting Award:

Waiting on:
DOE Prize \$200,000
COSIPA Water leak detection \$110,000

Upcoming Issues:

CDOT Shed relocation
Power Redundancy/Micro Grid
Signs/Parking around town
Entrance Monument
Snow Route Code Rewrite
Municipal Court Code Rewrite
Marijuana Code Rewrite
Perimeter Trail Planning
PW and FPR Capital Improvements Plan
Perimeter Trail

Notable completed tasks:

[Town Hall Community Update Night](#)

Learning/ Professional Development:

Town of Silverton

Department: Building Head of Department: Bevan Harris Meeting Date: 9/4/24	
For immediate Trustee consideration: Plan for Silverton Square after demo	
Regular Meetings & Communication:	Top on the TO DO list: Confirm Code update recommendations and next Code year adoption. Finalize IRC/IBC code adoption w/ EcoAction and State. Demo plans and coordination for Silverton Square to start Nov 1.
Grants (applications, updates, awards): Energy Code Cohort – \$30K grant for code adoption thru EcoAction Partners	Upcoming Issues: Altus Lodge – C&D order, RVs in residential zones upsetting residents
Notable completed tasks: Survived Silverton Square Public Hearing, Senior Center back-up generator is functional, Grow Dome has power and lighting soon, Kendall Mt deck and Patio phase 1 completed,	Ongoing Project Update: Anvil Apartments – repairing roof leak and interior damage, sump pumps to be installed this fall. Vero fiber optic – coordinating install at Visitors Center Fading West – Affordable housing site visit in Ouray
Learning/ Professional Development: Colorado Energy Code Webinars, IRC/IBC training and new code adoption evaluation, Wildland Fire preparedness w/ Jim Donovan (Town & County)	Other: Generator at school, Heating system update at Health Center. Verizon & AT&T to improve Cell tower this fall including backup generator. Trash EQR's and water meters, Bears and more Bears

September 9, 2024

7. Committee Reports

Trustees will report on their respective committees if they have met. A list of the committees can be found at <https://townofsilverton.colorado.gov/government/boards-commissions>

September 9, 2024

8. Trustee Reports

This is an opportunity for Trustees to have a moment to speak on behalf of their constituents, highlight happenings in the community, call out for action, or give thanks. This has also been used as a place where Trustees can request agenda items for the next meeting.

September 9, 2024

9. Continued Business

The board has discussed these items in previous meetings or Work Sessions. There is typically a Board Packet Agenda Memo with the item, but not always.

Per Silverton Municipal Code 2-2-110 (5):

Old business. The Board of Trustees shall consider any business that has been previously considered and which is still unfinished.



AGENDA MEMO

SUBJECT: Ordinance 2024-08
STAFF CONTACT: Gloria Kaasch-Buerger
MEETING DATE: September 9, 2024

Overview:

The State Legislature passed SB 24-131 Prohibiting Carrying Firearms in Sensitive Spaces to be enacted on July 1st, 2024. Many small municipalities including Monument, Monte Vista, Custer, Creede, Hayden, and Elizabeth are choosing to opt-out of this legislation because they are exercising their right to do so according to the bill:

(4) (a) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM ENACTING AN ORDINANCE, REGULATION, OR OTHER LAW PURSUANT TO SECTION 18-12-214 OR 29-11.7-104 THAT PROHIBITS A PERSON FROM CARRYING A FIREARM IN A SPECIFIED PLACE. (b) A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT PERMITS A PERSON TO CARRY A FIREARM AT PLACE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

At the August 26th Regular Meeting Staff was directed to draft an ordinance to opt out of SB 24-131; specifically to pass an ordinance, regulation, or other law that allows the carrying of firearms in specified sensitive places, including certain government buildings, schools, and public transportation facilities.

In review of our code on firearms, we also needed to make an edit to ensure that we are current with all state and federal laws. This is included in the ordinance.

Ordinance Timeline:

9/9 First Reading
9/12 Public Hearing Notice published in the Silverton Standard
9/23 Second Reading for Adoption
10/23 Ordinance is enforceable

Budget:

No anticipated budget impact.

Master Plan

Not identified as a master plan priority.

Attachments:

- Ordinance 2024-08 An Ordinance of the Town of Silverton Amending Article 8 Chapter 10 of the Silverton Municipal Code Opting Out of the Enforcement of Senate Bill 24-131

Suggested Motion or Direction:

Motion to approve the first reading of Ordinance 2024-08 An Ordinance of the Town of Silverton Amending Article 8 Chapter 10 of the Silverton Municipal Code Opting Out of the Enforcement of Senate Bill 24-131



**TOWN OF SILVERTON COLORADO
ORDINANCE 2024-08**

**AN ORDINANCE OF THE TOWN OF SILVERTON AMENDING ARTICLE 8
CHAPTER 10 OF THE SILVERTON MUNICIPAL CODE OPTING OUT OF THE
ENFORCEMENT OF SENATE BILL 24-131.**

WHEREAS, the Town of Silverton (“Town”), Colorado is a statutory town incorporated under the laws of the state of Colorado; and

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) § 31-15-103, the Town acting by and through its Town Board of Trustees (BOT) has the power to make and publish ordinances not inconsistent with the laws of the State of Colorado and proper to provide for public health, safety, and welfare, and pursuant to C.R.S. §18-9-117(a), the BOT has the duty and authority to establish regulations to administer, protect, and maintain local government buildings and property; and

WHEREAS, on May 7, 2024, the Colorado General Assembly passed Senate Bill 24-131, which prohibits the carrying of firearms in sensitive places as recognized by the United States Supreme Court in the case of New York State Rifle and Pistol v. Brown, 597 U.S. 1 (2022), and promulgated in C.R.S. §18-12-105.3, which prohibits the carrying of firearms in government buildings.

WHEREAS, C.R.S. §18-12-105.3(4)(b) permits the Town to adopt this Ordinance not inconsistent with state law permitting the lawful carrying of firearms in local government buildings. C.R.S. §18-12-105.3(4) states:

(b) A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT PERMITS A PERSON TO CARRY A FIREARM AT PLACE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

WHEREAS, pursuant to C.R.S. §18-12-105.3(4)(b), the BOT shall permit a person who holds a valid permit to carry a concealed handgun to carry a concealed handgun in a government building as defined in C.R.S. §18-12-105.3(1)(b) within the municipal jurisdiction of the Town of Silverton, unless otherwise prohibited by law or lawful order of a law enforcement officer.

WHEREAS, the authority of this Ordinance extends to all parts of the incorporated town of Silverton, Colorado, but does not extend to any unincorporated area within the County of San Juan.

WHEREAS, the Board of Trustees finds that the passage of this Ordinance promotes the health, safety, and welfare of and is in the best interests of the Town of Silverton.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF Silverton, COLORADO:

- I. Amendment to Chapter 10, Article 8, Section 10-8-20. Chapter 10, Article 8, Sections 10-8-20 and Section 10-8-30, are hereby amended with the deletion of stricken text and the addition of emboldened, double-underlined text to read as follows:

Sec. 10-8-20. – ~~Carrying concealed weapon; forfeiture.~~ Carrying of Dangerous or Deadly Weapons, Exceptions.

(a) It is unlawful for any person ~~to wear under his or her clothes or concealed about his or her person, or to display in a threatening manner,~~ any dangerous or deadly weapon, including but not limited to any pistol, revolver, sling shot, cross-knuckles, metallic knuckles, Bowie knife, dirk, dagger or any knife resembling a Bowie knife, or any other dangerous or deadly weapon.

(b) It is unlawful for any person to sell, offer to sell, display, use, possess or carry any **switchblade knife, or any** knife having the appearance of a pocketknife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of Subsection (a) above and shall be subject to forfeiture to the Town as provided in Section (c) below.

(c) ~~Every~~ **Any** person convicted of any violation of this Section shall forfeit to the Town such dangerous or deadly weapon so carried or displayed.

(d) Nothing in this Section shall be construed to forbid United States Marshals, Sheriffs **and his/her Deputies**, ~~constables and their deputies~~ and any regular, special or ex officio ~~police~~ **peace** officers or law enforcement officers from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

(e) Nothing in this Section shall be construed to forbid any individual holding a valid concealed carry permit issued pursuant to C.R.S. § 18-12-201, et seq. to carry a concealed handgun within the Town of Silverton or any area described in C.R.S. §18-12-105.3(1)(b). The Town of Silverton hereby opts out of the enforcement of C.R.S. §18-12-105.3, et seq. to the fullest extent allowed pursuant to C.R.S. §18-12-105.3(4)(b).

(f) Carrying a firearm, whether loaded or not loaded, in a building or portion of a building, including adjacent parking areas, used for municipal court proceedings (1) while municipal court is in session, or (2) while law enforcement personnel, defense counsel personnel, or municipal court personnel are engaged in any activities in connection with a municipal court proceeding remains prohibited by state statute, except for law enforcement or security personnel for such building or portion of a building used for such municipal court proceedings.

Sec. 10-8-30. - Disposition of confiscated concealed weapons.

It is the duty of every law enforcement officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver **confiscate** the weapon to the Municipal Judge, to be held by him or her until **law enforcement agency's evidence custodian** **until** the final disposition of the prosecution for said offense; ~~and upon the finding of guilt, it shall then be the duty of the Municipal Judge to deliver said weapon forthwith to the Town Administrator, who shall make disposition of the weapon.~~

- II. Incorporation of Recitals. The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.
- III. Ordinance Approval. The Amendments to Chapter 10, Article 8 as outlined herein are hereby approved with the intent to opt out of the enforcement of Senate Bill 24-131.
- IV. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.
- V. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.
- VI. Posting, Publication and Effective Date. Following the passage of this Ordinance on second reading, the Town Clerk shall publish this Ordinance in full in a newspaper published within the limits of the Town. This Ordinance shall take effect 30 days after such publication.

INTRODUCED, READ, AND ORDERED FOR SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF SILVERTON, ON THE ____ DAY OF _____, 2024.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk

FINALLY PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING AND ORDERED POSTED AND PUBLISHED IN THE MANNER PROVIDED IN SECTION VII HEREOF BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN HALL ON THE ____ DAY OF _____, 2024, BY A VOTE OF THIS ORDINANCE AS IS ON FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk



AGENDA MEMO

SUBJECT: Ordinance 2024-09

STAFF CONTACT: Gloria Kaasch-Buerger, Clayton Buchner

MEETING DATE: September 9, 2024

Overview:

The Town Attorney has recommended amending the Silverton Municipal Code 2-2-110 (1) to formally adopt Bob's Rules of Order instead of Robert's Rules of Order. This was discussed in the Trustee Retreat on May 6th and an ordinance is being presented for the Trustee's consideration.

Bob's Rules of Order:

Pros:

- Simplicity: Bob's Rules are designed to be straightforward and easy to understand.
- Flexibility: They may be more adaptable to smaller groups or less formal settings.
- Accessibility: Bob's Rules may be more accessible to those unfamiliar with parliamentary procedure.

Cons:

- Limited Authority: Bob's Rules may not be as widely recognized or respected as Robert's Rules.
- Lack of Detail: They might not cover as many parliamentary procedures or nuances as Robert's Rules.
- Potential for Ambiguity: Due to their simplicity, there may be room for interpretation or misunderstanding in complex situations.

Robert's Rules of Order:

Pros:

- Established Authority: Robert's Rules are widely recognized and used in various organizations and legislative bodies.
- Comprehensive: They provide detailed guidelines for conducting meetings, ensuring fairness and efficiency.
- Uniformity: Robert's Rules offer a standardized framework that helps ensure consistency across different groups and settings.

Cons:

- Complexity: The extensive rules and procedures may be overwhelming for some users, especially in informal settings.
- Rigidity: In some cases, strict adherence to Robert's Rules can stifle creativity and spontaneous discussion.
- Learning Curve: Mastery of Robert's Rules may require time and effort, which could be a barrier for some users.

Master Plan Priority:

Operational Priority

Attachments:

- Ordinance 2024-09
- Bob's Rules

Suggested Motion or Direction:

Motion to conduct the first reading of 2024-09 An Ordinance of the Town of Silverton Amending Chapter 2 Article 2 Section 110 of the Silverton Municipal Code Repealing the Use of Robert's Rules of Order and Adopting Bob's Rules of Order as the Guiding Parliamentary Rules for Town Meetings.



**TOWN OF SILVERTON COLORADO
ORDINANCE 2024-09**

**AN ORDINANCE OF THE TOWN OF SILVERTON AMENDING CHAPTER 2
ARTICLE 2 SECTION 110 OF THE SILVERTON MUNICIPAL CODE REPEALING
THE USE OF ROBERT'S RULES OF ORDER AND ADOPTING BOB'S RULES OF
ORDER AS THE GUIDING PARLIAMENTARY RULES FOR TOWN MEETINGS.**

WHEREAS, the Town of Silverton ("Town"), Colorado is a statutory town incorporated under the laws of the state of Colorado; and

WHEREAS, pursuant to Colorado Revised Statutes, Title 31, the Town has the authority to establish parliamentary rules of procedure for the conduct of meetings by the Town; and

WHEREAS, the Town previously adopted Robert's Rules of Order as the guiding parliamentary rules for Town meetings most recently in June 2016, via Ordinance 2016-07; and

WHEREAS, the Town desires to replace Robert's Rules of Order with Bob's Rules of Order, as Bob's Rules are tailored and simplified rules specific to the needs of Colorado local government, in order to provide fairness, transparency, efficiency, and flexibility in the Town's meeting processes; and

WHEREAS, the Board of Trustees finds that the passage of this Ordinance promotes the health, safety, and welfare of and is in the best interests of the Town of Silverton.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF Silverton, COLORADO:

- I. *Bob's Rules of Order for Colorado Local Governments* (2023), as may be amended from time to time, is adopted as the rules of for meetings of the Town of Silverton. In cases where the adopted edition of *Bob's Rules of Order* is inconsistent with any bylaws of the Town and local rules of procedure, or its boards and/or committees, the bylaws and local rules of procedure shall govern and control.
- II. Amendment to Chapter 2, Article 2, Section 2-2-110. Chapter 2, Article 2, Sections 2-2-110, is hereby amended with the deletion of stricken text and the addition of emboldened, double-underlined text to read as follows:

Sec. 2-2-110. – Order of business.

The order of business of a Board meeting shall be as follows:

- (1) Call to order. The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Board of Trustees to order. The Mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rule contained in Robert's **Bob's** *Rules of Order, Newly Revised*, unless otherwise provided by ordinance.

- III. Incorporation of Recitals. The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.
- IV. Ordinance Approval. The Amendments to Chapter 2, Article 2, Sec. 2-2-110 as outlined herein are hereby approved.
- V. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.
- VI. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.
- VII. Posting, Publication and Effective Date. Following the passage of this Ordinance on second reading, the Town Clerk shall publish this Ordinance in full in a newspaper published within the limits of the Town. This Ordinance shall take effect 30 days after such publication.

INTRODUCED, READ, AND ORDERED FOR SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF SILVERTON, ON THE ____ DAY OF _____, 2024.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk

FINALLY PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING AND ORDERED POSTED AND PUBLISHED IN THE MANNER PROVIDED IN SECTION VII HEREOF BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN HALL ON THE ____ DAY OF _____, 2024, BY A VOTE OF THIS ORDINANCE AS IS ON FILE IN THE TOWN CLERK'S OFFICE FOR PUBLIC INSPECTION.

TOWN OF SILVERTON

By: _____
Dayna Kranker, Mayor

ATTEST:

Melina Marks, Town Clerk

Bob's Rules of Order for Colorado Local Governments

SIMPLIFIED PARLIAMENTARY
RULES FOR PUBLIC MEETINGS

Robert C. Widner



COLORADO
MUNICIPAL
LEAGUE

BOB'S RULES OF ORDER

*for Colorado Local
Governments*

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 does not provide legal advice. This publication is a source of information for the reader and is not meant as a substitute for legal counsel. Please contact your attorney for assistance.

An Open Invitation

Bob's Rules of Order will be periodically updated through new editions as efficient meeting practices become known and to correct or supplement the *Rules*. The author invites anyone using *Bob's Rules* to pose questions, offer ideas, and make suggestions to improve the *Rules* to serve our shared goal of serving the public through our local governments.

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PREFACE

Sitting in countless public meetings for a variety of local governments over more than 30 years, I noted that many governments formally adopted *Robert's Rules of Order* to govern their meetings. Other governments never formally adopted rules of order but nevertheless referred to *Robert's Rules* as their guiding rules of order.

However, none of the local governments followed all the requirements of *Robert's Rules*. Instead, they followed practices based on what they believed *Robert's Rules* required. The governments proposed and seconded motions, engaged in discussion and debate, and voted on motions. They followed only a small part of *Robert's Rules*. In doing so, they unknowingly ignored many of the rules' specific requirements or they incorporated practices and procedures into their meetings that directly conflicted with the requirements of *Robert's Rules*. Admittedly, these practices and procedures worked because the governments accomplished their business. It was the successful meeting practices based on a belief of what *Robert's Rules* required, and the deviations from *Robert's Rules*, that served as the genesis of *Bob's Rules of Order*.

Bob's Rules of Order is based on some of the commonly accepted ideas, methods, and procedures first offered by *Robert's Rules* in 1876. In this regard, *Bob's Rules* may not be entirely original or innovative. I trust, however, that local governments will view *Bob's Rules* as original and innovative due to its tailoring of rules and procedures to the specific needs of Colorado local governments. I know of no uniform or standardized set of meeting rules tailored to the common practices and special needs of Colorado local government. It is this void that *Bob's Rules of Order* hopes to fill.

Lastly, *Bob's Rules* is my attempt to support what I believe to be the most efficient and responsible form of government. I am continually

impressed by the unwavering dedication of local governments in serving the needs of citizens. No other form of government does more with the taxpayers' dollars, and no other government, in my view, cares as directly and personally about the welfare of its citizens. It is my hope that *Bob's Rules of Order* can aid in the continuing success of our local governments well into the future.

Bob Widner

INTRODUCTION

Public meetings are critically important to local government. Often, a public meeting is a citizen's only opportunity to directly observe the workings of their government.

An efficient meeting allows all scheduled business to be accomplished, voices to be fairly and equitably heard, and differences of opinion to be aired amicably. Whether the issues at hand are challenging and evoke intense emotion or they are simply administrative and non-confrontational, a well-run meeting leaves all participants feeling that the decisions made during the meeting were the products of organization, fairness, equity, and respect. An efficient and well-run public meeting can aid in building the public's confidence and trust in local government.

A poorly run meeting displays a degree of dysfunction that causes citizens to believe that all aspects of the government are equally dysfunctional. Such a meeting can also lead to inequity among participants when engaged in discussion and debate, create conflict and argument between the participants, and inject confusion into the decision-making process. In short, a poorly run meeting may result in decisions that appear to lack a thorough evaluation of the issues while also undermining the public's confidence and trust in local government.

Rules of order¹ are vital to an efficient public meeting. They provide processes and procedures that are pre-designed to create organization, to promote fairness among participants, and to lead to a more thorough evaluation of the issues raised at the meeting. In doing so, they lead to more justifiable and supportable decisions.

Local government rules of order must be carefully prepared. The rules must demonstrate an understanding of the local government's

specialized purpose and recognize the specialized laws that limit and guide the exercise of the government's authority.

Rules of order that are overly complex will not be consistently followed and can prove to be ineffective in the conduct of a meeting. Rules of order that are easily understandable with a scope appropriate for the actions customarily undertaken by the decision-making body will more than likely be routinely followed by meeting participants. When routinely followed over longer periods of time, the rules become an accepted part of the fabric of the decision-making process and will readily survive future changes in the membership of the decision-making body.

Robert's Rules Of Order

When considering the possible adoption of a set of meeting rules, *Robert's Rules of Order* is often a suggested starting point. *Robert's Rules* is the most widely known set of general parliamentary² rules.

Robert's Rules of Order is a remarkable work. Beginning with the pocket handbook first published in 1876, and with significant rewriting and amendment since that time, *Robert's Rules of Order*³ evolved into a complex tool for meeting management.⁴ The 12th edition of *Robert's Rules* totals 803 pages⁵ and offers 98 motions⁶ and dozens of procedural rules, many of which are subject to exceptions. At least two dozen publications are available to help meeting participants better understand, interpret, clarify, and decipher *Robert's Rules*, including a *Robert's Rules for Dummies*⁷ and a *Complete Idiot's Guide to Robert's Rules*.⁸ Several websites are also available, offering various and sometimes conflicting opinions on the proper application of *Robert's Rules*.

Although *Robert's Rules* are available for use in meetings of all types, the typical local government meeting does not benefit from complex rules. The business of local government is to get business done. The business of local government is not to engage in debate about the appropriate application of 98 motions and 803 pages of rules.

Most importantly, *Robert's Rules* does not incorporate the specialized meeting mandates and requirements imposed upon local government by the state's legislature, local charters, and local laws. *Robert's Rules* provides no aid to local governments in meeting the obligations of the Colorado Open Meetings Law. And the largest shortcoming of *Robert's Rules* is its lack of recognition of the specialized nature and needs of the quasi-judicial process that many local government bodies must follow. *Robert's Rules* mentions the term "quasi-judicial" when identifying that certain boards have different duties, but it offers no processes or procedures designed to manage a quasi-judicial hearing.

Robert's Rules of Order is not a suitable resource to manage the common local government meeting, with an exception for the most sophisticated and largest of governmental bodies exclusively engaged in legislative decision making. *Robert's Rules* is most suitable for an exceptionally large deliberative or legislative body where a knowledgeable, experienced, or certified⁹ meeting parliamentarian can direct the meeting in compliance with the rules. Again, *Robert's Rules* is a remarkable work for such a purpose.

Notwithstanding the shortcomings of *Robert's Rules of Order*, many local governments have formally adopted *Robert's Rules* for their local parliamentary procedure. The decision to adopt *Robert's Rules* is rarely the result of a comprehensive understanding of its requirements and a deliberate determination that the rules will mesh with local needs. Instead, the decision to adopt *Robert's Rules* often assumes that the rules will best guide meeting procedure because the rules are a widely known set of parliamentary rules. And, unfortunately, there are no other parliamentary rules specifically designed for local government meetings.¹⁰

For those local governments that have adopted *Robert's Rules of Order*, it is troubling that few of the local government officials or administrative staff have read *Robert's Rules*. Even fewer know that *Robert's Rules* contains processes and procedures that the local government might find unacceptable,¹¹ that may be deemed overly complex and inconsistent with commonly accepted local meeting practices,¹² or that conflict with the laws applicable to local government meetings.¹³ Equally troubling is that the local officials are rarely provided a copy of *Robert's Rules*, that *Robert's Rules* is rarely available for reference during a meeting, and that *Robert's Rules* is rarely cited during a meeting. Colorado local governmental bodies purporting to use *Robert's Rules* follow a process that they believe to be consistent with *Robert's Rules* but which, in practice, is not.

Other Meeting Rules of Order

Along with *Robert's Rules of Order*, there exist another dozen or more published handbooks and manuals available to guide meetings.¹⁴ The vast majority of these publications recite the provisions of *Robert's Rules* and attempt to simplify *Robert's Rules*. The stated goal for many of these publications is to deliver a universally applicable set of rules available for use for all types of meetings, large and small. Nevertheless, these publications often caution that the rules must be modified—or even ignored—to address meetings of specialized bodies or to address special provisions of law. This caution is warranted for local governments because these various sets of purportedly uniformly applicable rules, as with *Robert's Rules*, do not demonstrate an understanding of the challenges and the legal requirements of the local government public meeting.

CHAPTER 1

BOB'S RULES OF ORDER**The Purpose of *Bob's Rules of Order***

Bob's Rules of Order for Colorado Local Governments implements the recognized authority of local governments to enact their own rules to manage the conduct of meetings.¹⁵ Additionally, *Bob's Rules* is intended to serve as a tailored and, when compared to *Robert's Rules of Order*, a more simplified set of parliamentary rules designed specifically to meet the needs of Colorado local government. The *Rules* reflect the basic ideas and methods historically ingrained within meeting practices by the original 1876 version of *Robert's Rules*. Most importantly, *Bob's Rules* limits the available motions to those essential to advance the goal of running a more organized and efficient local government meeting.

Bob's Rules is prepared for use by the governing bodies of the various forms of local government—the city council or the board of trustees for home rule and statutory municipalities and the board of county commissioners for counties. *Bob's Rules* may also directly aid the various supporting and advisory boards, commissions, and committees of local government that engage in formal decision making, such as the planning and zoning commission, board of adjustment, board of review, and the various types of local licensing authorities. Special districts, governmental authorities, and quasi-governments may also find the use of *Bob's Rules* beneficial subject to changes to address any special needs of those organizations.

Applicability to Video Conferencing or “Remote Meetings”

Beginning with the COVID pandemic in 2020, various online video conferencing platforms, such as Zoom, Microsoft Teams, Adobe Connect, GoToMeeting, and Facebook Messenger, gained significant popularity and achieved widespread use in conducting local government meetings. Due to this popularity, as well as the ease of use and convenience to citizens, it is not anticipated that the use of online video conferencing platforms will diminish. Many local governments have included video conferencing (also called remote or virtual meetings) in the available options for holding public meetings.

The use of *Bob's Rules of Order* is compatible with a video conference meeting format.¹⁶ These meetings provide an online meeting room in which people from remote locations can assemble and engage in two-way communication. The format of a video conference meeting is not significantly different than the in-person meeting historically used by local government.

Admittedly, a video conference meeting presents challenges for the Presiding Officer when managing fair access to the meeting's microphone by multiple parties, and the meeting is highly dependent on the successful operation of the software application and audio-visual equipment supporting the meeting. Video conference meetings can be less formal when compared to an in-person meeting due to the ability to easily leave the virtual meeting room or hide from view and to engage in multitasking. Notwithstanding these challenges, the rules and practices offered by *Bob's Rules of Order* will enable the Body in a video conference meeting to efficiently accomplish public business. One might argue that, because the interactions among participants in a video conference meeting can be more difficult for the Presiding Officer to manage, the use of rules of order that will guide the

Members' conduct is even more necessary for a video conference than an in-person meeting.

The Benefit of Rules of Order

Rules of order assist in enhancing fairness among meeting participants, providing necessary support when defending the decision-making process, and promoting meeting efficiency.

Fairness and Transparency

It is an unquestionable goal of local government to be fair in the administration of governmental powers, programs, and affairs. Fairness is an important element in the protection of the public's confidence in government. Moreover, providing fairness to meeting participants is a constitutional obligation imposed on government by procedural due process.¹⁷ Fairness exists where similarly situated persons are treated in a similar fashion. Written rules of order, when consistently applied, will best advance the goal of fair treatment of all meeting participants.

The fairness provided by using pre-established rules of order adds transparency to the decision-making process. Considering agenda items in an improvised or ad hoc manner will appear to the public as arbitrarily applying different rules to different persons and to different issues. Decisions made informally can also appear to the public as the likely product of negotiation between the decision makers outside of the public meeting or hearing. In contrast, a decision reached through a somewhat formal, consistent, and uniform application of pre-established rules of order will often be viewed as extending fair and equal treatment to each of the matters presented to the Body.

Rules provide fairness to the Members of the decision-making Body. Some Colorado governments have not adopted formal rules to guide

decision making. These governments render decisions through a largely informal process that, after some unstructured discussion, culminates in a motion placed before the Members for a vote. Perhaps not apparent to the meeting participants, the informal and “rule-less” process involves one or a few of the Members exercising greater control or power over the decision-making process. The more vocal, the more assertive, and the more experienced Members can often dominate the discussion and debate. The unstructured meeting can lead to confusion among the Members as to “what we should do next” and will oftentimes allow the Presiding Officer to exercise an inappropriate degree of control and influence over the meeting processes and the meeting outcome.

The absence of procedural rules can effectively quiet Members’ voices. The Presiding Officer maintains significant power to control the Members’ access to the Floor. In the absence of rules that protect the Members’ right to the Floor, the Presiding Officer can ignore a Member’s request to address the Body. And, absent a rule recognizing a right of appeal of the Presiding Officer’s decisions, there is no recourse for the Member who feels disenfranchised by a decision of the Presiding Officer. Written rules that confer upon the Members of the Body an equal opportunity to participate in a meeting can inject into the decision-making process a greater degree of fairness.

Defending the Decision-Making Process

Along with fairness, rules are necessary to ensure legally defensible decisions. Government must always act in accordance with the law, and the law is invariably written.¹⁸ When government acts in accordance with the law, which includes the rules that govern the government’s meeting processes, it is a straightforward exercise to determine whether the government complied with the law. Compliance with procedural rules will oftentimes lead to the finding of a valid and

enforceable action or decision, and, conversely, where there exists no law that authorizes the government's procedure, the government's action will be subject to challenge.¹⁹ Written rules that support each procedural action undertaken by government serve an important, if not legally necessary, purpose.

Efficiency

Meeting efficiency is an obvious result of the consistent application of written rules of order. By following written rules designed to move the Body from introduction of an issue to a final decision, the Body will more often "stay on track" during the meeting.

It is inefficient for Members to repeatedly ask about the proper process to follow in each situation, to question or debate the appropriateness or suitability of a proposed unwritten practice, or to delay or postpone a decision to determine whether a particular process has been followed in the past in a similar circumstance.

Written rules allow the Members of the Body to understand that there is a pre-determined and accepted process for the meeting. Members will each know "what's next" as the decision-making process unfolds. The consistent use of pre-approved rules enables the Members to focus not on the process but on the information, discussion, and debate that can lead to an acceptable decision. Written rules offer greater process certainty and, as a result, greater meeting efficiency.

The Need for Some Flexibility

Most local governments do not operate comfortably or effectively in the face of rigid and inflexible procedural requirements. A local government meeting will often involve a degree of unanticipated or unforeseen situations that require deviation from an accepted rule. In addition, rigid and inflexible adherence to rules can undermine

the Body's camaraderie and collaboration and may allow the Body's more educated or experienced Members to use strict rule application to control or stifle the participation of other Members. A degree of flexibility in the rules can help aid meeting efficiency when the flexibility will not diminish the quality of the decision-making process.

Bob's Rules of Order provides some flexibility and seeks to enhance efficiency by the following processes or procedures:

- ✦ The Presiding Officer maintains the discretion to unilaterally forgo or modify a rule and to take actions to improve the efficiency of the meeting subject to a Point of Order or Point of Appeal. See Rule 3.4.
- ✦ A formally stated motion is not always necessary, and a Member may instead use the exclamation "so moved" as an abbreviated form of motion. See Rule 5.1.
- ✦ A "Friendly Amendment" of a debatable motion is authorized, which would allow the Presiding Officer to forgo a formal Motion to Amend in the absence of an objection by a Member. See Rule 6.1.
- ✦ A "Friendly Withdrawal" of a debatable motion is authorized to allow for the informal removal of the motion from the Floor in the absence of an objection by a Member. See Rule 6.2.
- ✦ Suspending the application of certain rules is authorized at the discretion of the Presiding Officer or upon approval of a motion by the Body for any given agenda item or for the entire meeting. See Rules 8.1 and 8.2.
- ✦ The Body's deviation from a rule is deemed authorized when the deviation is inadvertent and non-substantive and does not receive an objection from a Member. See Rule 8.3.

Integration with Bylaws

It is important to recognize both the difference and the interplay between rules of order and what may be commonly known as the Body's "bylaws" or the principal policies governing the Body.²⁰ Bylaws, which may be known by many different titles²¹ and which may include requirements of state law and home rule charters, are the government's local written ordinances, resolutions, or policies prepared for the purpose of governing the Body's purpose, structure, leadership, and organization. Bylaws are tailored to the specific purposes and needs of the Body. The bylaws for most local government bodies will typically address many of the following topics:

- ✦ The purpose of the Body.
- ✦ The voting membership and any alternate membership of the Body.
- ✦ Identification of the Body's officers and the officers' duties.
- ✦ Identification of support staff (clerk, attorney) and associated roles.
- ✦ Types of authorized meetings (regular, special, study session, etc.).
- ✦ Form of meetings (in person, telephonic, remote, or hybrid²²).
- ✦ Agenda preparation.
- ✦ Meeting and hearing procedures and processes.
- ✦ Consent agenda availability and process for approval.
- ✦ Adoption of rules of order for decision making.
- ✦ The public's opportunity to speak to the Body.
- ✦ Rules or guidelines to protect meeting decorum.
- ✦ Specialized public notice requirements for meetings.
- ✦ Quorum requirements.

- ✦ Voting methods (i.e., use of roll call or voting machines).
- ✦ Recording and taking of minutes.
- ✦ Member attendance requirements and excused absences.
- ✦ Conflicts of interest and appearances of impropriety.
- ✦ Removal of a Member from the Body.
- ✦ Creation of and requirements for committees and subcommittees.
- ✦ Other matters to guide the Body's effective operation.

Given the differences between governmental bodies, it may be a rare instance that two sets of bylaws will be identical. Bodies differ as to their purpose, authority, composition, and resources, thereby necessitating bylaws that are tailored to each Body. Bylaws are typically not interchangeable for use between different bodies.

In contrast to bylaws, rules of order are the specific procedures necessary to open, consider, debate, and decide a matter presented to a Body. Because rules of order focus on the basic or common process for decision making (motion, debate, voting), the same set of rules of order can be used by different decision-making bodies.

Rules of order may, however, implicate or relate to matters addressed in the bylaws. For example, both the bylaws and the rules of order may address various aspects of voting. Bylaws may address the circumstances that constitute a conflict of interest, while the rules of order may direct that a Member with a conflict of interest may not vote on a motion. Also, bylaws will set the Body's quorum requirement for each type of meeting, and the rules of order will define how the absence of a quorum will affect the ability to hold a meeting or to consider an agenda item.

One key difference between bylaws and rules of order is the ease by which these two documents may be changed or their requirements

suspended. Bylaws cannot be easily suspended on a case-by-case basis because the bylaws set forth the principal policies and critical controls over the Body's exercise of its authority. In a sense, the bylaws "hardwire" the key requirements of the Body's organizational structure and its authority. As an example, the Body cannot decide on a case-by-case basis to summarily suspend the bylaw requirements concerning a conflict of interest or to adjust the quorum requirement for a particular agenda item. These matters are essential or basic requirements for the Body's exercise of its power and authority. Rules of order, on the other hand, may be changed or suspended more readily to accommodate a specialized question, situation, or issue presented to the Body during the consideration of a matter—that is, if the rules of order accommodate such change or suspension.

Although they serve different purposes, there is a direct interplay or connection between the bylaws and rules of order. The bylaws will adopt a recognized set of procedural rules of order for use by the Body in its decision-making process, such as *Bob's Rules of Order*. The adopted rules of order, in turn, may authorize the Body to use a Point of Order and, as to any Presiding Officer's decision, a Point of Appeal to ensure that the Body follows the applicable provisions of the bylaws. See Sections 11.0 and 13.0.

How *Bob's Rules* May Change Current Meeting Practices

Because *Bob's Rules of Order* incorporates many of the common meeting practices of many Colorado local governments, there may not be significant changes for most local government bodies in the local practices following the adoption of *Bob's Rules*. However, there are some rules or procedures offered by *Bob's Rules* that, for some local governments, may present a change.

Most notably among the potential changes in terminology, rules, or practices would be the following:

- ✦ **Principal Motion.** Many local rules of order, as well as *Robert's Rules of Order*, employ the phrase “main motion” to identify the motion that offers to the Body a general proposition or question to be decided.²³ The phrase “main motion” is also used by *Robert's Rules* to classify other motions for purposes of priority.²⁴ This dual and inconsistent use of the phrase “main motion” can result in confusion.

Bob's Rules seeks to avoid this confusion by limiting the use of the phrase “main motion” to the determination of a motion's classification and its priority. Then, *Bob's Rules* employs the phrase “Principal Motion” to refer to a general business motion. See Section 9.0, Class and Priority of Motions, and Section 15.0, Principal Motion.

- ✦ **So Moved Motion.** Some local governments allow a Member to quickly propose a motion by the expression “so moved.” This practice is available where all Members of the Body readily understand the purpose and scope of the motion based on the immediately preceding discussion. However, for most local governments, the So Moved Motion is entertained without any formal rule authorizing the practice. *Bob's Rules* formally authorizes this practice subject to limits to ensure efficiency. See Rule 5.1.
- ✦ **Friendly Amendment.** *Bob's Rules* recognizes the informal practice used by some local governments of a “Friendly Amendment.” A Friendly Amendment is a simplified means of amending a debatable motion. The Friendly Amendment is an alternative to the use of a formal Motion to Amend. See Rule 6.1 and Section 17.0.

- ✦ **Friendly Withdrawal.** *Bob's Rules* authorizes the Body to forgo the need for a formal motion to withdraw a debatable motion from the Floor and instead authorizes the use of a “Friendly Withdrawal.” Consistent with its use by some local governmental bodies, the Friendly Withdrawal is available when it is evident to the entire Body that the pending debatable motion is no longer needed or useful in reaching a decision. See Rule 6.2.
- ✦ **Discussion Allowed Without a Motion on the Floor.** Some local governmental bodies follow the mandate of *Robert's Rules of Order* that no substantive discussion may proceed without a formal motion on the Floor. Because this mandate is inconsistent with the exceedingly common practice of most local governmental bodies and can be counterproductive, *Bob's Rules* authorizes, but does not require, discussion without a formal motion. See Rule 1.5.
- ✦ **Presiding Officer Discretion and Unanimous Consent.** *Bob's Rules* authorizes the Presiding Officer to exercise discretion in making decisions during the conduct of the meeting. Absent an objection from a Member (that is, where there is unanimous consent by the Body), the Presiding Officer's decision will be effective. As for all decisions by the Presiding Officer, a Point of Order or Point of Appeal can formally challenge the Presiding Officer's compliance with the *Rules*. In addition, a simple objection from one Member can deny the Presiding Officer the authority to approve the use of the So Moved Motion, a Friendly Amendment, or a Friendly Withdrawal. See Rules 5.1, 6.1, and 6.2.

Incorporating *Bob's Rules* into Meeting Practice

Starting Point – Legal and Other Advice

When deciding to adopt rules of order to guide meetings, local governments should first seek the advice of their local legal counsel.

The local legal counsel is best suited to understand how any proposed procedural rules will coordinate with the laws affecting the local government, the government's common or historic meeting practices, and the special needs of the Body. It is not a best practice to blindly adopt or apply *Bob's Rules* without consulting the government's legal counsel.

The advice and counsel of the experienced local government clerk, manager, or administrator is also important. Clerks, managers, and administrators can provide invaluable insight into the historical practices of the local government and can highlight potential practice issues and conflicts arising from the implementation of new procedural rules.

Adoption of *Bob's Rules*

Bob's Rules of Order is available for incorporation into the local government Body's meeting practice. Where the local government has yet to adopt bylaws or another policy governing meetings, *Bob's Rules* may be adopted by either a resolution or an ordinance, depending on the advice of the Body's legal counsel.²⁵

Where the local government previously adopted bylaws or another policy document governing the Body's organization and operation, the bylaws or policy document can adopt *Bob's Rules* by simple reference in the bylaws or policy. The reference can also address potential conflicts between the bylaws and the adopted rules of order. This reference might be stated as:

Bob's Rules of Order for Colorado Local Governments (2023) is adopted as the rules of order for meetings of the [insert name of the Body]. In cases where the adopted edition of *Bob's Rules of Order* is inconsistent with these bylaws

and local rules of procedure, the bylaws and local rules of procedure shall govern and control.

Although *Bob's Rules* can be adopted without change or modification, its rules are not intended to be adopted without the local government's careful review of the appropriateness of the *Rules* for local meeting practices.

As a recommended process for the consideration and possible adoption of *Bob's Rules of Order*, the Body may wish to follow the ensuing procedure:

- ✦ The Body or a subcommittee of the Body, together with key administrative staff (a "Rules Committee"), should meet to review the entirety of *Bob's Rules of Order*. The Rules Committee should start with the basic question of whether *Bob's Rules* is generally appropriate for the Body's use and will be an improvement over the current adopted meeting procedures.
- ✦ If there is initial interest in incorporating the use of *Bob's Rules* into the Body's meeting practice, the Rules Committee should consider whether the Body currently follows or uses a form of each rule, point, and motion and, if so, whether the Body's current procedure is consistent with or deviates from the rule, point, or motion. The Rules Committee should identify any modifications or deletions of any rule, point, or motion that would best serve the Body's meeting practices²⁶ should the *Rules* be adopted.
- ✦ Following a complete review of *Bob's Rules*, the Rules Committee should determine whether *Bob's Rules*, with any needed modifications or deletions, should be recommended to the Body for adoption. Additionally, a determination should be made whether any modifications or revisions to any previously adopted

bylaws are necessary to ensure harmony between the bylaws and the adopted *Rules*.

- ✦ If adoption of *Bob's Rules* is recommended by the Rules Committee, the Body's legal counsel should be consulted to recommend a procedure or method for adoption. The adopting document should include any identified modifications or deletions to the rules, points, and motions necessary to meet the Body's needs.²⁷
- ✦ The adopting document should be presented to the appropriate Body or official authorized to adopt rules of procedure for the Body.

Training and Education

Together with formal incorporation of *Bob's Rules of Order* into meeting practice, the Members of each Body and any administrative and legal staff who will assist the Body in the use of the rules must necessarily understand the operation of the *Rules*.

It is hoped that *Bob's Rules* is sufficiently simplified that, after one or two thorough readings, a Member will understand the basics and, with time and practice, will become fully versed in the proper application of the *Rules*. Admittedly, procedural rules of order are not scintillating reading material. As a result, some more active introduction and training may be necessary to assist Members in the effective use of *Bob's Rules*.

A recommended process for training Members of a Body and administrative staff may include the following steps:

- ✦ A personal copy of *Bob's Rules* should be provided to each Member of the Body and each supporting staff member who may assist in the meeting process.

- ✦ Each Member of the Body and each staff member should thoroughly read the *Rules* once and, based on a self-assessment of comprehension and understanding, possibly read the *Rules* again.
- ✦ The Presiding Officer (and the Body's designated parliamentarian if the role is assigned to another person) should study the *Rules* in depth and gain a comprehensive and working knowledge of all rules and processes.
- ✦ Members should engage in discussion and roleplaying involving meeting scenarios facilitated by either the Presiding Officer or a staff member well acquainted with the *Rules of Order*. These roleplaying and "walk-through" exercises can allow the Body to gain experience and confidence in the application of the *Rules*.
- ✦ Training should emphasize the discretion afforded the Presiding Officer and the use of the primary points (Order and Information), as well as the motions that will be most frequently used by the Body. These motions include the Principal Motion, the So Moved Motion, the Motion to Amend, the Motion to Continue or Postpone, the Friendly Amendment and Friendly Withdrawal, and the Motion for Executive Session.
- ✦ Following formal adoption of the *Rules*, the Body should take opportunities to review sections of the *Rules* when time permits during meetings. In addition, it may prove helpful for the Body's legal counsel or other senior staff member to debrief the Body regarding the successes and deficiencies in the Body's use of the *Rules* following a meeting in the context of an actual decision.²⁸
- ✦ A copy (possibly laminated) of the Summary of Rules and the Matrix of Points and Motions found at the end of this handbook at Appendices B and C can be permanently placed at each position of the dais for the Members' ease of reference.

CHAPTER 2

TERMINOLOGY

Some words and phrases used in *Bob's Rules of Order* convey a specific meaning when referring to a practice, an action, or a person involved in a meeting. The *Rules* capitalize some of these words and phrases (e.g., “Body,” “Presiding Officer,” “Member,” and “Floor”) to remind the reader that the word or phrase holds a specifically defined meaning.

Agenda Item

An issue, topic, matter, case, application, or other subject to be addressed by the Body during a meeting. An agenda item includes items initially listed on the meeting agenda as well as items later added to the meeting agenda in accordance with the Body's bylaws or other meeting policy or practice.

Amendment (or to Amend)

An action to change, to add words to, or to omit words from a debatable motion on the Floor. The amendment is usually intended to clarify or improve the wording of the original motion.

Body

The council, board, commission, or other formally constituted organization that adopted these rules of order to govern the organization's meetings.

Debatable Motion

A motion that is subject to debate by the Body in accordance with the rules of order. The debatable motions are the Principal Motion, Continue or Postpone, Amend, Reconsider, and Adjourn.

Floor

- ✦ As to a Member or a person participating in the meeting, a recognition that the Member or person was granted the exclusive right to address the Body.
- ✦ As to a motion, a recognition that a motion was properly stated and received a second in accordance with these rules of order and is properly before the Body for consideration.

Member

A person elected or appointed to hold office or a position with the Body and who is authorized to participate and to vote on a motion pending before the Body. The term Member also includes (i) the Presiding Officer and (ii) a person serving as an alternate or other ancillary or subordinate position on the Body when the person is authorized to both actively participate in the consideration of a matter before the Body and to vote on a motion.

Motion

A formal proposal seeking a specific action by the Body that is typically preceded by the words “I move that ...” or “I make a motion that” Motions are generally introduced by voice but may be presented to the Body in writing.

Moving Member

The Member offering a motion or a point to the Body for consideration and action.

Objection

A verbal declaration by a Member in the form of “objection,” “I object,” or other similar words offered for the purpose of declaring to the Body that the offer of a So Moved Motion, a Friendly Withdrawal, or a Friendly Amendment is not acceptable to the Member.

Out of Order

An action or a failure to act in accordance with the rules of order.

Open

To formally announce or introduce an agenda item to the Body, which would allow the Body to initiate consideration of the agenda item.

Point

A verbal declaration by a Member addressed to the Presiding Officer requesting to bring before the Body a matter for immediate decision or resolution. There are three recognized points: (1) Point of Order, (2) Point of Information, and (3) Point of Appeal.

Presiding Officer

The person elected, appointed, or selected to preside over the meeting of the Body. The Presiding Officer will customarily be the mayor or chairperson of the Body but may include an officer designated in advance by the Body to preside over the meeting upon the absence of the mayor or chairperson, such as the mayor pro tem or vice chairperson. The Body's bylaws may also assign the role of Presiding Officer in the absence of the mayor/mayor pro tem or the chairperson/vice chairperson.

Quorum

The minimal number of Members required to be present and eligible to act in order to conduct business on behalf of the Body.

Second

A verbal declaration by a Member in the form of "second," "I second," or other similar words. A proper second clearly expresses the Member's support that a motion offered to the Body by a Moving Member should receive debate.

Withdraw

To remove a motion from the Floor, effectively and permanently terminating all consideration of the motion by the Body.

Special Terminology

Legislative, Quasi-Judicial, and Administrative Powers

The governing bodies of Colorado local governments may exercise three different powers when making decisions in the conduct of government business: legislative power, quasi-judicial power, and administrative power. Many of the government's boards and commissions may also exercise one or more of these powers. For example, the planning and zoning commission or the board of adjustment will often exercise quasi-judicial power when considering the approval of landowners' applications yet also provide recommendations to the governing body on matters that are legislative or administrative in nature.

It is necessary to understand the basic differences between these three different powers. Meeting procedures may vary depending on which power is exercised. Moreover, *Bob's Rules of Order* references these different powers in the application of the procedural rules.

Legislative Power or Decision

Legislative power or legislative decisions customarily involve the consideration and adoption of laws or policies that will affect the interests of the general public and may affect specific persons only in the abstract.²⁹ Legislative actions involve the exercise of significant discretion by the decision-making Body. Because legislative power involves the making of laws or policies, this power is commonly reserved to the elected governing body (e.g., the city council, board of trustees, or board of county commissioners). Some advisory boards and commissions may aid the governing body by offering

recommendations on legislative matters, and, in this context, the actions by the advisory board or commission are also legislative in nature, although these bodies do not reach final decisions or enact legislation.

Quasi-Judicial Power or Decision

Quasi-judicial³⁰ power or quasi-judicial decisions involve the application of the law to facts that are established during a hearing and the rendering of a decision that affects the interests of specific individuals.³¹ Quasi-judicial actions most often include the submission of an application to the government, a requirement that the government issue public notice for a hearing at which interested parties are entitled to be heard, and a requirement that the government timely render a final decision on the application concerning the applicant's legal rights. Many types of zoning and land-use matters and some licensing decisions (e.g., issuance of a new liquor license) involve the exercise of quasi-judicial power.

Administrative (or Executive) Power or Decision

Administrative power or administrative decisions involve the implementation or execution of the laws and policies enacted by the legislative Body of the local government. Administrative power does not establish new legislative law or policy, and the power relates to matters that are typically temporary in operation or effect.³² The power is commonly exercised by the chief executive or administrative officer (e.g., manager or administrator and the administrative staff). However, the governing body and other bodies of the government will from time to time engage in administrative action, such as deciding future agenda items for a meeting or directing staff to pursue a certain course of action in the management of the government's affairs.

“Discussion” and “Debate”

Virtually all organized bodies use an agenda to manage the business of a public meeting. Local governments are no different. The local government’s agenda is typically comprised of a list of individual agenda items. The process for scheduling items for an agenda may be formally described in the Body’s bylaws or may be a product of long-standing and informal administrative practice.

Each agenda item presents a topic, issue, hearing, or other business matter to be considered and, if needed, decided by the Body. The typical individual agenda item proceeds through a series of steps: (1) the item is officially opened for the Body’s consideration; (2) information is presented to the Body; (3) the item is considered by the Body; and (4) the Body takes an action to decide, continue, or otherwise conclude the agenda item. The Body repeats this general process for each agenda item until the business on the agenda is addressed and the meeting is adjourned.

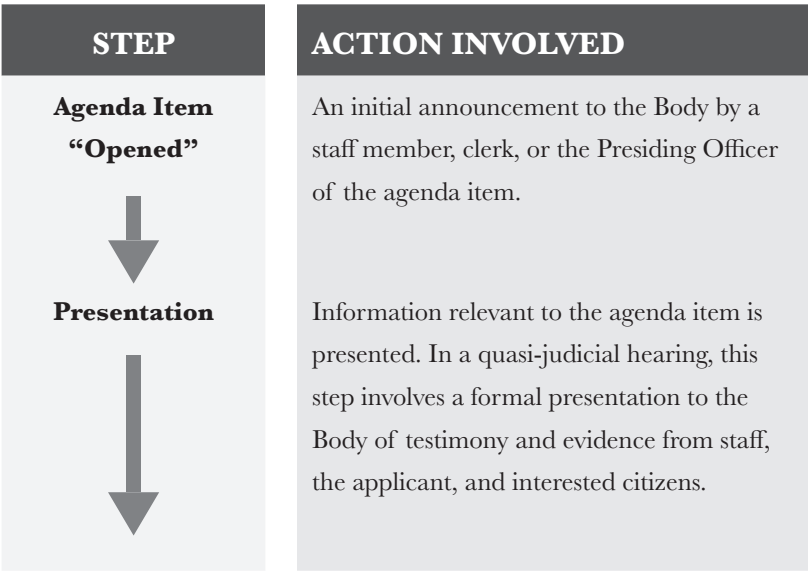
Understanding the local government’s typical steps for the processing of an agenda item helps clarify the use of the terms “discussion” and “debate” in *Bob’s Rules of Order* and the relationship of these two different actions to a motion.

In short, the term “discussion” is used for the Body’s action prior to a motion; the term “debate” is used for the Body’s action after the motion.

“Discussion” means “the act of exchanging views on something”³³ or “the instance of discussing; consideration or examination ... especially to explore solutions.”³⁴ In local government, the discussion step before a motion typically focuses the Body’s attention on a problem, an issue, or a topic. Members offer perspectives and viewpoints on the matter, suggest that the Body explore potential solutions, and

ask questions to collect the information needed to decide a possible course of action. The broader nature of the word “discuss” suits the practice commonly undertaken by local government bodies prior to the presentation of a motion.

In contrast, “debate” means “a formal contest in which the affirmative and negative sides of a proposition are advocated by opposing speakers.”³⁵ A common dictionary recognizes that “debate” in the context of government means a “formal discussion of a motion before a deliberative body according to the rules of parliamentary procedure.”³⁶ Debate is a term well suited to describe the process that local government undertakes after a motion is proposed that expresses a proposition for the Body’s consideration and possible action. As a very general graphic illustration of the proper use of “discussion” and “debate” in the context of *Bob’s Rules*, the following illustration may prove helpful:



Discussion**Motion****Debate****Vote**

The Body asks questions and discusses the information provided during the presentation. Discussion may frame the issues to be resolved or decided. For a quasi-judicial matter, the Body may be advised to limit discussion to the clarification of the evidence and testimony and to withhold Members' opinions on whether the quasi-judicial matter should be approved or rejected.

Armed with the information from the presentation and the discussion steps, a motion is offered to the Body by a Member.

The Body engages in debate regarding the proposition presented by the motion. Members deliberate and express support or opposition to the motion. Debate may result in amendment, continuation or postponement, withdrawal, or a vote on the motion.

A vote is taken on the motion. If the motion fails, the Body may return to discussion and a potential new motion or may move to the next agenda item.

“Continue” and “Postpone”

The terms “continue” and “postpone” are used in local government meetings interchangeably even though they do not necessarily share the same meaning.³⁷ Because the interchangeable use of the terms is now ingrained in common meeting practice, *Bob's Rules of Order* recognizes this common practice in the context of a motion to delay the consideration of an agenda item to a future date, to an uncertain date, or indefinitely. See Section 16.0, Motion to Continue or Postpone.

“Abstain” and “Recuse”

Bob's Rules of Order recognizes a difference between a Member abstaining from a vote and a Member's recusal from a vote.

“Abstaining” means to “not vote for or against something.”³⁸ In contrast, “recusal” means “to remove oneself as a judge or policymaker in a particular matter, [especially] because of a conflict of interest.”³⁹

In keeping with the common and clear meaning of these terms and in the application of *Bob's Rules*, a Member will “abstain” when the Member does not cast a “yes” or “no” vote on a matter and there is no legal impediment preventing the Member from voting.⁴⁰ Where a Member is legally precluded from voting on a matter—when the Member has a conflict of interest, for example—the Member will “recuse” themselves from participation and the vote.

CHAPTER 3

THE RULES

Bob's Rules of Order establishes rules governing the various aspects of a public meeting. The rules are set forth in the following order:

- 1.0 The Meeting Generally
- 2.0 The Quorum
- 3.0 The Presiding Officer
- 4.0 The Floor
- 5.0 The Motion
- 6.0 The Friendly Requests
- 7.0 The Vote
- 8.0 Rule Suspension and Rule Deviation

1.0 The Meeting Generally

Rule 1.1

Any state or local law that concerns the conduct of a meeting is a part of the *Rules of Order* to the extent the law is applicable to the Body.

Commentary

A decision of the Body is not final and defensible solely because the meeting and the decision-making process complied with the *Rules of Order*. Meetings are also governed by requirements imposed by the Body's bylaws and other local governing policies, as well as state law, such as the Colorado Open Meetings Law.

Compliance with all applicable state and local meeting laws and policies, together with *Bob's Rules of Order*, is made a requirement of a meeting by Rule 1.1. The rule effectively authorizes the Members to use a Point of Order to bring the Body into compliance with all applicable meeting laws in addition to the *Rules of Order*.

Rule 1.2

The meeting agenda will be followed unless properly amended or modified.

Commentary

An efficient meeting is, in part, the result of organization. Organization is best achieved by following a meeting agenda. To promote organization and efficiency, Rule 1.2 requires that the meeting agenda be followed and that the agenda items be addressed in the order presented.

Rule 1.2 must necessarily recognize that an agenda may require amendment or modification. A Motion to Continue or Postpone is one circumstance through which the agenda may be modified and items on the agenda moved to a future date and time or postponed indefinitely. Moreover, a Principal Motion⁴¹ can be proposed to formally amend the agenda to reorder agenda items as the Body deems appropriate. The Presiding Officer also holds the discretion pursuant to Rule 3.4 to change the agenda. The Presiding Officer's decision to change an agenda is subject to a Point of Order or a Point of Appeal. See Section 11.0 (Point of Order) and Section 13.0 (Point of Appeal).

Importantly, the Body should use caution when adding items to the agenda. Obviously, matters that require advance notice to the public

cannot be added to an agenda.⁴² The local government’s charter or ordinances may also impose advance public notice requirements for certain matters, which may preclude a last-minute addition to an agenda. Moreover, the Colorado Open Meetings Law expresses the public policy that the public notice of the local government meeting includes “specific agenda information where possible.”⁴³ However, executive sessions need not be noted in advance on an agenda and may be added at any time, even during a meeting, provided that the motion for executive session receives the required supermajority vote. See Section 22.0.

Rule 1.3

The Body may presume that any legally required public notice for the meeting and for each agenda item was properly completed.

Commentary

Full and timely notice to the public is required for any meeting⁴⁴ “at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance or is expected to be in attendance.”⁴⁵

Rule 1.3 does not specify the form of the notice for a meeting (i.e., the content or the manner of publication of the notice). The form of notice for the meeting must comport with state and local law.⁴⁶

Very importantly, individual agenda items considered during a properly noticed meeting may also require a separate notice or multiple notices⁴⁷ that may vary from the general notice for the meeting.⁴⁸ The Body is strongly encouraged to consult with the Body’s local legal counsel or an experienced local government administrative clerk concerning the required form of public notice.

In the interest of meeting efficiency, Rule 1.3 authorizes the Body to presume that the legally required notice was properly completed for the meeting generally and, when required, was properly completed for each agenda item. This presumption is reasonable because the issuance of public notices for a meeting is a practice both known to and routinely undertaken by the administrative staff in setting the meeting and in supporting the Body's decision-making process.

This Rule 1.3 presumption permits the Body to forego the need to take the time to determine or to announce during the meeting that notice was properly completed before convening the meeting or opening an agenda item. However, this rule does not prevent the Body from following a practice of confirming that notice was issued for the meeting generally or issued for any specific agenda item. In addition, the rule does not preclude a Member from questioning whether proper notice was provided for the meeting.

The presumption that notice was properly completed is rebuttable, meaning that issuance of proper notice shall be a presumed fact of the meeting and the agenda item until such time that credible evidence is provided to disprove the fact.

Rule 1.4

A Member shall disclose a conflict of interest and recuse themselves from both participation and voting when required by applicable state or local law.

Commentary

It is not uncommon that a Member will encounter a conflict of interest that is recognized by state or local law prior to or during a meeting.

State law provides for a number of different circumstances in which a Member may be conflicted and could be required to not participate and to not vote on a matter before the Body.⁴⁹ Charters, ordinances, local bylaws, and local codes of ethics may also establish circumstances that give rise to a conflict of interest. *Bob's Rules* does not specify when a conflict of interest may exist. The existence of a conflict, and the proper means to address a conflict, involves analysis of statutory provisions, judicial interpretations, and local laws. The Body's attorney should be consulted concerning potential conflicts of interest, and this consultation is often imperative to protect the integrity of the Body's decision-making process.

Rule 1.4 requires a Member's recusal⁵⁰ regardless of when the conflict is found to exist. A conflict of interest known to the Member prior to the opening of the agenda item should result in the conflicted Member recusing themselves prior to the Body opening the item for consideration. A conflict realized during an agenda item may require recusal immediately upon the discovery of the conflict.

A conflict will often require the Member to disclose to the Body the general nature giving rise to the conflict of interest. Upon this disclosure, the Member should request that the Presiding Officer recuse the Member from the agenda item, and the Presiding Officer should grant the request when the recusal is justified. A conflict of interest held by the Presiding Officer should likewise be disclosed, and the recusal should immediately be followed by the Presiding Officer's relinquishment of the chair to the person assigned the role of leadership in the absence of the Presiding Officer. Upon recusal, the conflicted Member or conflicted Presiding Officer should depart the dais. The Body's legal counsel may also suggest that the Member or Presiding Officer also temporarily depart the meeting room during the consideration of the agenda item—or the Body's bylaws may require such departure—to avoid concerns that the conflicted person

may influence the process through facial expression or body language. Again, the Body's legal counsel should directly aid the Body and the conflicted Member in properly addressing a conflict of interest.

Rule 1.5

A motion is not required for the Body to initiate discussion.

Commentary

Some meeting rules of order⁵¹ and a few local governmental bodies follow a rule that both a motion and a second are prerequisites to the undertaking of any substantive discussion on any matter. However, such a rule is inconsistent with the needs and practices of the common local government meeting.

It is exceedingly common that an agenda item is introduced and the Floor opened for discussion without a motion. Substantive discussion will also follow informational reports and updates that do not require a motion or a decision from the Body. And, in many instances, the specific question to be answered or decision to be made is not known to the Body upon the introduction of the agenda item.

Allowing discussion before a motion and debate allows the Body to receive information and discuss possible options for action. This discussion is often helpful in the framing of a motion. Requiring a motion to be on the Floor before the Body may engage in any conversation may focus or limit the Body's attention on the motion's singular or specific proposition or request for action. Moreover, any motion that precedes substantive discussion may need to be withdrawn

or amended to address the issues raised in the Body's debate on the motion.

For quasi-judicial matters, it may appear inconsistent with the requirements of due process and fairness to present a motion to approve or deny an application prior to the receipt of any information, evidence, or testimony.⁵² An early motion may create an appearance to the public that the Moving Member has prejudged the application based on information received prior to the meeting or only upon the information assembled in the Body's meeting packet.

Nevertheless, Rule 1.5 allows, but does not mandate, discussion before the presentation of a motion. Requiring a motion before discussion is a practice that is ingrained in the meeting procedures for some local government bodies and may stem from a longstanding adherence to *Robert's Rules of Order*. Such practice may continue under Rule 1.5. A motion may be offered at the proper time, which may be before, during, or following the discussion on an agenda item.

Special Note: Discussion of Quasi-Judicial Matters

Members sitting as judges for a quasi-judicial matter must remain fair, impartial, and unbiased and judge the matter based only on the record developed before the Body.⁵³

During the discussion period and prior to a motion, the Body will receive evidence from the applicant seeking approval of an application, from the administrative staff, and from persons who support or oppose the application. To best ensure fairness and impartiality, Members should refrain from offering opinions regarding their support or disapproval of the application prior to the presentation of all the evidence. Such opinions prior to the receipt of all the evidence may reveal a bias or a prejudgment

of the quasi-judicial matter. Additionally, Members should remain acutely aware that the form or the manner of questions asked during discussion may reveal a bias or a pre-decision. All comments and questions during discussion should remain free of judgement or opinion on the matter.

Following the full presentation of the information and evidence, and following a motion, the Body may engage in debate and deliberation on the motion's proposal. The Members may then offer their opinions on whether the testimony and evidence support or fail to support the standards and criteria governing the decision on the quasi-judicial application.

Rule 1.6

The record for each decision of the Body includes all information presented to the Body that pertains to the decision, all discussion and debate of the Body in reaching the decision, and all laws and local policies applicable to the decision.

Commentary

Every decision will be based on information presented to the Body. The information supplied to the Body may be in the form of a staff report and supporting documents, letters, emails, plans, drawings, photographs, presentations by applicants and staff, opinions from experts and consultants, testimony and comments from citizens, and answers to questions posed by the Body. For legislative or administrative matters only, the Members may also offer their own experiences or knowledge that is relevant to the decision.

Lastly, the relevant or applicable laws and local policies that will guide the decision are part of the information available to the Body.

Rule 1.6 confirms that all information presented during the meeting will create the record for the Body's ultimate decision. Rule 1.6 allows the Body to forgo the need to acknowledge each item that would be part of the record in a matter and to forgo the need to "read into the record" the titles of documents or reports available to the Body.

Special Note: Member Testimony on Quasi-Judicial Matters

Because Members sit as judges for a quasi-judicial matter, they are not witnesses, meaning it is not the role of the Members to testify as to facts underlying the matter to be decided. As judges, Members are to evaluate the factual information presented by others during a quasi-judicial hearing, and they do not serve as the *source* of the information to be evaluated.⁵⁴ Caution should always be exercised by a Member in a quasi-judicial setting to refrain from serving as a witness.

Rule 1.7

The Body's decision on a matter is presumed to be supported by the record and by reasonable inferences drawn from the record.

Commentary

Every Member is encouraged to offer their individual evaluation of the information contained in the record and to identify how the

record supports the Member's vote. This practice may be critically important for quasi-judicial matters where the Body must determine whether the record supports the relevant criteria for approval of the quasi-judicial application.

But, even when the Members explain how the record supports their vote, it is unlikely that the Members will identify *all* of the information in the record that may support their vote. It is also unfortunately common that some Members remain silent prior to casting a vote because they believe that the basis for their vote is apparent from the record. To address these concerns, Rule 1.7 enables the Body to support its decision based upon the entirety of the record, notwithstanding incomplete explanations by the Members or even the silence of some Members.

Rule 1.7 promotes meeting efficiency. It would significantly delay a meeting, or require the continuation of a meeting, to allow the time for the Body to comprehensively review the details of the record and to exhaust all the possible reasons supporting a decision. Rule 1.7 allows the Body to rely upon the entire record, and upon the reasonable inferences that can be found in the record, when justifying the Body's decision.

Importantly, Members should not use Rule 1.7 as an excuse or a justification to forgo the offer of opinions, explanations, and reasoning during debate that will support their vote. Notwithstanding Rule 1.7, the Member's opinions and explanations will always form the primary and best evidence when defending the Body's decisions.

Special Note: Quasi-Judicial Findings

In a quasi-judicial matter, the Body's decision must be supported by information found in the record; otherwise, the decision may be subject to challenge as arbitrary or capricious.⁵⁵ The value of the record is highlighted by the fact that a court will limit its review to only the record created during the Body's consideration of the quasi-judicial matter. The record is critically important.

The record will oftentimes include a staff report, a staff recommendation for approval or denial, and documents and testimony by the applicant and others supporting a certain outcome. Where the record clearly supports the Body's ultimate decision, any challenge of the Body's decision may prove unsuccessful.

However, when a Member disagrees with the information and recommendations contained in the record that support a specific outcome, it is important that the disagreeing Member explain during debate why the information in the record supports a contrary conclusion. Without such an explanation, there may be an insufficient basis to justify a contrary vote and a contrary decision by the Body. Although Rule 1.7 may enable the Body to rely upon the entire record and reasonable inferences drawn from the record to support a decision, where the record may not clearly support a Member's contrary position or vote, the disagreeing Member must "speak up" during debate and deliberation on the motion.

Rule 1.8

A meeting formally ends only upon the Presiding Officer's declaration of adjournment without objection or upon the approval of a Motion to Adjourn.

Commentary

Every meeting must end. Rule 1.8 recognizes that the point in time for the end of the meeting requires an official and affirmative announcement or action. Otherwise, Members may casually leave the dais or exit the meeting room, which would put into doubt whether the meeting ended or whether the meeting may reconvene later.

A meeting of the Body will end only upon the Presiding Officer's formal declaration of adjournment pursuant to Rule 3.4 without objection from a Member. Alternatively, the meeting will end upon approval of a Motion to Adjourn pursuant to Section 21.0.

2.0 The Quorum

Rule 2.1

A quorum of the Body is required for the Body to conduct business unless otherwise expressly provided by the Body's bylaws or the *Rules of Order*.

Commentary

An important tenet for any Body is that business is conducted, and decisions are made, only in the presence of a sufficient number of members to represent the Body. The minimum number of members

needed to represent the Body and conduct business is called the “quorum.” The required quorum should be determined for each type of meeting by the Body’s bylaws or other policy.⁵⁶

In accordance with Rule 2.1, business cannot be conducted, and decisions made, in the absence of the required quorum for the meeting. An important and necessary exception to Rule 2.1 is recognized by Rule 2.5, which authorizes limited action and decisions in the absence of a quorum.

Rule 2.1 accommodates the situation where a quorum fails to attend a properly scheduled and noticed meeting yet the Members in attendance desire to informally discuss general—but not quasi-judicial⁵⁷—matters. In this situation, the Colorado Open Meetings Law authorizes informal discussion of public business with less than a quorum in attendance provided that the meeting is open to the public.⁵⁸ The lack of a quorum, however, prohibits those Members attending the meeting from making any decisions or conducting any business in accordance with Rule 2.1.

Rule 2.2

Unless otherwise provided by the Body’s bylaws or other applicable law, a majority of the total membership of the Body who are present and eligible to vote shall constitute a quorum.

Commentary

The Body’s bylaws or other governing policy will commonly establish a quorum requirement for the Body’s meetings. Rule 2.2 defers to the quorum standards set by the Body.

However, Rule 2.2 sets a default standard for the determination of a quorum where no other law, policy, or rule requires a different standard. If the Body has not set a quorum standard for the meeting, Rule 2.2 will prevent a minority of the members of the Body from conducting business.

For the purpose of Rule 2.2, the phrase “total membership” means the total number of authorized voting positions for the Body.⁵⁹ The Body’s total membership is a fixed number that will not vary due to Member vacancies or absences.

When determining whether a Member is to be included in the determination of a quorum, the phrase “present and eligible to vote” recognizes that the quorum determination must exclude Members who are absent from the meeting or who are ineligible to vote due to a conflict of interest.

The determination that a quorum exists is an ongoing process which may change during the course of a meeting. For example, at the initial commencement of a meeting and prior to conducting any business, the quorum required will be determined from those Members who are present⁶⁰ and who are eligible voting members of the Body.⁶¹

Following the commencement of the meeting with the required quorum, the quorum may change due to a Member’s absence from the meeting or a Member’s ineligibility to participate due to a conflict of interest. Where a change in the number of Members present and eligible to vote reduces the quorum below the minimum quorum requirement, the Body will be unable to conduct business and make decisions. In such cases, postponement of the meeting’s agenda items will be necessary in accordance with Rule 2.5. Additionally, the quorum determination may involve Rules 2.3 and 2.4, which address the effect on the quorum for excused and unexcused absences arising during the consideration of a motion.

Rule 2.3

A request to be excused from the meeting while a motion is on the Floor, if granted, shall be effective:

- ✦ **Upon the granting of the request if the excuse is due to a lawfully recognized conflict of interest; or**
- ✦ **Upon the granting of the request if the excused Member's absence will not deny the Body of a quorum; or**
- ✦ **Upon the final vote or other final resolution of the pending motion if the excused Member's absence will deny the Body of a quorum.**

Commentary

A Member's request to be excused during a meeting is not uncommon. A request may be due to a conflict of interest, illness, or an unforeseen emergency. When the excuse is justified in accordance with the Body's bylaws, the request should customarily be accommodated.⁶²

An excused absence during a meeting may impact the established quorum.⁶³ A justified request to be excused made between the consideration of agenda items or when no motion is on the Floor enables the Presiding Officer to grant the request and permit the excuse to be immediately effective. The Body can then address any potential impact on the existing quorum and the Body's ability to conduct business. See Rule 2.5.

However, a request to be excused from the meeting while a motion is on the Floor and under debate may potentially be attributed to a Member seeking to deny the Body the quorum necessary to render

a decision. Rule 2.3 seeks to balance a Member's justifiable need to be excused from attendance with the Body's need to maintain the quorum to resolve a pending motion. To best strike this balance, an excuse granted during a meeting while a motion is on the Floor will be effective as provided by Rule 2.3.

Rule 2.3 does not preclude a quorum of the Body from entertaining a Motion to Continue or Postpone the motion on the Floor in accordance with Section 16.0. Moreover, if the request to be excused is not granted by the Presiding Officer and the requesting Member leaves the meeting, Rule 2.4 will be applicable.

Rule 2.4

A Member's *unexcused* absence while a motion is on the Floor shall not affect the quorum until the final vote or other final resolution of the motion.

Commentary

On occasion, a Member may leave the meeting after the required quorum was established. When the departure from the meeting is *unexcused*, the absence is problematic. Absences can effectively make it more challenging to obtain a decisive vote on a pending motion.⁶⁴ Perhaps of equal importance, a Member's absence will deny citizens of their voice in a pending public matter that they expect to be expressed by their elected or appointed representative.

The more significant problem with a Member's unexcused absence arises from an absence during the consideration of a motion on the Floor. An unexcused absence by a Member during debate on a motion will oftentimes be attributed to the Member attempting to

intentionally undermine the quorum and the Body's ability to act on a pending motion. In fact, some local governments have unfortunately encountered this problem. A rule designed to address an unexcused and unjustified absence and its resulting impact upon a pending motion is necessary to ensure that the Body can maintain the quorum and address the immediate needs of the public pending before the Body.

Rule 2.4 requires the Body to consider a Member who departs a meeting without excuse while a motion is on the Floor as remaining present for purposes of resolving the pending motion. This approach is reasonable given that the absence is entirely voluntary by the Member. An unexcused absence is equivalent to the Member staying seated on the dais and refusing to participate in the debate or to vote on the pending motion. The Member's effective refusal to vote "yes" or "no" is addressed by Rule 7.5.

Rule 2.5

In the absence of a quorum, the Presiding Officer, the Members present, or an administrative staff member shall:

- ✦ **Postpone all unresolved agenda items to the next regular meeting; and**
- ✦ **Adjourn the meeting.**

Commentary

The Body may confront the absence of a quorum either at the outset of the meeting or later in a meeting that was commenced with a required quorum. When the absence of a quorum cannot be resolved by a delay to await the attendance of the Members who comprise a quorum, it will be necessary to address any unresolved agenda items.

As provided by Rule 2.1, less than a quorum of the body cannot conduct business or make a decision. Rule 2.5 supports an exception to this rule by expressly authorizing limited action to address the Body's inability to conduct business due to the lack of a quorum.

The most crucial step in the absence of a quorum is to address *quasi-judicial* matters on the agenda. For quasi-judicial matters, the applicant, interested parties, and the public received formal notice of the date, time, and place of the quasi-judicial hearing. It is necessary to postpone quasi-judicial matters formally and publicly prior to the adjournment of the meeting as a matter of fairness to everyone seeking to attend or participate in the hearing.⁶⁵

Additionally, the lack of a quorum can create confusion concerning the status of any items listed on the agenda. Obviously, the absence of a quorum cannot form a decision, a vote, or a directive of the Body to remove the unresolved agenda items from any future consideration by the Body. A rule that addresses the status of unresolved agenda items in the case of the lack of a quorum is necessary to avoid confusion and uncertainty.

Rule 2.5 requires certain members present at the meeting to manage the agenda in the absence of a quorum. By way of hierarchy, the Presiding Officer is required by Rule 2.5 to take action; in the absence of a Presiding Officer, one or more of the Members are required to take action; and, in the absence of any Members, an administrative staff member (oftentimes the Body's clerk) shall take action. The action is simple. An announcement of the postponement of all unresolved agenda items to the next regular meeting is in order. The announcement should include information that will clearly apprise the public and other interested parties of the date, time, and place of the postponed meeting.

For example, to address the lack of a quorum necessary to begin a meeting, the necessary announcement might say:

“Due to the lack of a quorum for our June 1, 2026, scheduled meeting, all matters on the agenda are postponed until the next meeting of the Body, which will be held on April 6, 2026, beginning at 6:00 p.m. here in the City Council Chambers, 123 Main Street.”

To address an absence of a quorum arising during a meeting that was initially started with the necessary quorum, the announcement might say:

“Due to the current lack of a quorum, the remaining items on the agenda, which are items 6(b) through 9(c), are postponed until the next meeting of the Body, which will be held on April 6, 2026, beginning at 5:30 p.m. here in the Town Meeting Hall, 601 First Avenue.”

Importantly, Rule 2.5 does not preclude the Body from calling a special meeting in accordance with the Body’s bylaws and requirements for notice in order to address matters postponed due to the lack of a quorum.

3.0 The Presiding Officer

Rule 3.1

The Presiding Officer shall be the exclusive director and facilitator of all meeting conduct.

Commentary

The Body’s efficiency and effectiveness is dependent upon the formal recognition of one Member to administer the meeting agenda,

manage discussion and debate, oversee Members' fair access to the Floor, and render decisions on meeting procedure. For all local government bodies, there is customarily one person elected, appointed, or otherwise designated to serve as the Presiding Officer for a meeting. Rule 3.1 formally confers authority for meeting direction and facilitation to the designated Presiding Officer.

Rule 3.2

**The Presiding Officer serves as the
parliamentarian unless the role is assigned to
another person.**

Commentary

The need to decide a question concerning the proper application of the *Rules* will invariably arise during a meeting. Most commonly, the question will be whether a particular motion is or is not out of order. The term “parliamentarian” describes the person with a sound understanding of the *Rules* and who decides questions about the proper application of a rule.

For many local government bodies, the Presiding Officer acts as the parliamentarian without any formal assignment of the role. When the role is expressly assigned, however, it is often assigned to the Presiding Officer. This assignment can help advance meeting efficiency given that the Presiding Officer leads the meeting, may exercise discretion concerning meeting procedure, and has direct access to the Floor during the meeting without a need for a formal request.

Some local governmental bodies assign the role of parliamentarian to the Body's secretary, an administrative clerk or staff person, or the Body's legal counsel. Such an assignment may prove efficient where

the person assigned the role has a sound knowledge and experience in the application of the *Rules*, can quickly make decisions without delaying the flow of the meeting, can be diplomatic and professional when offering advice and direction during a meeting, and has the Members' confidence to serve as a fair and impartial parliamentarian.

Members may use a Point of Appeal to challenge the parliamentarian's decision. See Section 13.0. Moreover, the Presiding Officer or the assigned parliamentarian is always encouraged to consult with the Body's legal counsel or administrative staff to help make decisions regarding the proper application of the *Rules of Order*.

Rule 3.3

The Presiding Officer is entitled to the same rights as a Member unless otherwise limited by law.

Commentary

The Presiding Officer's role as the facilitator or director of the meeting should not limit the Presiding Officer's role or responsibly as a Member of the Body. The Presiding Officer may hold an opinion, join in discussion, offer a motion, second a motion, engage in debate,⁶⁶ and, when legally authorized, vote. The Presiding Officer is a full Member of the Body.

Very importantly, the *Rules of Order* recognizes that, in some instances, state or local law limits or restricts the Presiding Officer's powers. For example, the mayor in a statutory town is the Presiding Officer of meetings,⁶⁷ and, by local ordinance, the governing body may deny the mayor the right to vote except in the event of a tie vote among the other Members.⁶⁸ The Presiding Officer should consult with the

Body's legal counsel to understand any limitations or restrictions on the Presiding Officer's powers as a Member of the Body. Compliance with state or local law regarding meetings can be enforced through a Point of Order. See Rule 1.1 and Section 11.0.

Rule 3.4

The Presiding Officer may exercise discretion during the meeting subject to a Point of Order or a Point of Appeal.

Commentary

The Presiding Officer must conduct meetings and follow the *Rules of Order*. However, the *Rules of Order* expressly recognizes that meeting efficiency may, at times, be advanced by a temporary deviation from a rule. A deviation from strict compliance with a rule is common, and Members rarely raise an objection to a deviation when the deviation will advance meeting efficiency. Given that deviations from a Body's adopted rules of order are common and accepted, Rule 3.4 is necessary.

In the application of the *Rules* during a meeting, some examples of opportunities for the exercise of discretion include:

- ✦ Adjourning the meeting or calling for a recess without a formal motion and vote.
- ✦ Calling for the vote on a motion, which will effectively close the potential for continuing debate on a motion.
- ✦ Declaring a Friendly Amendment or Friendly Withdrawal of a motion without a request from a Member.
- ✦ Calling a Member to order without a Point of Order.

- ✦ Asking for information without a Point of Information.
- ✦ Taking agenda items out of order when, for example, the necessary persons are not yet in attendance.
- ✦ Electing not to call the Body to order when an immaterial deviation from a rule occurs.
- ✦ Suspending a rule as authorized by Rule 8.1.

One common and appropriate exercise of discretion is forgoing a formal motion as required by Rule 5.1 when the action proposed is administrative, ministerial, and minor in nature. Such action may include, by way of examples, directing the administrative staff to prepare a report for the Body's later consideration, making a simple revision to the minutes prior to formal approval, or directing the postponement of the scheduled closure of the local swimming pool until a specific date. For these administrative matters, the Body may direct the action at the request of the Presiding Officer by expressing the Body's general concurrence or consent.⁶⁹ Importantly, forgoing a formal motion and vote should not be used for legislative or quasi-judicial decisions. Such decisions are not ministerial or minor in nature and often require a formal recording of the Body's vote on a specific proposition.

In some limited circumstances, the local home rule charter, ordinance, or policy may provide that the Body may only act by ordinance, resolution, or motion. These types of provisions could be interpreted as prohibiting the use of an informal consensus by the Body even for minor matters. The Body's legal counsel should be consulted in deciding the proper interpretation of any charter, ordinance, or other policy provisions that may limit the authority to forgo a motion and render decisions informally.

At all times, a discretionary decision by the Presiding Officer remains subject to a Point of Order and Point of Appeal, which allows the Members to bring the meeting into compliance with the *Rules of Order*.

Rule 3.5

The Presiding Officer shall facilitate the meeting in a fair and neutral manner and, whenever practicable, defer to the Members to initially lead discussion, offer motions, and direct debate.

Commentary

Rules 3.1, 3.2, and 8.1 empower the Presiding Officer to exclusively direct meeting conduct and exercise discretion regarding meeting procedures. Rule 3.3 also affords the Presiding Officer the same rights as Members to hold and express an opinion or position as to matters before the Body and to offer and second motions. However, when the Presiding Officer holds an opinion or a desire for a particular outcome, the Presiding Officer's power over the conduct of the meeting could be exercised in a manner that impinges or impairs the rights of the Members.

Rule 3.5 directs the Presiding Officer to conduct the meeting in a fair and neutral manner. The Presiding Officer should defer to the Members to initially propose motions and to lead discussion and debate. This deference is a reasonable means of ensuring fairness and protecting the Members' rights. Following an offer to the Members for the first opportunity to provide input, the Presiding Officer is entitled to exercise the right to express opinions and to participate in discussion and debate in accordance with Rule 3.3. The Presiding Officer may also offer or second a motion when the Members sit

silent after the Presiding Officer extends the first opportunity to the Members to participate.

At times, the Presiding Officer may be unable to facilitate a meeting in a fair and neutral manner due to the Presiding Officer's strong, passionate, or biased position regarding a matter pending before the Body. The discretion afforded the Presiding Officer by Rule 3.4 authorizes the Presiding Officer to "pass the gavel" and hand off the facilitation of the meeting to another Member. Once no longer seated as the Presiding Officer, full participation in the meeting without the limitation imposed on the Presiding Officer by Rules 3.1 and 3.5 is then allowed.⁷⁰

4.0 The Floor

Rule 4.1

The Floor is required to address the Body.

Commentary

A rule requiring a Member to obtain the Floor in order to speak to the Body is universally recognized as a principal element of an efficient and orderly meeting.

The wisdom of Rule 4.1 is sound. If Members were unrestricted in their ability to speak during a meeting, then, in the worst-case scenario, Members would continuously talk over and interrupt one another, with the more assertive or aggressive Members raising their voices to be heard. In the best-case scenario, Members would self-police their access to the Floor in a courteous manner in support of the goal of fairness and equality among all Members. It goes without saying that something akin to the worst case is unfortunately too

common due to the vagaries of personalities in any group of people who are passionate about issues. A rule is therefore necessary to curtail unrestricted access to the Floor for the sake of meeting efficiency.

Rule 4.1 does not preclude a Member's interruption of another Member who has the Floor to offer a Point of Order, a Point of Information, or a Point of Appeal. All points are privileged. See Rule 10.1. A Member may express a point to the Body without first requesting permission to obtain the Floor. See Rule 10.2. Nevertheless, Members should offer a point in a courteous fashion and await a break in the discussion or debate.

A corollary to this rule is that Members may not hold conversations "on the side" with each other or with administrative staff during a meeting. Such conversations may not only interfere with the discussion or debate but may also impair the other participants' ability to hear and may also interfere with the recording of the meeting.

Rule 4.2

A Member shall be granted the Floor by the Presiding Officer when properly requested in accordance with the *Rules of Order* and local meeting practice.

Commentary

One of the most important goals for a meeting is to protect each Member's right to be heard during discussion and debate.

Rules 4.1 and 4.4, together with the nature of representative government and fairness, necessarily *infer* that a Member will not be denied reasonable access to the Floor. However, Rule 4.2 is necessary because no rule *specifically* grants such right to a Member or obligates

the Presiding Officer to recognize a Member's request to speak before the Body.

A request for the Floor must necessarily be made at the appropriate time and in accordance with the *Rules* and local practice. For example, nearly all local governments invoke a system or process for Members to indicate their request to speak, whether that system is by means of a simple show of hands or the use of an electronic queuing system. The use of the local government's established practice or system to request the Floor is a requirement of Rule 4.2. And, when a proper request is made, the Member will be recognized by the Presiding Officer and granted access to the Floor.

When granting the Floor, the Presiding Officer need not be overly formalistic in recognizing a Member. Any recognition that would make it clear that the Member is entitled to speak is sufficient. For example, the Presiding Officer might respond to a Member raising their hand to speak with a simple expression such as "Member A?" or "Member A, did you have a question or comment?" Some Presiding Officers may seek to use a more formal style when recognizing a Member, such as "Member A, you have the Floor." However the Floor is granted, the Presiding Officer should protect the Member's right to the Floor by ensuring an uninterrupted opportunity to speak and calling unauthorized interruptions as out of order. See Rule 4.1.

Rule 4.3

A Member's right to the Floor is limited to five minutes.

Commentary

From the perspective of efficiency and fairness, it is detrimental to the Body for a Member to dominate the available meeting time with

lengthy discussion or debate. Based on common local government experience, however, most Members do not often speak for more than five minutes at any one time. But experience also proves that a Member may at times dominate discussion or debate and speak for longer than five minutes. Further, experience proves that Members speaking longer than five minutes at a time are often disorganized or repetitious in conveying the information they seek to present.

Rule 4.3 recognizes that five minutes is typically a sufficient amount of time for a Member to offer viewpoints, opinions, or advocacy during the discussion or debate on a matter or motion.

Nevertheless, a Member may request that the Presiding Officer grant the Member additional time. A Member who knows that their presentation may press the time limit afforded by Rule 4.3 should contact the Presiding Officer in advance of the meeting. Such a request should usually be granted, although setting some reasonable time limitation when granting such a request is appropriate.

A request for more time made during a meeting should customarily be granted by the Presiding Officer unless the Presiding Officer decides that other Members are waiting to be recognized to obtain the Floor or that meeting efficiency necessitates that the requested extension be denied. When the Presiding Officer denies a Member an extension of time to speak, no other Member shall be granted an extension of time for the same agenda item. Moreover, if one Member is granted additional time to speak, other Members making the same request should be treated equally. Speaking more than the allocated time is always out of order.

The Presiding Officer holds the discretion to modify Rule 4.3, with such a modification applying to all Members. A modification may be accomplished through a simple exercise of discretion pursuant to Rule 3.4 or more formally by an announcement of the suspension of

the five-minute limitation in accordance with Rule 8.1. A modification may be appropriate given the importance or complexity of the agenda item, the anticipated amount of time available for the agenda, the anticipated time to accommodate citizen participation, and the amount of business that must be accomplished during the meeting. The Presiding Officer's exercise of discretion is subject to a Point of Appeal, and a majority of the Body may affirm or reject the Presiding Officer's decision. See Section 13.0.

Rule 4.4

A Member may obtain the Floor only once until all other Members are offered an opportunity to obtain the Floor.

Commentary

Members are best served by a fair and equitable opportunity to address the Body. Absent a rule to aid the Presiding Officer to monitor access to the Floor, one or more Members can dominate the discussion and debate and potentially suppress or exclude other Members' views.

A Member should only speak once in discussion or debate until all other Members requesting the Floor have an opportunity to speak. The Presiding Officer shall endeavor to equally solicit input from all Members prior to allowing Members who previously obtained the Floor the opportunity to again address the Body.

Obtaining the Floor after previously speaking when other Members are awaiting an opportunity to speak is out of order.

5.0 The Motion & Second

Rule 5.1

A motion is required for the Body to take a formal action.

Commentary

It is axiomatic that the Body may only take formal action through a vote. A vote necessarily requires that a Member offer a motion that proposes a specific request, proposition, or question. Absent a motion and a vote, there is no means available to determine that the Body decided to take a specific action.

For the purposes of Rule 5.1, a formal action is an action to approve or reject an ordinance or a resolution or to render a binding and final decision by the Body that necessarily requires the recording of a vote. The Body’s legal counsel should advise the Body regarding those decisions that require a formal motion and a vote. Importantly, Rule 3.4 recognizes the limited authority of the Presiding Officer to use discretion and allow the Body to decide certain administrative and ministerial or minor matters without a formal motion or vote.⁷¹

Notwithstanding any authority to forgo a formal motion, a formal motion and vote will be available for any action by the Body.⁷² A Point of Order or a Point of Appeal are the appropriate means to require compliance with Rule 5.1.



The So Moved Motion

A Member may forgo offering a formal motion by the Member’s exclamation of “so moved.” The So Moved Motion requires a

preceding discussion that the Presiding Officer deems sufficient to clearly define a request, proposition, or question that will be subject to a vote. Upon the exclamation “so moved,” the Presiding Officer should summarize or clarify the motion. The So Moved Motion requires a second in accordance with Rule 5.3.

The So Moved Motion will oftentimes follow discussion by the Body or by administrative staff requesting that the Body take a specific action. For example, the Body’s finance director may make a presentation to the Body and conclude the presentation with a statement that “the Body is asked to approve the 2026 End of Year Financial Report.” To hasten the making of the requested approval, a Member may simply say, “So moved.” As another example, a Member may ask for the assistance of legal counsel in fashioning the language of a motion. Upon the legal counsel’s verbal suggestion of the language for the motion, a Member may wish to adopt the suggested language as a motion by using the expression “so moved.”

Although a Member’s opportunity to offer a So Moved Motion should customarily require the Floor, in common practice, the motion is offered spontaneously and then quickly seconded. Provided that the motion does not interrupt another Member who was granted the Floor, and absent a Point of Order objecting to the motion without obtaining the Floor, the Presiding Officer can recognize the motion.

In the event that a Member offers an objection to the use of the So Moved Motion, or a Member offers a Point of Order to require a formal motion in accordance with Rule 5.1, the So Moved Motion shall be disallowed by the Presiding Officer, and a formal motion will be required for the Body to take action.

The Rule in Practice

The following dialogue provides an example of Rule 5.1 in practice, the So Moved Motion, and the use of a Point of Order to require a formal vote:

Background: The City Manager has the Floor and is presenting an update on current administrative issues.

City Manager: “I attended a meeting this week with the Student Leadership for Village High School. They gave great reasons why an after-prom party at the high school will best protect our students by offering a safe environment that is monitored better than the various private parties the students might otherwise attend. I request that the City Council support this year’s after-prom party and donate \$500 to Village High School from the Donation Line Item in our General Fund.”

Member A: “So moved.”

Member B: “Second.”

Presiding Officer: “We have a Principal Motion on the Floor to donate \$500 to Village High School for this year’s after-prom party to be drawn from our Donations Line Item in the General Fund. Unless there is any further debate on this motion, I will call for the vote.”

Member D: “Point of Order.”

Presiding Officer: “Yes, Member D, what is your Point of Order?”

Member D: “Our rules of order require a formal motion in order to take action.”

Presiding Officer: “Member D, you are correct. I will disallow the use of a So Moved Motion in this instance. Approval of this requested donation will require a formal motion.”

[A formal motion is offered and approved by the Body]

Building upon the previous scenario, the following dialogue provides an example of the Presiding Officer’s use of discretion pursuant to Rule 3.4 and the use of a Point of Appeal to challenge the Officer’s decision:

Background: Member D offers a Point of Order to oppose the use of a So Moved Motion and to require a formally stated motion in accordance with Rule 5.1.

Presiding Officer: “Member D, as the Presiding Officer, I find that the motion is sufficient because our rules of order authorize the use of a So Moved Motion if the Presiding Officer determines that the discussion prior to the motion is sufficient to provide a clear and understandable motion. I find that the So Moved Motion in this case is sufficient for this matter. We can proceed to a debate on the motion.”

Member D: “Point of Appeal. I believe that use of our limited funds in our Donation Line Item of the General Fund justifies a more formal motion and strict adherence to Rule 5.1.”

Presiding Officer: “My decision to accept the So Moved Motion is appealed. An appeal is not debatable. I will call for the vote on the question of whether my decision should be upheld. A “yes” vote is a vote to support my decision and allow the So Moved Motion. A “no” vote is a vote to reject my decision and to require a formal motion. A majority of the quorum is required for this appeal.”

[The Body then proceeds to a vote on the Point of Appeal, and a majority of the quorum supports the Presiding Officer’s decision. The So Moved Motion is then debated and decided.]

Rule 5.2

A motion shall propose an affirmative proposition in clear and understandable language that is limited to either a “yes” or a “no” vote.

Commentary

Rule 5.2 establishes three requirements for a proper motion: (1) an affirmative proposition that is (2) stated in clear and understandable language and that (3) calls for a “yes” or a “no” vote.

✦ Affirmative Proposition

Motions ask the Body to make a decision. For all motions other than a Principal Motion, the motions are each limited by the motion’s required language and purpose to ask that the Body decide to take an *affirmative* or positive action—that is, upon the approval of the

motion, the Body will change the existing state of affairs in the course of the meeting.

Unlike the other motions, Principal Motions are not necessarily limited to a request to take affirmative action. Although most Principal Motions will propose that the Body take an affirmative action, a Principal Motion could potentially ask the Body to not take an action. A motion proposing that the Body not take action is unnecessary, if not confusing. The Body need not approve a motion in order to maintain the status quo. As an example, a Principal Motion “to not take a recess,” if approved, would not change the status quo and would merely confirm the state of affairs that would exist in the absence of the motion.

Rule 5.2 requires that all motions propose that the Body take an affirmative or positive action, the approval of which will change the status quo. Requiring all motions to seek an affirmative action is entirely consistent with local government’s customary approach to governance. Most agenda items either expressly or implicitly ask that the Body consider approving the taking of action. And, notably, a “motion to approve” an action is by far the most common form of motion.

Requiring an affirmative motion promotes efficiency. An affirmative motion enables the Body to reach a decisive or final decision regardless of the vote to approve or reject the motion. See Rules 7.7 and 7.8.

✦ Clear and Understandable Language

On occasion, a Moving Member may propose a confusing motion that other Members do not clearly understand. Confusion is often the product of an overly wordy or a multipart motion.

When motions are imprecise, unclear, or not fully understood by the Body, the Body’s decision can mean different things to different

Members. Members may later dispute the motion's intent or scope and the specific action directed by the Body. The administrative staff may find it difficult to carry out the directions of a confusing or unclear motion. A concise, clear, and understandable motion is the goal, if not an absolute necessity.

When a Member is uncertain about the purpose or meaning of a motion, it is appropriate to offer a Point of Information seeking an explanation from the Moving Member. The Body benefits from clarity in the motion. Inquiries into the purpose or meaning of the motion can oftentimes result in the withdrawal of the motion or a more understandable restatement of the motion.

✦ “Yes” or “No” Vote

A motion will be ineffective to direct action unless the motion asks for a simple and unconditional “yes” or “no” vote.⁷³ A motion that requires the Members to explain a position or an opinion will not likely lead to a definitive decision by the Body. Consider, for example, a motion that states, “I move to have the Trustees identify how much they would support funding Trustee education and training for each of the next four years.” It is highly likely that the Trustees will offer a variety of different opinions in response to the motion. This motion does not allow the Members to vote “yes” or “no” and is therefore out of order.

Special Note: Lack of an Offer of a Motion to Approve

On rare occasions, the Members of the Body may be unwilling to offer a Principal Motion “to approve” a proposed action. This unwillingness may be the result of strong or unanimous opposition to the approval of the requested action. Although

a Principal Motion “to deny” the proposed action remains a possibility, a motion to approve the action can be more efficient. A motion to approve that fails to receive the necessary vote will result in a definitive or decisive decision to reject the motion’s proposition in accordance with Rule 7.8.

The *Rules of Order* provides an assurance that a motion to approve can serve the Body notwithstanding a Moving Member’s opposition to the motion. Rule 7.4 recognizes that the offer of a motion does not require the Moving Member to advocate in favor of the motion or to vote to approve the motion. Additionally, Rule 5.6 affords a Moving Member the first right to speak to the motion. This opportunity allows the Moving Member to state at the outset of the motion’s consideration that the Member is offering the motion to allow the Body to debate and that the Moving Member will likely be voting against the motion. Simply stated, the offer of a motion to approve will not imply that the motion should be, or will be, approved by the Body. The motion is, however, the most efficient approach to deciding general propositions for action presented to the Body.

Rule 5.3

A motion requires a second.

Commentary

A motion must receive a second before any debate may commence. The reason for this rule is efficiency. A second is an expression of support by a Member that the motion should be entertained by the Body. It is inefficient for the Body to devote time or effort debating a

proposed motion that no Member other than the Moving Member supports for consideration and debate.

But, very importantly, the offer of a second is not an expression that the Member offering the second approves or supports the motion's proposition. The Member offering a second only desires to open debate on the motion. A Member's offer of a second does not preclude the Member from later opposing or voting against the seconded motion. See Rule 7.4.

As a limited expression of support for debate, the second does not require that the Member obtain the Floor, and, moreover, the offer of a second does not grant the Floor to the Member. The expression "second," "I second," or a similar affirmative declaration is appropriate, and any other expression or attempt to comment on the motion is out of order.

The Presiding Officer should await the offer of a second before acknowledging the motion pursuant to Rule 5.4. It is also helpful for the Presiding Officer to ask for a second on a motion, which can highlight for the Members the need for a second before proceeding. The lack of a second after allowing a reasonable time for the second will result in the motion's failure. In this case, the Presiding Officer should declare that "the motion dies for lack of a second," the declaration of which will remove the motion from any further consideration. A new motion would then be in order, or, if a new motion is not offered, the Presiding Officer may move to the next agenda item.



Special Note: Quasi-Judicial Matters – Lack of a Second

For a quasi-judicial matter, the applicant is legally entitled to a final decision from the Body. The lack of a second, and the resulting failure of the motion, does not provide a definitive

or final decision. The failure of the second simply means that a particular motion will not be placed on the Floor. Upon the failure of the motion to receive a second, the Presiding Officer should request a new motion that will lead to the Body satisfying the requirement for a final decision on the quasi-judicial matter.

Rule 5.4

To be placed on the Floor for the Body’s consideration, the Presiding Officer must acknowledge that the motion was properly stated and seconded in accordance with Rules 5.2 and 5.3.

Commentary

Rule 5.4 advances meeting efficiency. The Rule permits the Presiding Officer an opportunity to determine that a motion satisfies the requirements of Rule 5.2 (properly stated) and Rule 5.3 (properly seconded). The Presiding Officer should promptly make the determination and, when justified, acknowledge the motion. Upon acknowledgement, the motion will be on the Floor for the Body’s consideration and debate.

The Presiding Officer’s acknowledgment of a motion may be formal (“We have a motion properly stated and seconded which proposes approval of Ordinance No. 23, and the motion is now on the Floor”) or informal (“Does anyone wish to speak to the motion?”). To enhance the Body’s understanding of the motion, it is helpful if the Presiding Officer restates or summarizes the motion upon its acknowledgement.

Rule 5.4 allows the Presiding Officer and the Members an opportunity to address any deficiencies in the form of the motion prior to the motion being placed on the Floor. For example, when

the motion's language is not clear and understandable, the motion, even if seconded, is not yet on the Floor. The Presiding Officer and the Members of the Body can bring to the Moving Party's attention the motion's lack of clarity. The Moving Member is then provided an opportunity to change or even withdraw the motion. See Rule 5.5. When the motion is changed appropriately, the motion can be seconded, and the Presiding Officer can acknowledge the motion.

If the Presiding Officer withholds acknowledgement of a properly stated and seconded motion, a Point of Order or Point of Appeal is available to challenge the Presiding Officer's lack of action.

Rule 5.5

A motion, once acknowledged by the Presiding Officer and placed on the Floor, is owned by the Body.

Commentary

A Moving Member may attempt during debate to exercise control over a motion by unilaterally modifying the motion's language or by proclaiming the motion as withdrawn from consideration. Some local governments condone this practice under an assumption that the Moving Member holds some form of right, ownership, or control over the motion until it receives a final vote. This practice is ill-advised.

Rule 5.5 recognizes a specific point in time when ownership and control over a motion will rest with the Body. A motion is not on the Floor and capable of any consideration and debate until the Presiding Officer acknowledges the motion in accordance with Rule 5.4. Until this acknowledgement, the Moving Member may change or

withdraw the motion. A change or withdrawal may typically be made in response to inquiries about the motion from the Presiding Officer or the Members. But, upon the Presiding Officer's acknowledgement, the Body will own and control the motion, and the Moving Member cannot change or withdraw the motion.

To allow the Moving Member to unilaterally change or withdraw a motion on the Floor can be problematic. Once on the Floor, the Body will devote time debating the motion. Members will take positions on the motion and may demand that the Body reach a final decision to approve or reject the motion. Moreover, the Members may propose one or more amendments to the motion to best express the Members' positions. If a Moving Member retains control over a motion, the Moving Member may unilaterally control the Body's ability to render a decision by changing or withdrawing the motion. Rule 5.5 helps prevent a Moving Member from unilaterally undermining the Body's decision-making process.

Rule 5.6

The Presiding Officer shall offer the Moving Member the first opportunity to speak to a debatable motion.

Commentary

Once on the Floor, a debatable⁷⁴ motion can proceed to debate. As the principal proponent of the motion, the Moving Member is afforded the first opportunity to address the purpose and need for the motion. The explanation may help focus the Body's debate and may highlight a need for amendment to ensure that the motion aligns with the Moving Member's intent or serves the Body's goals.

Rule 5.6 neither requires the Moving Member to accept the Presiding Officer's invitation to address the motion nor precludes the Moving Member from later addressing the motion during debate as permitted by Rule 4.2.

6.0 The Friendly Requests

Rule 6.1

A Friendly Amendment is authorized only for a debatable motion, and the amendment of the motion will be effective unless a Member objects.

Commentary

The need to amend a motion is common. Some amendments may be complex—for example, an amendment of a motion to add conditions to the approval of a proposed land use. For these more complex amendments, the proper amendment procedure is a Motion to Amend. See Section 17.0, Motion to Amend.

However, some amendments may be as simple as asking for a change of a word, a number, or a date. For example, consider a Principal Motion to approve the purchase of seven new laptop computers for the governing body's use. A Member may offer a Motion to Amend the Principal Motion to change the number of laptops from seven to eight to supply the Body with a backup unit. This simple amendment is clear and understandable and would not require much, if any, debate. It is also an amendment that may be readily acceptable to all the Members of the Body. Therefore, a simplified and informal procedure to amend a motion can advance meeting efficiency.⁷⁵ The Friendly Amendment fulfills this role.

A Friendly Amendment is only available to amend a debatable⁷⁶ motion. A Friendly Amendment is out of order when offered to amend a motion that is not debatable. A Friendly Amendment enables the Presiding Officer to exercise discretion and to forgo a formal Motion to Amend, a debate, and a vote. Because Rule 5.1 requires a motion for the Body to take action, the Friendly Amendment is effectively a special exception to Rule 5.1.

The Friendly Amendment is initiated by a request that includes the specific amendment proposed. In the preceding example concerning laptop computers, the request for a Friendly Amendment may state, “I request a Friendly Amendment to change the number of laptops from seven to eight.”

Any Member, including the Presiding Officer, may request a Friendly Amendment. The request requires that the Member have the Floor.

Importantly, it is the Presiding Officer, not the Moving Member who offered the original motion, who may approve a request for a Friendly Amendment. This approach is entirely appropriate given that the Body owns the motion on the Floor, not the Moving Member. See Rule 5.5. Moreover, the Presiding Officer is already empowered to assume the Floor and to exercise discretion to advance meeting efficiency.

Upon the announcement of the request, the Presiding Officer should await an objection and, hearing none, declare that the motion on the Floor is amended as stated in the request for the Friendly Amendment. It is the absence of an objection from any Member of the Body that effectively renders the amendment “friendly.”

When the Friendly Amendment is not unanimously supported by the Members, a simple exclamation of “objection” by a Member will make the Friendly Amendment unavailable to the Body.⁷⁷ An objection will effectively require the Body to either abandon the requested amendment or resort to a formal Motion to Amend,

debate, and a vote if the amendment is to move forward. See Section 17.0, Motion to Amend.

The Rule in Practice

The following dialogue provides an example of Rule 6.1 in practice:

Background: The Town Manager presents Ordinance 19 to the Town Board. Ordinance 19 will amend the Town Code and require all dogs to be kept on a minimum ten-foot leash when outside of a building or outside of a fenced yard.

Member A: [Who was granted the Floor by the Presiding Officer] "I move to approve Ordinance 19 as presented."

Member B: "Second."

Presiding Officer: "We have a Principal Motion on the Floor to approve Ordinance 19 as presented. This motion is debatable. Member A, you have the right to speak first on the motion. Would you like to speak to your motion?"

Member A: "No, thank you."

Member C: [Who was granted the Floor by the Presiding Officer] "I believe that, in the study session on this issue, we supported a maximum eight-foot leash because it was the standard used by other communities and is a safe length for control of a dog. I request that the Presiding Officer accept a Friendly Amendment to the motion to change the phrase in Ordinance 19 that currently states 'a maximum of ten feet' to instead state 'a maximum of eight feet.'"

Presiding Officer: “Thank you, Member C. I agree with your suggested amendment and accept the Friendly Amendment to change the maximum length of the leash from ten feet to eight feet.

“Is there any objection to this friendly amendment?”

“Hearing no objection, the motion to approve Ordinance 19, as amended by the Friendly Amendment, now states the leash must be ‘a maximum of eight feet’ and is now on the Floor for debate.”

[The Body then continues in debate on the Principal Motion as amended by the Friendly Amendment. Note that a formal Motion to Amend would be available if the Presiding Officer rejected the request for a Friendly Amendment or an objection to the Friendly Amendment was raised by a Member.]

Rule 6.2

A Friendly Withdrawal is authorized only for a debatable motion, and the withdrawal of the motion will be effective unless a Member objects.

Commentary

A majority of the Members may find a proposed motion on the Floor to be unacceptable. For such a motion, the common method to effectively withdraw the motion from the Floor is by a vote on the motion as presented and the motion’s failure to receive the necessary number of votes for approval.

On occasion, however, the Body may recognize during debate that a debatable motion will not enable the Body to reach a meaningful conclusion and that an entirely different motion—or no motion at all—should be offered. For example, the debate on a Principal Motion proposing to fund a city council retreat may demonstrate that only the Moving Member desires to attend a retreat. In the face of this apparent strong opposition to the retreat, continuing debate on the motion is unwarranted, pointless, or inefficient. In this instance, Rule 6.2 authorizes a “Friendly Withdrawal” to promote meeting efficiency.

The Friendly Withdrawal is only available for a debatable⁷⁸ motion. The reason for this limitation is that a nondebatable motion will not present an opportunity for Members to access the Floor and express opinions on the motion. A nondebatable motion will immediately proceed to a vote without debate. When sufficient opposition to the nondebatable motion exists, the motion will be promptly and efficiently rejected by a vote.

A Friendly Withdrawal is initiated by a Member’s request or by the Presiding Officer. Upon the announcement of the request to consider a Friendly Withdrawal, the Presiding Officer should await an objection from a Member and, hearing none, declare the motion on the Floor withdrawn. It is the absence of an objection from a Member of the Body that effectively renders the withdrawal “friendly.”⁷⁹

Importantly, it is the Presiding Officer and not the Moving Member who may approve a request to withdraw a motion by a Friendly Withdrawal. This approach is entirely appropriate given that a motion on the Floor is owned by the Body, not the Moving Member. See Rule 5.5. Moreover, the Presiding Officer is authorized to exercise discretion to advance meeting efficiency. See Rule 3.4.

Upon a Member's timely objection to a proposed Friendly Withdrawal, the Friendly Withdrawal is unavailable, and the pending motion must proceed to a formal decision by the Body.

The Rule in Practice

The following dialogue provides an example of Rule 6.2 in practice:

Background: Member A offered a Principal Motion to approve an application for a special-use permit for an animal hospital. The motion included several conditions regarding the operation of the hospital. The motion received a second and was acknowledged by the Presiding Officer as properly on the Floor. After some debate on the motion, the Body recognized that the motion would require significant and time-consuming amendment to bring the motion into a form that the Body could reasonably entertain. Another Member suggested “scrapping” the pending Principal Motion and starting over with a different motion for approval. A majority of the Members expressed strong support for the suggestion to “scrap” the motion.

Member A: [Who was granted the Floor] “After hearing the comments during debate that this motion needs a lot of work if we are going to reach a final decision, I request that the Presiding Officer accept a Friendly Withdrawal of the motion.”

Presiding Officer: “Member A has asked for a Friendly Withdrawal of the motion. I agree that withdrawing this motion is necessary so we can take a different

approach with a new motion. Unless there is an objection, I will withdraw the motion.

“Hearing no objection, the motion to approve the conditional-use application is withdrawn. Do we have any other motion or request?”

Using the same scenario for the Principal Motion to approve the special-use permit for the animal hospital, the following dialogue illustrates the use of an objection to defeat a proposal for a Friendly Withdrawal:

Member A: [Who was granted the Floor] “After hearing the comments during debate that this motion needs a lot of work to reach a final decision, I request that the Presiding Officer accept a Friendly Withdrawal of the motion.”

Presiding Officer: “Member A has asked for a Friendly Withdrawal of the motion. I agree with the request. Unless there is an objection, I will withdraw the motion.”

Member C: “Objection.”

Presiding Officer: “Member C objects to the use of the Friendly Withdrawal in this instance. A Friendly Withdrawal is not available for this motion.

[The Body then proceeds to a formal vote on the Principal Motion, which is rejected, and the Body then entertains a new motion.]

7.0. The Vote

Rule 7.1

The Presiding Officer's call for the vote closes the Floor.

Commentary

The debate of a proposed motion may at times seem never-ending, with Members repeatedly seeking the Floor and often repeating the same comments in support or opposition to the motion. At other times, the debate is succinct, or Members know their vote without debate. Eventually, the Presiding Officer must call for the vote to enable the Body to render a decision.

Absent a rule that will close the Floor, Members may request the Floor and engage the Body in debate even during the voting process. The call for the vote is a declaration that the Floor is no longer open to prevent the interruption of the process of voting. No Member is authorized to seek the Floor or to speak to the Body following the call for the vote.

However, Rule 7.1 does not preclude a Point of Order, Point of Information, or Point of Appeal, which remain available to Members as privileged actions that can allow the Body to address urgent matters concerning meeting process.

The Presiding Officer's decision to call for the vote is a discretionary decision subject to a Point of Appeal. A successful appeal will cause the Floor to remain open until the Presiding Officer again calls for the vote or the Body approves a Motion to Close Debate. See Section 18.0.

Rule 7.2

Proxy or absentee voting is not permitted.

Commentary

Rule 7.2 effectively limits voting to only Members in attendance.⁸⁰ Rule 7.2 also directly advances the public policy established by the Colorado Open Meetings Law that the business conducted by elected and appointed officials occurs in meetings that are open to the public. Proxy and absentee voting undermine the openness and transparency of government.

Voting by proxy allows a Member to vote on behalf of another Member.⁸¹ Proxy voting undermines or defeats equality among Members by granting the Member holding a proxy greater voting power than other Members. The proxy grants a Member two or more votes. Moreover, in circumstances where the Member granting the proxy limits or conditions the voting authority of the proxy holder, the Body has no means to ensure that the proxy vote is cast correctly—that is, unless the Body undertakes a review of any written proxy form or confirms any limits or conditions with the Member granting the proxy. Reviewing or confirming the proxy will obviously delay the meeting and reduce efficiency. Proxies that are unclear as to the proxy holder's scope of authority to vote will place the Presiding Officer or the Body in the position of judging the intent or validity of the proxy prior to the casting of the vote. If the goals of a meeting are fairness to the Members and efficiency, proxy voting is antithetical to such goals.

Absentee voting allows a Member to submit a vote on a matter in advance of the meeting. The *Rules of Order* prohibits absentee voting because the vote lacks the confidence of being a fully informed and well-reasoned decision. Most obviously, the absent Member may prepare and submit their vote for a motion, proposition, or question that is not likely known to the absent Member. An absentee Member will also not be aware of any information, testimony, evidence, discussion, and debate offered during the meeting and prior to the vote. In a quasi-judicial matter, an absentee vote can show that the absent Member pre-judged the matter or held a bias or prejudice based on information the absent Member obtained outside of the quasi-judicial hearing. Such prejudgment, bias, or prejudice can undermine the fairness owed to the applicant and the meeting participants required by procedural due process.⁸²

Rule 7.3

A Member may not explain their vote after the call for the vote.

Commentary

Several rules effectively limit a Member's ability to explain their vote after the Presiding Officer's call for the vote. Rule 4.1 requires the Floor to address the Body, Rule 7.1 closes the Floor upon the call for the vote, and Rule 7.5 limits a Member to the expression of a "yes" or "no" vote on a motion. Nevertheless, Members may try to use the voting opportunity to explain the reasoning or basis for their vote. This practice is both inefficient and ill-advised.

Rule 7.3 advances the efficiency of both the process of debate and the process of voting. During debate, Members enjoy a full opportunity to explain why they support or oppose a motion. Members have a right to the Floor, may speak for five minutes, and may obtain the Floor multiple times during debate. See Rules 4.2, 4.3, and 4.4. If a Member did not exercise the full and available opportunity to explain their position and their vote during debate, it is reasonable to deny the Member an opportunity to explain a vote when a vote is cast.

Rule 7.3 enhances the quality of the decision-making process by discouraging a Member from remaining silent during debate. A silent Member deprives the Body of the Member's reasoning that supports the Member's vote. When a silent Member explains a vote after the close of debate, the other Members cannot obtain the Floor to support or rebut the previously silent Member's reasoning. If a Member has already cast a vote and then finds the silent Member's explanation persuasive, the Member may wish to change the earlier vote, which can lead to meeting dysfunction.

Many Bodies use a roll-call system to cast votes, and, for these Bodies, attempts to use the voting opportunity to explain a vote are more commonplace. For Bodies using voting machines or other mechanical methods that require each Member to cast a vote simultaneously, these voting methods can help prevent the late explanation of a vote. However, as Members cast their vote by pressing a button or flipping a switch, it is possible that the Member will use that time to announce the reasons why they are casting their vote.

Regardless of the local government's system for voting, Rule 7.3 clarifies that any attempt to explain a vote at the time of the casting of the vote is out of order.

Rule 7.4

Neither the Moving Member nor the Member offering a second on a motion must advocate or vote in favor of the motion.

Commentary

Some bodies require a Member offering a motion and the Member seconding a motion to advocate in favor of the motion. A few bodies require these Members to ultimately vote in favor of the motion. These practices may stem from a belief that the Members will both support and vote to approve the motion because these Members initially offered or supported the motion. The practice may also be based on an adopted rule of order that obligates the Moving Member and the Member offering a second to support the proposed motion.⁸³

Rule 7.4 clarifies that the mere offering of a motion or the offering of a second does not limit Members to a particular position or vote. Rule 7.4 makes common sense. After offering a motion or offering a second, a Member may be persuaded during the debate that the motion will not achieve the Member's intended goal. In addition, amendments to the motion may result in a Member deciding to oppose the motion. And, at times, a Member may initially offer a motion for the purpose of allowing debate and with the intent that the Body will see the wisdom of rejecting the motion.⁸⁴

Rule 7.4 recognizes that the offering of a motion, and the offering of the second, only means that the Moving Member and the Member offering the second intend that the Body debate the motion's proposition.

Rule 7.5

Each Member eligible to vote on a motion shall vote either “yes” or “no.”

Commentary

Because Rule 5.2 requires the form of a motion to require a “yes” or a “no” vote,⁸⁵ Members are limited when voting to declare unconditional support or opposition to the motion. To be successful, a motion must receive the required number of “yes” votes to approve the motion. See Rule 7.6.

On occasion, a Member eligible to vote as part of the quorum of the Body may seek to “abstain” at the time of the vote. An abstention is an act to avoid voting or to not vote.⁸⁶ The desire to abstain may be due to a variety of reasons, which may include the Member feeling unprepared to vote due to a lack of information or the Member’s desire to simply not be placed “on the record” in support or opposition of a proposition. It is important to recognize that abstaining from a vote is different than not voting due to a conflict of interest. A conflict of interest requires the conflicted Member’s exclusion from the quorum, exclusion from participation in the matter, and exclusion from the vote. See Rule 1.4. In contrast, abstaining refers to the Member’s decision to not cast a vote when the Member has no legal reason that would prevent the Member’s participation in the matter or prevent the casting of a vote.

Rule 7.5 does not recognize a right to abstain from a vote.⁸⁷ Whether a Member is elected or appointed to serve the Body, the *Rules* assumes that the Member’s acceptance of the position is a commitment to perform the duties of the position unless such performance is prevented by law.⁸⁸ The ultimate exercise of the Member’s duty

is the casting of a vote on a motion to allow the Body to make a decision. An abstention, regardless of its reason, is a disregard of the duty voluntarily accepted by the elected or appointed Member to represent the public.

In the event that a Member eligible to vote abstains or otherwise refuses to cast a “yes” or “no” vote in accordance with Rule 7.5, the vote is out of order. The Presiding Officer may ask the abstaining or nonvoting Member to vote in accordance with Rule 7.5 by declaring a “yes” or a “no” vote. Should the Member refuse to vote in accordance with Rule 7.5, the Body may consider recording the failure to vote in the minutes as, for example, “Member Smith refused to vote.”⁸⁹ The failure to vote will not count as either a “yes” or a “no” vote.

Some local government bodies follow a rule or bylaw provision that requires the recording of an abstention or other refusal to vote as either a “yes” or a “no” vote. The Body should consult its legal counsel in any decision to impute a vote to a nonvoting Member. This issue has a long, although not recent or extensive, history of legal precedent.⁹⁰

Special Note: Approval of the Minutes

A Member may want to abstain from a vote on a motion to approve the minutes from a prior meeting solely because the Member was absent from the meeting. The Member may feel that, due to their absence, they cannot personally attest to the accuracy of the minutes.

The rule requiring a previously absent Member to vote “yes” or “no” on the approval of the minutes is not necessarily inconsistent. A previously absent Member may vote “yes” to approve the minutes because the Member has no reason or justification to object to the content of the minutes.

Additionally, an absent Member may rely upon a common presumption that the clerk or other administrative staff person charged with the taking of the minutes accurately recorded the meeting minutes. It is exceedingly rare that an error in the minutes creates conflict. An inaccuracy in the minutes, when noted by a Member, is usually corrected prior to the motion and the Body's vote to approve. A previously absent Member may readily observe that the absence of any objection by other Members to the minutes, or the correction of the minutes to resolve any inaccuracy, will justify a "yes" vote for approval.

Rule 7.6

The approval of a motion requires a vote of a majority of a quorum unless a greater number of votes is required by the *Rules of Order* or by law.

Commentary

The common rule for a motion is that the majority of a quorum⁹¹ in attendance is necessary to decide the motion's outcome. This is a default rule because some motions require a different and higher voting standard.⁹² The common rule gives exception to three motions:

- ✦ Motion to Close Debate, which requires a two-thirds (2/3) vote of a quorum. See Section 18.0.
- ✦ Motion to Reconsider, which requires a two-thirds (2/3) vote of a quorum. See Section 19.0.
- ✦ Motion for Executive Session, which requires a two-thirds (2/3) vote of a quorum.⁹³ See Section 22.0.

These three motions can effectively deprive Members of important rights associated with the decision-making process or deprive the public of the right to observe the decision-making process. As a result, a higher or supermajority voting requirement is justified.

Additionally, special statutory voting requirements impose added exceptions to the common rule. The Body should consult the Body's attorney to identify the special voting requirements of state law and whether the requirements are applicable to the Body.

By way of some examples, potential statutory modifications of the common rule for a majority vote of a quorum include:

- ✦ Municipal ordinances, resolutions, and orders for the appropriation of money requires approval by a majority of the governing body and not a majority of a quorum.⁹⁴
- ✦ For municipalities having adopted the necessary ordinance to require the mayor's signature on any ordinance adopted and all resolutions authorizing the expenditure of money or entering into a contract, a mayoral disapproval and refusal to sign the ordinance or resolution may be overridden by a two-thirds (2/3) affirmative vote of the Members of the governing body.⁹⁵
- ✦ Adoption of an emergency ordinance requires a vote of three-fourths (3/4) of the Members of the governing body of the municipality.⁹⁶
- ✦ Colorado state law requires a two-thirds (2/3) vote of all the Members of the governing body of a municipality to approve a change in zoning or zoning regulations in the event of a properly filed protest.⁹⁷
- ✦ The Colorado Open Meetings Law requires a two-thirds (2/3) vote of a quorum to hold an Executive Session.⁹⁸ This same voting requirement is set forth in Section 22.0 of these *Rules*.

Lastly, home-rule charters and local ordinances may also impose special voting requirements on the Body. For example, in one home-rule municipality, a vote to authorize the exercise of the power of eminent domain to take possession of private property requires a vote of two-thirds (2/3) of all Members of the city council in office at the time of the vote.⁹⁹

Rule 7.7

The approval of a motion by the required vote shall decisively approve the motion's proposition or question.

Commentary

Rule 7.7 works in cooperation with Rule 7.6, which sets the number of votes required for approval of a motion. Rule 7.7 provides that the Body's approval of a motion by a vote of the required majority will decisively approve the motion's proposition or question.

Rule 7.8

The failure of a motion to receive the required vote for approval shall decisively disapprove the motion's proposition.

Commentary

Rule 7.8 recognizes the obvious result of a vote that fails to gain the majority vote for approval, the failure of which also includes a tie vote. Because the motion must state an affirmative proposition as required by Rule 5.2, the failure of the vote on the motion will

decisively disapprove the motion's proposition to take action. In effect, the question presented is "Shall the Body approve the motion's proposition?" and the resulting answer by the failure of the Body to gain the required majority's vote is a decisive "no."

Special Note: Motion to Deny

A special mention is warranted for a "Motion to Deny." This motion is often proposed during the consideration of a quasi-judicial matter to approve an application. For example, the motion might state, "I move to deny the application requesting a rezoning of Lot 9 to the R-1 Zone District."

In accordance with Rule 7.7, the Body's vote to approve the Motion to Deny the rezoning application will result in a decisive decision to deny the requested rezoning. That is, the Body was asked by the motion, "Shall we deny the application?" and the answer of the Body is "Yes, we will deny the application." The requested rezoning is denied or rejected and the decision is final.

But what happens when the Body *does not* gain the votes necessary to approve a Motion to Deny? The Body's failure to approve a Motion to Deny only rejects the motion's request. In the example of the rezoning of Lot 9, the failure to approve the Motion to Deny only rejects the request to deny the rezoning of Lot 9.

Critically important is that—by not gaining the votes needed to deny the motion—the Body is *not approving* the motion. The Motion to Deny only asked the Body, "Shall we deny the application?" and the Body's answer is "No, we will not deny the application." The Body was not asked to approve the application. So, the application which requested the

Body's approval of the rezoning remains before the Body for a decision. Note that, if the failure of a Motion to Deny could result in an approval, then a tie vote on the Motion to Deny would approve an application. It would be unacceptable for less than a majority of the Body to render a decisive or final decision.

To reach a definitive decision following the failure of a Motion to Deny requires that the Body be asked to approve the rezoning. Upon the presentation of a motion to approve the rezoning application, and pursuant to Rule 7.7, the vote on the Motion to Approve will result in a definitive decision on the requested rezoning whether the motion receives the required vote or not.

Rule 7.9

A Member shall not change their vote after the announcement of the final vote except in exceptional circumstances with the approval of the Presiding Officer.

Commentary

The purpose of Rule 7.9 is to ensure the finality of a vote by the Body. If one or more votes can be changed after the final vote is announced, the decision cannot be deemed final. The only means to ensure finality is through a rule prohibiting a change in vote.

The appropriate method to reconsider a vote and to enter a new vote following final announcement would be a successful Motion to Reconsider. See Section 19.0. The successful Motion to Reconsider would reopen the prior matter, rescind the prior final decision, and

enable the Members to propose the same or a different motion and effectively provide an opportunity to change a vote.

Rule 7.9 requires an exception to address circumstances related to deficiencies in the voting method or a reasonable accommodation for a Member's disability. It is foreseeable that a Member may cast a vote only to learn after the vote announcement that their vote was not properly recorded. For example, a poor audio system associated with a video conference or remote meeting may at times fail to allow a Member to clearly record a vote due to multiple speakers voting simultaneously. Additionally, an error in voting may be made by a person with a visual or hearing impairment due to pressing the wrong voting button or indicating a vote at the wrong moment. The Presiding Officer is authorized to recognize the need to allow for changes in votes in such exceptional circumstances.

Special Note: Changing a Vote During the Voting Process

Related to Rule 7.9 is a Member's attempt to change a vote during the voting process but *before* the announcement of the final vote. Rule 7.9 does not prohibit a change of a vote prior to the announcement.

Nevertheless, allowing a Member to change a vote after the vote is cast is problematic. The practice conveys an appearance that the Member changed the vote not based on a reconsideration of the information, evidence, or advocacy presented during the meeting but because the Member is responding to the vote of another Member. In addition, the practice is disfavored because the Member seeking to change a vote may do so to manipulate the outcome in the event of a close vote. However, a Member may seek to change a vote prior to the final announcement of

the vote simply because the Member misunderstood the motion or cast an incorrect vote due to a recognized disability. Rule 7.9 allows the Presiding Officer to accommodate a justifiable need to change a vote.

To address the issue of changing votes during the voting process and to introduce equality in the voting process, some local governments use voting equipment or tools that require Members to cast their votes simultaneously. All votes cast are displayed at the same time immediately prior to the announcement of the final vote. This method reduces or eliminates the potential for the changing of a vote based upon another Member's vote or to manipulate the outcome in a close vote.

8.0 Rule Suspension and Rule Deviation

Rule 8.1

The Presiding Officer may suspend certain rules.

Commentary

Rule 8.1, together with the Presiding Officer's general authority to exercise discretion (Rule 3.4), allows the Presiding Officer to suspend certain rules of order. The purpose of this authority is to advance meeting efficiency and to address special circumstances arising during a meeting or for an agenda item where the Body does not object to the suspension of the rule by an appeal of the Presiding Officer's decision.

The Presiding Officer may suspend only the following rules:

✦ Rule 1.2

The meeting agenda will be followed unless properly amended or modified.

The Presiding Officer may recognize that flexibility is needed in following the agenda to accommodate the planned late arrival of a Member; the availability of necessary staff, applicants, or speakers; or for other reasons related to efficiency. Rule 8.1 authorizes the Presiding Officer to suspend the requirement that the agenda be followed in the order presented.

✦ Rule 3.1

The Presiding Officer shall be the exclusive director and facilitator of all meeting conduct.

Suspension of Rule 3.1 may be appropriate when the Presiding Officer seeks a greater and active role in the discussion or debate on a matter that may be inconsistent with the Officer's general obligation to facilitate the meeting in a fair and neutral manner. See Rule 3.5. Rule 8.1 allows the Presiding Officer to "pass the gavel" to another Member in accordance with the Body's rules of procedure.

✦ Rule 4.1

The Floor is required to address the Body.

On occasion, forgoing the need to obtain the Floor can enable the Body to engage in a more freeform discussion on a topic.

✦ Rule 4.3

A Member's right to the Floor is limited to five minutes.

Some topics before the Body will generate significant discussion and debate, which may be hampered by Rule 4.3 and the time restriction for a Member's access to the Floor. Suspension of Rule 4.3 can alleviate the Members' concerns for meeting time limitations when offering comment or advocacy.

✦ Rule 4.4

A Member may obtain the Floor only once until other Members are afforded an opportunity.

Invariably, a topic before the Body for discussion or debate will be of far greater concern, if not passion, for one or a few Members. Those concerned or passionate Members oftentimes are better prepared to present relevant information to the Body that brings about a more focused or robust discussion. Where the Presiding Officer recognizes this concern or passion, a suspension of Rule 4.4 can grant to all Members the opportunity to more fully express their concerns, and the Body may generally benefit from the suspension.

✦ Rule 7.3

A Member's attempt to explain their vote after the call for the vote is not permitted.

Some debatable motions may not necessitate extensive debate. As an alternative, simple statements at the time of the cast of the vote will be an efficient means of memorializing the Members' opinions. Rule 8.1 allows the Presiding Officer to open the call for the vote to Members to explain their vote at the time of voting. The Presiding

Officer may wish to provide direction that the suspension is offered to forgo extensive debate for the purpose of efficiency and that the Members are to limit their explanations to summary statements.

✦ Rule 14.3

Only one Motion to Amend may be on the Floor at any one time.

The Presiding Officer may recognize circumstances where a Principal Motion will require a greater degree of modification by the Members to bring about a more effective, comprehensive, or acceptable decision by the Body. For example, some quasi-judicial matters will generate debate on a Principal Motion that integrates the Members' detailed evaluation of the presentations and evidence, and the evaluation may culminate in a variety of needed refinements to the motion. Suspending Rule 14.3 may provide flexibility to fashion a more refined motion, although the Presiding Officer should remain aware that a balance is needed between allowing debate on multiple amendments with the confusion that these proposed amendments may present for the Body. Suspension of Rule 14.3 to permit a limited number of amendments, e.g., only two on the Floor at one time, may be a reasonable approach.

The Presiding Officer's discretion in suspending a rule is subject to a Point of Appeal. The Point of Appeal effectively places the authority to suspend a rule in the hands of the Body, and, if a majority of the Body deems the exercise of authority appropriate or inappropriate, the Body's decision will govern the Presiding Officer's ability to suspend a rule.

Very importantly, the Presiding Officer shall not be authorized to suspend or alter any other rule and, in particular, the following:

- ✦ The availability of a point or a motion to the Body.
- ✦ The requirements or limitations established for a point or motion (e.g., whether the point does not require the Floor, a motion is or is not debatable or amendable, etc.).
- ✦ The vote required for any motion (majority, supermajority). Rule 7.5.
- ✦ The prohibition against proxy or absentee voting. Rule 7.2.

Rule 8.2

The Body may suspend certain rules.

Commentary

The Body may, by use of a Principal Motion with a majority vote of the quorum, suspend a rule of order subject to the same restrictions imposed by Rule 8.1 on the Presiding Officer's authority to suspend.

Rule 8.3

An inadvertent and non-substantive deviation from a rule by the Presiding Officer or the Body without objection from a Member is authorized and intended.

Commentary

From time to time, the Body's meeting conduct will inadvertently deviate from the requirements of a rule. For example, one or more

Members may speak during an agenda item for more than five minutes contrary to Rule 4.3, or the Presiding Officer may allow a Member the Floor to speak twice prior to opening the Floor to other Members contrary to Rule 4.4. However, the Members and the Presiding Officer may elect to not call the deviation to the attention of the Body to address or correct the deviation.

In the event that the Body deviates from the requirements of the *Rules of Order* without an objection from the Presiding Officer or a Member,¹⁰⁰ such deviation shall be deemed authorized in accordance with Rule 8.3. The purpose of this rule is to enable decisions of the Body to become final and not be subject to later challenge due to inadvertent or immaterial non-compliance with the *Rules of Order*.

The purpose of Rule 8.3 is to allow the Presiding Officer and Body to reach decisions and evaluate issues without an unnecessarily strict adherence to the *Rules of Order* and to provide a degree of flexibility to the meeting. The *Rules of Order* is not intended to be the “tail wagging the dog”¹⁰¹ or for compliance with the rules to become the principal focus of the meeting.

Although Rule 8.3 establishes that most deviations without objection shall not undermine the finality of a decision, certain deviations are material or substantial in nature and may undermine the validity of a decision. These include:

- ✦ The Body’s failure to abide by the required vote for a motion (e.g., majority or supermajority). Rule 7.6.
- ✦ The prohibition against proxy or absentee voting. Rule 7.2.

Rule 8.3 does not supersede the right of the Body to entertain a Motion to Reconsider as authorized by the *Rules of Order*. See Section 19.0. The Motion to Reconsider can enable the Body to reopen a decision and correct a material or substantial deficiency by rendering a new decision conforming to the *Rules of Order*.

CHAPTER 4

CLASS & PRIORITY OF POINTS AND MOTIONS

9.0 Class & Priority for Points and Motions

There are three classes¹⁰² for motions and points:

Privileged
Main
Subordinate

Class determines the priority or importance of the motion or point and therefore determines whether the motion or point is “in order” when made, i.e., if the offered motion or point is appropriate for the Body to consider at the time it is presented.

Privileged Motions and Points

Privileged motions, as well as all three points, do not relate to a pending motion. Privileged motions and the points may be raised at any time, are not debatable, and involve an aspect of the meeting that needs to be resolved independent of the business that is then pending before the Body. Privileged *points* do not require the Floor; privileged *motions* require the Floor. The following points and motions are recognized as privileged:

- ✦ Point of Order
- ✦ Point of Information
- ✦ Point of Appeal
- ✦ Motion to Recess
- ✦ Motion for Executive Session

Main Motions

A main motion formally presents a proposition or question to the Body for action. A main motion can be made only when no other motion or point is pending. If a main motion is presented when another motion or point is pending before the Body, the proposed main motion is out of order.

The Body's primary or principal business motion, which is a main motion, is titled by *Bob's Rules* as a "Principal Motion." Together with the Principal Motion, there are four other main motions recognized by *Bob's Rules* that are commonly used in local government decision making. Unlike a Principal Motion, which can propose to the Body a virtually unlimited number of different subjects or topics for action, the other main motions focus the Body's attention on a specific action.

Altogether, the main motions include:

- ✦ Principal Motion
- ✦ Motion to Continue or Postpone (when no other main motion is pending)¹⁰³
- ✦ Motion to Reconsider
- ✦ Motion to Adjourn

Pursuant to Rule 14.1, a main motion is only in order when no other motion is pending before the Body. Therefore, only one main motion may be on the Floor at any one time.

Subordinate Motions

A subordinate motion is related to and supplements or builds upon a pending main motion. As the name implies, this class of motion is "subordinate" or secondary to a main motion. The Body must address a proposed subordinate motion before a vote on the pending

main motion. Once a subordinate motion receives a second and is on the Floor, neither the pending main motion to which the subordinate motion relates nor another subordinate motion is in order.

There are three recognized subordinate motions:

- ✦ Motion to Amend
- ✦ Motion to Continue or Postpone a Matter (when a main motion is pending)¹⁰⁴
- ✦ Motion to Close Debate

CHAPTER 5

THE POINTS

10.0 Points Generally

Points are a special form of action available to address procedural deficiencies and critical or urgent questions or to challenge the Presiding Officer's decision in the conduct of the meeting. A point requires immediate resolution in order to maintain meeting efficiency. The point presents to the Body a matter of some urgency.

There are three points, which are each recognized and explained in Sections 11.0, 12.0, and 13.0:

- ✦ Point of Order
- ✦ Point of Information
- ✦ Point of Appeal

Rule 10.1

A point may be raised at any time.

Commentary

Because the points are matters of some urgency, points are privileged and are in order at any time. A point is temporarily more important than the matter on the Floor. Any disruption of the present discussion or debate resulting from a point is outweighed by the need for a resolution of the issue underlying the point.

Rule 10.2

A point does not require the Floor.

Commentary

An important aspect of a point is that it does not require the Member to request the Floor. A point is therefore an exception to Rule 4.1.

A Member offering a point may also interrupt another Member who has the Floor. Upon the verbal declaration of a point, the Member temporarily assumes the Floor for the limited purpose of stating the need for the point. The purpose of Rule 10.2 is efficiency. If a Member must await the opportunity to reach the Floor to raise a point, then the resolution of the error, the receipt of the needed information, or the demand for an appeal may come after the Body has devoted time to an inappropriate course of action.

Notwithstanding that a point does not require the Floor, it is a common courtesy when raising a point to await a break in the discussion or debate to limit any unnecessary disruption of the meeting or a speaker. Upon the declaration, the Presiding Officer shall ask any Member with the Floor to hold further comment, invite the Member declaring the point to clarify the issue of urgency, and then take appropriate action to resolve the point.

Rule 10.3

A point does not require a second.

Commentary

A point is not a motion and is not subject to Rule 5.3, which requires that all motions receive a second before the Presiding Officer may acknowledge a motion as properly on the Floor. The reason for this rule is efficiency. A point is simply an expression by a Member that a matter of urgency requires resolution and should be promptly entertained by the Presiding Officer. The consent or approval of another Member is not needed to present a point.

11.0 Point of Order

Purpose

A Point of Order allows any member to call into question the Body’s actions regarding compliance with the rules of order.

Requirements and Limitations

Type of Action	Point of Order
When in Order?	At any time
Floor Required?	No
Second Required?	No
Debatable?	No
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	No
Subject to Motion to Reconsider?	No

Commentary

A Point of Order (or to “raise a question of order” as it is sometimes expressed) is an opportunity for a Member to question whether the rules or procedures of the Body are being properly followed. The appropriate means of asserting the point is for the Member to await a break in the immediate discussion or debate and state, “Point of Order,” and to then wait to be recognized by the Presiding Officer. Upon the Presiding Officer’s recognition of the Point of Order, the Presiding Officer shall ask the Member to succinctly state the rule or procedure believed to be violated. A Point of Order does not require a second, is not debatable, is not amendable, and cannot be reconsidered.

The Point in Practice

As an example of a Point of Order, the Body’s dialogue might include the following exchange:

Background: Member A was granted the Floor and proposed a Principal Motion to approve a site plan for a new residential development. She begins to offer her reasons for the motion and engage in debate.

Member B: “Point of Order.”

Presiding Officer: “Member A, excuse me a moment. Member B, what is your Point of Order?”

Member B: “I believe we just started to debate a motion that did not receive a second. This is out of order because a motion requires a second before the motion may be on the Floor for debate.”

Presiding Officer: “You are correct, Member B, a second was not offered on the motion. Let us cease debate. Do I hear a second on the motion?”

[A second is offered.]

“We now have a proper motion that received a second. Member A, because you proposed the motion, you have the first right to the Floor and may continue your debate on the motion if you wish.”

12.0 Point of Information

Purpose

A Point of Information¹⁰⁵ allows a Member to ask for and *receive* information about a specific matter that is urgent to the Member or to the Body. The need for information typically concerns meeting process or conduct, the clarification of a fact, or other informational matter that is best addressed in the moment and that cannot await an opportunity for the Member to obtain the Floor during discussion or debate. A simple example of the need for information may be to request that the temperature be increased in the meeting room. A more complex request may be to ask for clarification of conflicting testimony offered during a hearing.

Requirements and Limitations

Type of Action	Point of Information
When in Order?	At any time
Floor Required?	No
Second Required?	No
Debatable?	No
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	No
Subject to Motion to Reconsider?	No

Commentary

A Point of Information is a request to receive *information*. A Point of Information is not an opportunity for a member to provide information to the Body. A Member's use of a Point of Information to provide information to the Body is out of order.

The Point in Practice

As an example of the proper use of a Point of Information, the Body's dialogue might include the following exchange:

Background: The Body is engaged in discussion about traffic-calming strategies for a specific neighborhood. Member A has the Floor and offers his thoughts about the concerns raised by the neighborhood's residents.

Member B: "Point of Information"

Presiding Officer: "Excuse me a moment, Member A. Member B, what is your Point of Information?"

Member B: "Member A said there are more than 5,000 vehicles passing through the intersection of Main Street and First Avenue during the peak rush hours. But I recall that our Traffic Engineer stated earlier in her presentation that the traffic count at that intersection during peak hours was at most only 1,500 vehicles. What is the correct number?"

Presiding Officer: "Let's have the Traffic Engineer provide us the accurate figure for the traffic count."

[The Traffic Engineer provides an answer to the Point of Information as to the correct number of vehicles at peak hours.]

Presiding Officer: “Thank you for clarifying the information, Member B. Member A has the Floor and he may continue with his discussion.”

Continuing the example above to illustrate an inappropriate use of a Point of Information, Member A engages in his discussion of traffic-calming improvements to address residents’ concerns:

Member B: “Point of Information.”

Presiding Officer: “Excuse me a moment, Member A. Member B, what is your Point of Information?”

Member B: “I would like to point out that for the last five years we have experienced rather excessive traffic at this intersection. I suggest that we consider a one-way street as a means of addressing the problem. Further, I believe that...”

Presiding Officer: “Sorry for the interruption, Member B, but I must call you to order. A Point of Information is only available to obtain information necessary to ensure meeting efficiency. You are attempting to provide information to the Body. For that, you need to first have the Floor, which will be provided to you during the course of this discussion. Thank you. Member A, you may continue your discussion.”

13.0 Point of Appeal

Purpose

A Point of Appeal provides a Member an opportunity to challenge a decision of the Presiding Officer concerning the application of the rules of order.

Requirements and Limitations

Type of Action	Point of Appeal
When in Order?	Immediately following a Presiding Officer’s decision
Floor Required?	No
Second Required?	No
Debatable?	No, but the Moving Member may make a brief statement of the reason for appeal. The Presiding Officer may briefly reply.
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Majority of quorum
Subject to Motion to Reconsider?	No

Commentary

A Point of Appeal is a request by a Member to challenge a decision of the Presiding Officer concerning the application of the rules of order. A Point of Appeal shall be in order immediately following the Presiding Officer’s decision. A Point of Appeal is out of order and

unavailable where the Body has relied upon the Presiding Officer's decision and continued and concluded the matter in reliance upon, or in accordance with, the Presiding Officer's decision.

No debate is permitted on a Point of Appeal, although the Member making the Point of Appeal may briefly state the reason for the appeal, and the Presiding Officer may briefly explain the Officer's decision. Unless the Presiding Officer agrees with the appeal, corrects the decision, and brings the Body into conformance with the rules, the appeal should proceed, and a vote of the Body will be needed to decide whether to uphold the Presiding Officer's decision.

As a challenge to the Presiding Officer's decision, the point asks whether the Presiding Officer's decision should be upheld. A majority vote is required to support the Presiding Officer's decision. The Presiding Officer is permitted to vote on the appeal. Upon failure to uphold the Presiding Officer's decision, the decision is overruled or invalidated, and the Presiding Officer and Body then continue in the consideration of the matter. If necessary, a new decision may be offered by the Presiding Officer following the successful appeal.

The Point in Practice

The following exchange is an example of the proper use of a Point of Appeal:

Background: The Body is engaged in debate on a properly seconded motion. A Member who has the Floor offers a Motion to Close Debate.

Presiding Officer: “We have on the Floor a Motion to Close Debate, and the motion was seconded. The vote on a Motion to Close Debate is not debatable and will require a majority vote of the quorum.”

Member A: “Point of Appeal.”

Presiding Officer: “Member A has raised a Point of Appeal. Member A, what is your appeal and the brief reason for the appeal?”

Member A: “I appeal the Presiding Officer’s decision regarding the required vote on a Motion to Close Debate. A Motion to Close Debate requires a two-thirds vote pursuant to our rules of order.”

Presiding Officer: “I believe that closing debate is a rather simple matter only requiring a majority vote like nearly all of our motions.

“We shall now vote on the appeal. Member A appeals my decision that a vote on a Motion to Close Debate requires a simple majority of this quorum. The question we are now voting on is ‘Shall the decision of the Presiding Officer be upheld—that is, am I correct in my decision?’ A Point of Appeal requires a majority vote. Will the clerk please call for the vote?”

[The motion receives one “yes” vote and six “no” votes on the appeal and therefore fails to uphold the Presiding Officer’s decision.]

Presiding Officer: “My decision is overturned on appeal. In looking at our *Rules of Order*, I stand corrected. I will now declare that the Motion to Close Debate will require a vote of two-thirds of the members of the Body. I will thank Member A for correcting my error. Unless we have an appeal of my decision now requiring a two-thirds vote, let us proceed to the vote on the Motion to Close Debate.”

In the preceding example, the Presiding Officer could forgo the process of formal voting on the appeal and instead recognize the error in the proceedings and correct the error:

Background: Member A poses the Point of Appeal and the challenge to the Presiding Officer's decision concerning the required vote for a Motion to Close Debate.

Presiding Officer: "Member A appeals my decision regarding the required vote.

"Please give me an opportunity to look at the *Rules of Order*. I invite our Town Attorney or the Town Clerk to also offer an opinion on this matter."

Presiding Officer: "Thank you for indulging my brief break. I have reviewed the *Rules of Order*, and I stand corrected. The vote on a Motion to Close Debate is a two-thirds majority.

"Member A, thank you for that Point of Appeal, and I will consider the Point of Appeal resolved. We can now proceed to vote on the Motion to Close Debate."

CHAPTER 6

THE MOTIONS

14.0 Motions Generally

A motion is a means to formally ask the Body to take action. All motions are subject to procedural rules to ensure that each motion is made in a timely manner and that the motion is in a form sufficient to enable the Body to render a definitive decision.

All efficient deliberative bodies use motions. All published handbooks offering procedural meeting rules identify numerous motions available to conduct a wide variety of different business and procedural actions. However, it is the specific purpose and particular duties of a Body that best determine the necessary or needed motions. For the purpose and duties of nearly all Colorado local government councils, boards, commissions, and committees—other than perhaps a few of the largest—the necessary or needed motions to conduct local government business include only:

✦ Principal Motion	Section 15.0
✦ Motion to Continue or Postpone	Section 16.0
✦ Motion to Amend	Section 17.0
✦ Motion to Close Debate	Section 18.0
✦ Motion to Reconsider	Section 19.0
✦ Motion to Recess	Section 20.0
✦ Motion to Adjourn	Section 21.0
✦ Motion for an Executive Session	Section 22.0

Rule 14.1

A main motion is only in order when no other motion is on the Floor.

Commentary

A main motion offers to the Body a general proposition for consideration and debate. Main motions rank lowest in priority, and a main motion is therefore only in order when no other motion is pending before the Body.

The four main motions, which each propose the taking of a general action by the Body, are:

- ✦ Principal Motion (a principal business action)
- ✦ Motion to Continue or Postpone (when no other main motion is pending)¹⁰⁶
- ✦ Motion to Reconsider
- ✦ Motion to Adjourn

Because a main motion proposes an action that is unrelated to any existing business before the Body, Rule 14.1 advances efficiency by ensuring that the Body is not presently engaged in debate on any other motion. It would be inefficient for the Body—while engaged in debate on another motion—to turn its attention to a new and different proposition and to essentially “juggle” debate on two or more motions.

Rule 14.1 is limited to the presentation of a main motion. Note that, following a main motion being placed on the Floor, subordinate or privileged motions may arise that will relate to the main motion or to a matter that will affect the consideration of the main motion.

Rule 14.2

A debatable motion may be amended by either:

- ✦ A Motion to Amend; or
- ✦ A Friendly Amendment pursuant to Rule 6.1.

Commentary

Rule 14.2 primarily recognizes that only *debatable*¹⁰⁷ motions may be amended.

Some motions propose a singular, defined, and limited request or proposition. Being comprehensive and complete, these types of motions do not lend themselves to debate and are nondebatable.¹⁰⁸ Any modification or amendment of the nondebatable motions would likely contravene the singular purpose of the motion. As an example, a Motion to Close Debate presents only one proposition, which is to close debate. Any attempt to amend a Motion to Close Debate would likely defeat its limited and specific purpose of closing debate. Nondebatable motions proceed directly to a vote of the Body.

Other motions are not singular in purpose, are less refined, and may not completely detail a decision that will be suitable for the required vote of the Body. Such motions therefore present an opportunity for the Body to debate. Debate can often inform the Body that an amendment can clarify, expand, limit, or otherwise modify the motion to meet the needs of the Body. For example, a Motion to Continue or Postpone is debatable, and, during debate, a Member may advocate that the matter need not be continued, or the Member may seek to modify the motion by proposing a different date for the proposed continuation or postponement. A Principal Motion, which is the general business motion, is often broadly stated and may not

always include the specificity needed to satisfy other Members of the Body. Principal Motions are debatable and present the most common need for amendment. Amendment of the Principal Motion is often necessary to limit or tailor the motion's purpose, to address the Body's concerns, and to ensure that the motion can receive a fair opportunity for consideration and for a potential majority vote.

As to debatable motions, the two means to amend the motion are a formal Motion to Amend (Section 17.0) and the Friendly Amendment (Rule 6.1).

Rule 14.3

Only one Motion to Amend may be on the Floor at any one time.

Commentary

Motions to Amend are exceedingly common and are often appropriate to tailor a pending main motion into a form acceptable to the Body. At the same time, no meeting practice is more fraught with the potential for confusion than a Motion to Amend.

Most Motions to Amend are straightforward and present little problem for the Body. For example, assume a Principal Motion (a main motion) is offered to approve a land-development application for a new apartment complex. A Motion to Amend (a subordinate motion) is then proposed that will amend the Principal Motion. The amending motion would "require the developer to install a landscape buffer of seven coniferous trees, each a minimum of five feet in height, spaced at least 12 feet apart from one another, and located within a strip between 10 and 20 feet along the west property line in order to protect the adjacent residential property from noise and headlight

impacts.” Although this Motion to Amend may appear complex based on the number of words in the motion and the references to numbers, heights, and distances, it can be easily understood by the Body because it is a single motion dealing with a single issue of buffering the development with measurable requirements. Once this Motion to Amend is approved, the Principal Motion will stand as amended, and a vote may be taken on the motion as amended.

Following the conclusion of this amendment, one or more other amendments may be proposed and the Motions to Amend handled, one at a time, until the Body is satisfied with the form of the Principal Motion, and it can then proceed to vote on the motion as amended.

Confusion can arise, however, when multiple Motions to Amend are offered and are pending at the same time. This is particularly true where the first Motion to Amend proposes to modify the main motion, the second Motion to Amend proposes to further modify the first motion as it would be amended (that is, the second amendment contemplates that the first amendment will be approved), and the Body engages in debate that includes comments advocating both for and against one or both of the offered amendments. Further, if the motions contain details, numbers, heights, and distances, it can readily be observed that the meeting efficiency will best be served by limiting the number of Motions to Amend placed before the Body at any one time.

In the interest of limiting confusion and creating greater efficiency, *Bob's Rules of Order* prohibits the offering of more than one Motion to Amend at any one time. Under this rule, a single Motion to Amend is in order and will be dispensed with by vote or withdrawal prior to the offering of another Motion to Amend.

Given the limited scope and straightforward nature of local government decisions, limiting the number of Motions to Amend

to one at a time presents little, if any, problem. Most matters that are addressed by local government are not sufficiently complex as to require multiple amendments of the main motion. And experience proves that the offering of multiple Motions to Amend is infrequent, if not rare, for most local government matters. On the off chance that multiple Motions to Amend are necessary, the Presiding Officer or the Body can suspend Rule 14.3 on a case-by-case basis. See Rules 8.1 and 8.2.

15.0 Principal Motion

Purpose

The *Rules of Order* recognizes the *Principal Motion*¹⁰⁹ as the title of a main motion that presents a general proposition or a request that the Body take an action. The Principal Motion is intended to address any action other than the actions described in the other seven motions authorized by the *Rules*.

Requirements and Limitations

Type of Action	Main motion
When in Order?	When no motion is pending
Floor Required?	Yes
Second Required?	Yes
Debatable?	Yes
Subject to Motion to Amend?	Yes
Friendly Amendment Possible?	Yes

Vote Required?	Ordinarily, a majority of the quorum, but some motions will require a supermajority vote. Consult with legal counsel.
Subject to Motion to Reconsider?	Yes

Commentary

There are as many Principal Motions as there are subject matters that the Body may consider. To be in order, a Principal Motion must state an affirmative or positive proposition or question. See Rule 5.2.

Regarding the vote required for a Principal Motion, the vast majority of these motions will be subject to the common rule that requires a majority of a quorum for approval. See Rule 7.6.

However, for Colorado local government, special statutory voting requirements may also be imposed that will require a Principal Motion to meet a different voting requirement. The local government attorney should be consulted regarding the special voting requirements of state and local law and whether the requirements are applicable to the Principal Motion before the Body. By way of just two examples:

- ✦ *A municipality's* Principal Motion to adopt an emergency ordinance requires a vote of three-fourths (3/4) of the members of the governing body of the municipality.¹¹⁰
- ✦ Colorado state law requires a two-thirds (2/3) vote of all the Members of the governing body of *a municipality* to approve a change in zoning or zoning regulations in the event of a properly filed protest.¹¹¹

16.0 Motion to Continue or Postpone

- ✦ To a Future Day and Time
- ✦ To an Uncertain Time
- ✦ Indefinitely

Purpose

The purpose of a Motion to Continue or Postpone¹¹² is to defer or delay consideration of an agenda item. The deferral or delay may take the form of three different options related to time described in this section.

Requirements and Limitations

Type of Action	<div>■ <i>Main</i> motion when no other motion is pending</div> <div>■ <i>Subordinate</i> motion when a Principal Motion is pending</div>
When in Order?	Only when no motion or only a Principal Motion is pending
Floor Required?	Yes
Second Required?	Yes
Debatable?	Yes
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Majority of quorum
Subject to Motion to Reconsider?	Yes

Commentary

The Motion to Continue or Postpone is an effective and necessary tool for local government meetings. The Body may wish to postpone a scheduled agenda item that is not yet before the Body for a variety of reasons, such as lacking sufficient time for a full consideration of the item or the absence of the applicant or a key staff member. For an agenda item that is open and before the Body, the Body may learn during discussion or debate that certain information is needed for a decision, and a continuation of the item will allow the information to be assembled and presented to the Body at a later date.

A Motion to Continue or Postpone an agenda item is available regardless of whether the item is not yet pending before the Body or the item is open¹¹³ and under consideration. Using the term “continue,” “postpone,” “delay,” or some other expression in the motion is not important as long as the clear intent of the motion is to delay the matter to a specified date and time, to an uncertain date and time, or indefinitely as referenced in the motion.

The Motion to Continue or Postpone is a hybrid motion, meaning it can serve as a main motion or as a subordinate motion. The motion is available as a main motion when it is used to continue a matter when no motion is on the Floor. The motion is available as a subordinate motion when a Principal Motion is on the Floor and before the Body.¹¹⁴

A Motion to Continue or Postpone is not in order when a privileged motion (such as a Motion to Recess) or a subordinate motion (such as a Motion to Amend) is on the Floor. Resolution of all privileged and subordinate motions is necessary before offering a Motion to Continue or Postpone.

A Motion to Continue or Postpone should be used as a *main motion* whenever possible—that is, when no other *motion* is pending before the Body. Continuing or postponing a matter when a Principal Motion is on the Floor, although permitted, can create some complexity for the local government meeting. In the event that a Principal Motion is on the Floor, the continuation or postponement of the agenda item will carry forward the pending Principal Motion to the future meeting. However, a local government, at its finest, is often challenged to accurately recall and restate a motion that was pending during a meeting just a few weeks prior, let alone accurately recall a motion that was on the Floor several months or a year ago. But when offered as a main motion, the Motion to Continue or Postpone will allow the Body to take up the matter knowing that no motion was pending on the Floor from the previous meeting.

The Motion to Continue or Postpone requires a decision from the Moving Member regarding the proposed duration of the continuation from among three options:

- ✦ To a future day and time
- ✦ To an uncertain time
- ✦ Indefinitely

To a Future Day and Time

The Motion to Continue or Postpone an agenda item may be stated as a continuation or postponement to a *specific* future date and time.

The motion will require that the Moving Member identify the specific date and time for the agenda item to be returned to the Body. The Body's legal counsel may also recommend that the location (place) where the continued or postponed matter will be heard be included in the motion, especially when the Body uses multiple locations for meetings, may alternate between in-person and virtual meetings, or

specifically when the matter is quasi-judicial in nature and notice is of significant importance to ensure fairness.¹¹⁵

To an Uncertain Time

The Motion to Continue or Postpone an agenda item may be stated *without* a specific time for the matter to be returned to the Body. This motion is not a Motion to Continue or Postpone indefinitely (see below). Instead, the motion *requires* the agenda item to be returned to the Body, but the date of the return cannot be established with any certainty. A common reason for such a motion would be that the setting of the agenda item on a future agenda requires an evaluation of other items to come before the Body on future agendas that may be of more urgency or importance. Additionally, it may be necessary to coordinate the attendance of necessary staff members or consultants at the future meeting. Continuing or postponing to an uncertain time can provide the manager or administrator the flexibility of returning the agenda item to the Body as time and resources permit. As with continuing or postponing to a future date and time, it may be necessary to republish or repost notice of the continued matter and the meeting date, time, and place once the meeting date is determined.

Indefinitely

A Body may need to remove an item from the agenda or cease consideration of an open agenda item with the understanding that the item will not be returned or reintroduced to the Body in the future. This need may be based upon the fact that the matter is no longer a concern for the local government or that the Body anticipates there is insufficient interest or support to devote any amount of time to the consideration of the agenda item. A successful Motion to Continue or Postpone *indefinitely* will effectively remove the item from the agenda and also direct that the item will not be rescheduled for later

consideration. A Motion to Continue or Postpone indefinitely will not prevent the Body from taking up the topic in the future, although the setting of a new agenda item would be necessary to bring the topic back before the Body.

As an important caution, a Motion to Continue or Postpone indefinitely is not advisable where the item involves a quasi-judicial matter. Recall that, for quasi-judicial matters, the applicant has a legal right to a hearing, the opportunity to be heard, and a right to a final decision of the government.¹¹⁶ Indefinitely postponing an agenda item may appear to deprive the applicant of the right to be heard and a decision. Legal counsel should be consulted regarding the use of this motion for any quasi-judicial matter and, more appropriately, to consider the use of a Motion to Continue or Postpone to a future day and time or to an uncertain time, which motion expresses a direction that the quasi-judicial matter will be heard and decided in the future.

The Motion in Practice

As an example of a Motion to Continue or Postpone an agenda item to a future date and time, the motion may be stated as:

“I move to continue Agenda Item 13(b), which is a discussion of County Property Tax Revenue Projections, to April 16, 2026, at 4:00 p.m. here in the Commissioner’s Board Room.”

As an example of a Motion to Continue or Postpone an agenda item that is open and under discussion or debate to an uncertain time, the motion might be stated as:

“I agree with the proposal before us to adjust the fees for the Center Park Swimming Pool, but I believe we need more information on the actual number of visits we experienced over the last five years. Whether the visits are increasing or decreasing is relevant in my

decision to set new fees. We need to give the City Manager time to assemble the data and to find time on a future agenda for us to continue this discussion. I move to continue this discussion of the fees to be charged next year for the use of the Center Park Swimming Pool to an uncertain date and time.”

As an example of a Motion to Continue or Postpone an agenda item indefinitely, the motion might be stated as:

“I move to postpone indefinitely Ordinance Number 22, which would require all cats in the town be kept on a leash.”

17.0 Motion to Amend

Purpose

The purpose of a Motion to Amend is to modify a *debatable* motion on the Floor.

Requirements and Limitations

Type of Action	Subordinate motion (to a debatable motion)
When in Order?	When a <i>debatable</i> motion is on the Floor
Floor Required?	Yes
Second Required?	Yes
Debatable?	Yes
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Majority of quorum
Subject to Motion to Reconsider?	No

Commentary

A Motion to Amend is available and applicable only to a debatable motion on the Floor. The motion must provide specificity as to the intended amendment of the debatable motion. See Rule 5.2.

To advance the efficiency of a meeting, Rule 14.3 prohibits a second Motion to Amend when a Motion to Amend is already on the Floor.

The Motion in Practice

The following dialogue highlights the offer of a Motion to Amend a debatable motion.

Background: The Body is considering Ordinance No. 6, which would create a new municipal offense for an unlicensed animal. The Ordinance provides for a penalty for the first offense of \$100. The Body is concluding its discussion of the Ordinance.

Member A: “I move to approve Ordinance No. 6 as presented to us tonight.”

Member B: “Second.”

Presiding Officer: “We have a proper Principal Motion on the Floor that has received a second to approve Ordinance No. 6. Any discussion?”

[Member C requests the Floor.]

Presiding Officer: “Yes, Member C, the Floor is yours.”

Member C: “Thank you. I move to amend the motion to change the amount of the penalty for the first violation as stated in section 1-1-3 on page 3 of

Ordinance No. 6 from \$100 for the first offense to \$200 for the first offense.”

Member D: “Second.”

Presiding Officer: “We have a Motion to Amend before us to change the penalty in section 1-1-3 of Ordinance No. 6 from \$100 to \$200 for the first offense. We will debate the Motion to Amend first before we consider the Principal Motion to approve Ordinance No. 6. The Motion to Amend is debatable and requires a simple majority vote. Member C, Rule 5.6 allows you the right to the Floor first to speak to your Motion to Amend.”

Member A: “Thank you, but I am fine with the motion I offered.”

Presiding Officer: “I see no one else wishing to comment or debate the offered Motion to Amend Ordinance No. 6. The Motion to Amend will make a change in section 1-1-3 of Ordinance No. 6 to set a \$200 penalty for the first offense. Would the clerk call for the vote on the Motion to Amend only?”

[Motion receives majority vote of approval.]

Presiding Officer: “The Motion to Amend is approved, so Ordinance No. 6 is now amended to change the penalty for a first offense to \$200. We now turn to the Principal Motion to approve Ordinance 6. Any debate on Ordinance No. 6 as amended?”

[The consideration of the Principal Motion to approve Ordinance No. 6 as amended continues.]

18.0 Motion to Close Debate

Purpose

A Motion to Close Debate, which is sometimes confusingly expressed as a “Motion to Call the Question,”¹¹⁷ will allow the Body to cease debate, which will effectively require an immediate vote on a pending debatable motion.

Requirements and Limitations

Type of Action	Subordinate motion
When in Order?	When a <i>debatable</i> motion is on the Floor
Floor Required?	Yes
Second Required?	Yes
Debatable?	No
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Two-thirds (2/3) of the quorum
Subject to Motion to Reconsider?	No

Commentary

A Motion to Close Debate is a subordinate motion available only while a *debatable* motion is on the Floor. Understandably, the motion is only in order for debatable motions because there is no need to close debate when the motion is not subject to debate. But, very importantly, the motion is not available to stop the Body’s discussion when no motion is on the Floor.

The approval of a Motion to Close Debate will require the Presiding Officer to immediately call for the vote on the pending debatable motion.

The Motion to Close Debate is not a debatable motion because the motion presents a single unambiguous proposition—that is, to close debate on the pending debatable motion. Members must vote on the proposition to cease the debate, or, if the vote is unsuccessful, the Body will continue the debate.

Because the motion will deny the Members the right to debate the merits of a pending motion, a supermajority vote of two-thirds (2/3) of the quorum is required. This supermajority is appropriate. Denying the voice of Members can be viewed as antithetical to local government's goals of an open, transparent, and participatory meeting. However, there is a point at which debate becomes stale, arguments repeated, and no new issues are raised concerning the need to approve or reject the pending motion. In these cases, a Motion to Close Debate may be in order.

The Motion in Practice

As an example of a Motion to Close Debate and a Point of Information, the dialogue of the Body might include the following exchange:

Background: A debatable Principal Motion to approve a land-use application is pending before the Body. The Body is engaged in debate. The Members have actively participated in the debate, and most everyone has expressed their views. The debate is becoming repetitive. Member A has the Floor.

Member A: “I move to close debate.”

Member B: “Second.”

Presiding Officer: “We have a Motion to Close Debate. If approved, this motion will close any continuing debate on the motion to approve the land-use application that is presently before us. We would then proceed immediately to a vote on the motion to approve. A Motion to Close Debate is not debatable and will require a supermajority of our quorum by a two-thirds vote. Would the clerk please call for the vote?”

Member C: “Point of Information.”

Presiding Officer: “Let us hold for a moment on the call for the vote. Member C, what is your Point of Information?”

Member C: “I have not yet offered my concerns about the land-use application. Will I get a chance to speak before we vote?”

Presiding Officer: “No, if the Motion to Close Debate is successfully approved by a vote of two-thirds of the quorum, no further debate will be allowed, and we will vote on the motion to approve the land-use application.”

[The Motion to Close Debate is approved by the required two-thirds of the quorum.]

Presiding Officer: “The Motion to Close Debate is approved. No further debate is permitted on the pending Principal Motion to approve the land-use application. I will ask the City Clerk to please call for the vote on the Principal Motion to approve.”

19.0 Motion to Reconsider

Purpose

The purpose of a Motion to Reconsider is to effectively negate or vacate a previous decision on a motion of the Body and to return the Body to a point immediately prior to the offer of the previously approved motion. The Motion to Reconsider allows the Body to recommence debate and eventually propose a new motion or action regarding the matter. A Motion to Reconsider does not automatically reverse the prior decision of the Body.

Requirements and Limitations

Type of Action	Main motion
When in Order?	Only when: <div><div>(1) No motion is pending before the Body; and</div><div>(2) When made by a Member who voted on the prevailing side of the decision to be reconsidered; and<div><div>(a) at the same meeting at which the decision to be reconsidered was approved; or</div><div>(b) at the <i>next regular meeting</i> of the Body at which the decision to be reconsidered was approved.</div></div></div></div>
Floor Required?	Yes
Second Required?	Yes

Debatable?	Yes, but only as to the reasons to support the reconsideration. No debate of the original decision is allowed.
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Two-thirds (2/3) of the quorum

Commentary

A Motion to Reconsider is an extraordinary motion that requires a degree of care when presenting and, if approved, care in processing the matter to be reconsidered. A successful Motion to Reconsider will effectively negate or vacate the vote on a previously decided motion and cause the matter to be reopened for reconsideration, and another motion to approve or reject the matter would be in order at the time of reconsideration.

Due to the potential effect of a Motion to Reconsider on a previously rendered decision of the Body and the legal rights of interested parties, it is strongly recommended that the Body's legal counsel be consulted regarding any proposal to offer a Motion to Reconsider. This is especially true for quasi-judicial¹¹⁸ decisions.

Very importantly, a Motion to Reconsider is only in order at the same meeting at which the decision to be reconsidered was made or at the *next* regular meeting of the Body. The reason for this requirement is that a decision of the Body must become final with some promptness so that actions can be taken to implement the decision. For example, the approval of a construction contract will require the execution of the contract by the contractor and the government. Once the contract is executed and the construction project is underway, the potential

reversal of the approval of the construction contract could potentially expose the government to a claim for breach of contract. Limitations on the timing and availability of a Motion for Reconsideration are therefore necessary.

The Motion to Reconsider must be made by a Member who voted with the prevailing majority on the approval of the original motion. The reason for this requirement is that a decision made by a majority of the Body constitutes a decision of the entire Body even though one or more Members voted in the minority. It makes reasonable sense that only a Member who voted affirmatively as part of the prevailing majority should be authorized to seek reconsideration of the majority's decision. A Motion to Reconsider does not provide an opportunity for a voter in the minority of a decision to challenge the majority. A Motion to Reconsider is out of order when offered by a Member of the minority.

The required second on the motion need *not* be made by a Member from the prevailing side. A second is merely offered as the Member's support for the Body to enter debate on the motion or to advance the proposed motion to a vote. See Commentary for Rule 5.3.

The Motion to Reconsider is debatable only for the reasons to explain or justify the need for a reconsideration of a decision. It would be out of order to use a Motion to Reconsider as a means to reengage the debate on the merits of a prior decision. For example, the Member seeking a Motion to Reconsider may assert that the reconsideration is necessary due to further reflection by the Member upon the evidence that was presented during a public hearing or that the Member's subsequent and more detailed review of a contract approved by the Body warrants a new discussion and new vote. The Motion to Reconsider only asks the Body to vacate its prior decision and reopen the matter for additional consideration. If approved, only then would

the Body be authorized to engage in the debate on the merits of the original matter.

A supermajority vote of two-thirds (2/3) of the quorum is required for approval. This higher voting standard makes reasonable sense. Permitting a simple majority of a quorum to reopen a previous final decision of the Body can be disruptive to the goal of finality of decision making and, moreover, would potentially subject a greater number of final decisions to be reopened merely when one Member in the majority had a change of heart. The supermajority ensures that strong support exists to warrant reopening a decided matter or issue.

Once a Motion to Reconsider is approved by the required supermajority, the previous decision is negated or vacated, and the matter will be reopened for additional evaluation and consideration. All proceedings, testimony, evidence, and debate on the matter that was presented during the initial consideration of the original matter will remain part of the official record when the matter is reopened; only the decision or vote taken is negated or vacated. In effect, a successful Motion to Reconsider returns the Body to a point prior to the original motion and then leaves the matter undecided until a new motion is offered following reconsideration.

In the event of a successful vote on a Motion to Reconsider, it is recommended that the reconsideration of the original matter be scheduled for a future meeting as opposed to being heard at the same meeting at which the Motion to Reconsider was approved. This recommendation stems from the fact that the matter under reconsideration may oftentimes require new public notice so that interested parties (and especially an applicant in a quasi-judicial matter whose rights are potentially affected by the reconsideration) are apprised of the reconsideration and can attend and participate in

the reconsideration. Even when a successful Motion to Reconsider is presented in the same night as the motion subject to reconsideration, the parties present for the original matter and motion may have departed the meeting after what appeared to those attending to be a final decision on the original motion. Fairness, as well as the transparency of government, will often dictate that the reconsideration be scheduled for a future meeting and new notice be provided in a manner consistent with the original matter being reconsidered. Again, due to the extraordinary nature of a Motion to Reconsider and the potential impact on the rights of interested parties, the Body's legal counsel should always be consulted on the use of a Motion to Reconsider and the potential impacts of the action.

Special Note: Reconsideration and Repeal

There are important differences between the reconsideration of a decision and the repeal of a decision. Reconsideration will vacate the previous decision and return the Body to the point immediately prior to the motion and the decision. The offer of a Motion to Reconsider is limited by time (presented only at the same meeting or the next regular meeting of the Body), may only be offered by a Member who voted on the prevailing side of the original motion, and requires a two-thirds (2/3) vote of the quorum for approval.

In contrast, the repeal of a decision will summarily rescind or annul a previous decision. Because a repeal would require a Principal Motion (e.g., "I move to repeal Ordinance 19"), the motion is not limited by time, may be made by any Member, and requires only a majority vote. However, it is critically important that the Body consult with local legal counsel regarding the legal implications associated with any proposed repeal. Some decisions by law are not subject to repeal, some decisions cannot

be repealed because irrevocable actions were undertaken in reliance on the decision, and a repeal may undermine the legal rights of the local government and individuals who relied upon the original decision.¹¹⁹

The Motion in Practice

As an example of a Motion to Reconsider, the Body’s dialogue might involve the following exchange:

Background: No motion is pending. Member A has the Floor.

Member A: “I move to reconsider our decision to approve Ordinance 14, which required all owners to keep their dogs on leashes at all times. Ordinance 14 was approved at our last meeting, and I voted with the majority in approving the Ordinance.”

Member B: “Second.”

Member C: “Point of Order.”

Presiding Officer: “Member C, what is your Point of Order?”

Member C: “Member B was not on the prevailing side of the original vote on the matter. His second is out of order.”

Presiding Officer: “Our rules of order provide that a second to a Motion to Reconsider may be offered by any Member. I accept the second.

“On the Floor is a Motion to Reconsider Ordinance 14 concerning our new dog-leash law. The motion was properly seconded. If we approve this Motion to Reconsider, the motion will negate

or vacate our prior decision on Ordinance 14 and then require us to reengage in continuing debate on the Ordinance. If approved, any future action on Ordinance 14 will require a new motion and a new vote.

“Member A, did you want to speak to your Motion to Reconsider? Please note that you are free to discuss the reason why you wish to seek reconsideration, but this is not an opportunity to debate the merits of Ordinance 14. If your Motion to Reconsider is successful, we will reopen the debate on the merits of Ordinance 14.”

Member A: “Thank you. I would like us to reconsider Ordinance 14 because, upon reflection over the last week, I learned that many communities have alternatives to restricting dogs to a leash, like voice command. I do not think we adequately explored any alternatives. I am proposing that we reopen the matter for more discussion, especially on alternatives to using a leash.”

Presiding Officer: “Any other debate concerning whether we should reconsider Ordinance 14? Seeing none, please note that approval of a Motion to Reconsider requires a supermajority of two-thirds of the quorum. I call to the Body’s attention that Ordinance 14 was not on our agenda tonight, so, if the Motion to Reconsider is approved, our staff will need to schedule Ordinance 14 on a future agenda. Also, the staff will need to provide or publish any required notices to the public

concerning our reconsideration of Ordinance 14.
The clerk will call the vote.”

[The Motion to Reconsider fails to gain a
supermajority vote of two-thirds of the quorum.]

Presiding Officer: “The motion fails. We will now move to the next
item on our agenda.”

20.0 Motion to Recess

Purpose

The purpose of a Motion to Recess is to provide the Body a temporary
break in the meeting.

Requirements and Limitations

Type of Action	Privileged motion
When in Order?	Any time
Floor Required?	Yes
Second Required?	Yes
Debatable?	No
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Majority of quorum
Subject to Motion to Reconsider?	No

Commentary

A recess may be needed for a variety of reasons, including a restroom
break, to allow citizens an opportunity to exit the room at the
conclusion of an agenda item without disrupting the proceedings, to

allow a Member to consult with legal counsel, or to simply reduce the Members' meeting stress during or after a contentious hearing. The motion is privileged and may be offered at any time.

A Motion to Recess is a necessary motion for the Body because it is common that a bylaw provision for the Body appropriately prohibits Members from leaving the meeting room without an approved recess or without the discretionary consent of the Presiding Officer. Additionally, leaving the meeting room during a quasi-judicial hearing can be problematic because Members' continuous presence is needed to hear all the available evidence that will support the decision. An absence from the meeting room can also potentially deprive the meeting of a quorum when the quorum was established with the minimum number of Members.

However, a Motion to Recess is not typically needed because the Presiding Officer will oftentimes use discretion (see Rule 3.4) to declare a recess at appropriate times or between lengthy agenda items. The Presiding Officer can also use discretion to unilaterally call for a recess in response to a Member's Point of Information asking if a recess would be entertained.

Notwithstanding that a formal Motion to Recess may not be commonly needed, the availability of the motion is necessary. The Presiding Officer may desire to push ahead on the agenda, yet a majority of the Body supports taking a break. In such a case, a Motion to Recess is the appropriate means for a majority of Members to defeat the Presiding Officer's direction. And, in such an instance, a formal Motion to Recess is preferable to a Point of Appeal that would challenge the Presiding Officer's decision to not take a recess. A Point of Appeal can be seen as an adversarial move to challenge the Presiding Officer's leadership. In contrast, a Motion to Recess is seen as a more positive approach simply assessing the interests of the Body to take a break.

A Motion to Recess does not require a stated reason for the recess. However, a reason, as well as the duration of break desired, can assist Members in supporting the motion or persuading the Presiding Officer to unilaterally call for a recess.

The Motion in Practice

As an example of a Motion to Recess, the following dialogue highlights the manner in which the motion might arise:

Background: The Body is debating a Principal Motion to approve the annual budget.

Member A: “Point of Information.”

Presiding Officer: “Member A, what is your Point of Information?”

Member A: “Would the Presiding Officer entertain a recess for 15 minutes or until 7:30 so I may take care of an important phone call?”

Presiding Officer: “I am not inclined to call a recess. We have a lengthy agenda, and I would like to adjourn this meeting at a reasonable hour this evening. I expect we will complete this agenda item in ten minutes, and we can entertain a recess at that time.”

Member A: [who requested and was granted the Floor]
“Thank you. I move to recess the meeting for 15 minutes and reassemble at 7:30.”

Member B: “Second.”

Presiding Officer: “We have a Motion to Recess until 7:30, and the motion received a second. This motion is not debatable and requires a majority vote of the

Body for approval. The clerk shall call for the vote.”

[The Body abides by the result of the vote.]

21.0 Motion to Adjourn

Purpose

The purpose of a Motion to Adjourn is to allow the Body to formally terminate the meeting by vote.

Requirements and Limitations

Type of Action	Main motion
When in Order?	When no motion is pending before the Body
Floor Required?	Yes
Second Required?	Yes
Debatable?	Yes
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Majority of quorum
Subject to Motion to Reconsider?	No

Commentary

Rule 1.6 provides that a meeting cannot conclude without a formal action. Rule 1.6 is necessary to prevent Members of the Body from simply leaving a meeting without taking the necessary actions to properly dispense with or to postpone pending agenda items.¹²⁰ In addition, formal adjournment will notify attendees that no further business will be undertaken by the Body.

For most meetings, the Body will conclude all items on the agenda, and the Presiding Officer will unilaterally declare the meeting adjourned. Unilaterally declaring a meeting adjourned is within the discretion of the Presiding Officer (see Rule 3.4). Absent a Point of Appeal to challenge the Presiding Officer's decision to adjourn, the meeting will stand adjourned without need for a formal Motion to Adjourn.¹²¹

However, in the event a majority of the Body seeks to end the meeting, the Motion to Adjourn is available.

Some procedural rules of order recognize a Motion to Adjourn as a privileged motion. Because a privileged motion is in order at any time, classifying a Motion to Adjourn as privileged would allow a majority of the Body to adjourn and leave the meeting without dispensing with a matter under discussion or debate and without properly postponing upcoming agenda items. Allowing the Body to walk away from pending discussion or debate is problematic in the setting of a local government meeting, particularly during a quasi-judicial hearing.

Bob's Rules of Order recognizes the Motion to Adjourn as a main motion. Categorizing the Motion to Adjourn as a main motion requires that there be no pending motion on the Floor. This prevents the Body from leaving the meeting without addressing pending motions and provides the opportunity for the Body to consider postponing items scheduled on the agenda before entertaining a Motion to Adjourn. The Motion to Adjourn is debatable.

Caution should be exercised when moving to adjourn when agenda items remain pending on the agenda for which required public notice was issued (such as a public-hearing publication or posting of property). Adjourning a meeting that was preceded by published notice of the hearing must be properly continued to a future date by a Motion to Continue or Postpone. Otherwise, an adjournment without a proper postponement may require that new notice be published

and/or posted as may be required. The Body's legal counsel should be consulted to ensure that a Motion to Adjourn made before the conclusion of scheduled agenda items is handled in the most efficient manner.

A Motion to Adjourn is not subject to a Motion to Amend or a Friendly Amendment. Proposed amendments almost invariably pertain to delaying the adjournment to a time following the handling of an open or an upcoming item on the agenda. For example, a Member may propose to amend the Motion to Adjourn to state that it will be "effective upon the conclusion of the current agenda item." Such an amendment is unnecessary and cumbersome in the sense that the Motion to Adjourn would be timely and most appropriate when the current agenda item is concluded.

The Motion in Practice

As an example of a Motion to Adjourn at the conclusion of the meeting agenda, such motion in practice might follow the following discussion:

Presiding Officer: "We have reached the end of our agenda, but I have three matters I would like to discuss with the Board of Trustees."

Member A: [requests and is provided the Floor] "It is now 10:00 p.m. and we have addressed all the items on our agenda. I move to adjourn this meeting."

Member B: "Second."

Presiding Officer: "A Motion to Adjourn is debatable. Does anyone wish to speak to the motion? Seeing none, would the clerk please call the vote?"

[A majority of the quorum votes to approve the motion.]

Presiding Officer: “This meeting is adjourned. Thank you.”

As an example of a Motion to Adjourn where the agenda includes items remaining to be addressed, the dialogue may include:

Background: No motion is pending, and Member A has the Floor.

Member A: “I move to adjourn.”

Member B: “Second.”

Presiding Officer: “Before I acknowledge the Motion to Adjourn, I will pose a Point of Information.¹²² I ask the Town Attorney to advise us on the effect of the proposed adjournment when we have agenda items pending and one is a public hearing. Will the Town Attorney provide an opinion on what steps we need to take before adjourning?”

Body’s Attorney: “We have three items remaining on the agenda, and one is a public hearing for which special notice was published. If the Body adjourns without properly postponing the public hearing to a specific date, time, and place, we will need to publish new notice. So, there are several different processes available:

“First, we need to resolve the Motion to Adjourn. Because it is a main motion, we are unable to entertain a Motion to Postpone because it also is a main motion and requires that no other motion be on the Floor.

“One option is for the Presiding Officer to ask Member A to withdraw the Motion to Adjourn because it is not yet on the Floor.¹²³

“Another option is for the Presiding Officer to acknowledge the Motion to Adjourn as properly on the Floor and then propose a Friendly Withdrawal of the motion.

“If a voluntary withdrawal or a Friendly Withdrawal cannot be achieved, the Body will need to vote on the Motion to Adjourn.

“If the motion is either withdrawn or rejected by a vote, the Body can then entertain a Motion to Postpone the public hearing and all other agenda items to our next scheduled meeting. Once everything is properly postponed to a specific date, the Body can entertain a new Motion to Adjourn.

“Obviously, if a majority of the Body does not wish to adjourn and instead desires to continue the meeting, any proposed Motion to Postpone will fail.”

Presiding Officer: “Thank you. I will ask Member A to withdraw the Motion to Adjourn since it is not yet on the Floor.”

Member A: “I will withdraw the Motion to Adjourn.”

Presiding Officer: “Thank you, Member A. I will move to postpone¹²⁴ all items remaining on our agenda, and I will specifically mention Item 9, which is a public hearing on an application to rezone the Pedersen

Property, to our next regular meeting, which is December 8, 2026, at 6:30 p.m. here in the City Council Chambers at 123 Main Street.

“I will speak to my motion. If you are inclined to have us adjourn the meeting at this time, I would suggest you vote to approve the Motion to Postpone. If the motion is successful with a majority vote, then no items will remain on the agenda, and I can declare the meeting adjourned without the need for a formal motion. Would anyone wish to debate the Motion to Postpone? Seeing none, I will call for the vote.”

[The Motion to Postpone is approved by a majority vote.]

Presiding Officer: “The Motion to Postpone is approved. Because we have no further business on our agenda, I will declare this meeting adjourned.”

CHAPTER 7

EXECUTIVE SESSION

22.0 Motion for an Executive Session

Purpose

The purpose of a Motion for an Executive Session is to take advantage of the statutorily authorized privilege of convening in a confidential meeting for the discussion of limited matters authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-402(4).

Requirements and Limitations

Type of Action	Privileged motion
When in Order?	Any time
Floor Required?	Yes
Second Required?	Yes
Debatable?	No
Subject to Motion to Amend?	No
Friendly Amendment Possible?	No
Vote Required?	Two-thirds (2/3) of the quorum
Subject to Motion to Reconsider?	No

Commentary

Executive sessions are expressly permitted by state law to allow the Body to discuss certain topics in a closed non-public and confidential setting. State law recognizes that the public disclosure of certain confidential information may harm the public interest, impair the

rights of employees, undermine the security of the public, or place the government at a disadvantage in negotiations and in potential or ongoing litigation matters.

The Motion for an Executive Session is perhaps the most challenging of motions. The motion requires careful consideration and oftentimes advance preparation of the motion's language. This is necessary in order to meet the statutory mandate that the motion include (a) a citation to the specific statutory subsection of the Colorado Revised Statutes which authorizes the session¹²⁵ and (b) identification of the particular matter to be discussed in as much detail as possible without compromising the purpose of the executive session.¹²⁶ Local charters, ordinances, and policies may also impose additional limitations and requirements on the Body's ability to hold an executive session.

Before acknowledging a Motion for Executive Session in accordance with Rule 5.4, the Presiding Officer should carefully consider whether the form of the motion meets the requirements for a Motion for an Executive Session. It is a wise practice to prepare the motion in advance of the meeting with the assistance of local legal counsel or to confirm with legal counsel during the meeting that a proposed motion is satisfactory.

Errors in the form of the motion *may* result in any confidential information discussed in the session becoming subject to public disclosure, and this disclosure may harm the government's interests. It is strongly advised that legal counsel be consulted on the form and language of the motion and that a script or checklist be prepared to help ensure all required procedures are followed.

The most common types of executive sessions for Colorado local government that are authorized by the Colorado Open Meetings Law¹²⁷ include the following sessions:

- (a) Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest—except that no executive session shall be held for the purpose of concealing the fact that a Member of the local public Body has a personal interest in such purchase, acquisition, lease, transfer, or sale.¹²⁸
- (b) Conferences with an attorney for the local public Body for the purposes of receiving legal advice on specific legal questions. The mere presence or participation of an attorney at an executive session of the local public Body is not sufficient to qualify the executive session as a session involving legal advice.¹²⁹
- (c) Matters required to be kept confidential by federal or state law or rules and regulations. The Body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.¹³⁰
- (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, 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.¹³¹
- (e) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.¹³²
- (f) Personnel matters except if the employee who is the subject of the session has requested an open meeting or if the personnel matter involves more than one employee and all of the employees have requested an open meeting.¹³³ However, an executive session cannot be held to discuss:
 - (i) an elected official or an appointed Member of the Body,¹³⁴
 - or

- (ii) the appointment of a person to fill an appointed¹³⁵ or elective office; or
 - (iii) personnel policies that do not require the discussion of matters personal to particular employees.¹³⁶
- (g) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act¹³⁷—except that all consideration of documents or records that are work product as defined in C.R.S. § 24-72-202 or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to state law.

Again, local charters, ordinances, and policies may limit the availability of these executive sessions or impose additional limitations and requirements on the Body’s ability to hold an executive session. While other executive session purposes are authorized by state law, they may be less common or not applicable for local government.

The *Rules of Order* does not permit debate on the Motion for an Executive Session. The purpose of this limitation on debate is to avoid the potential disclosure of confidential information. If debate were permitted, it would often be challenging to publicly identify “why” the executive session is needed without risking disclosure by a Member of confidential information. Because, in practice, the need for an executive session and its justifications are typically vetted and established by legal and administrative staff before the meeting and the purpose for the executive session is generally known to the Presiding Officer (and often the Members), executive session motions do not commonly receive questions from the Body. As a result, a blanket prohibition on debate is reasonable. In a rare instance when a Member is uncertain about the reason for an executive session, a request to the Presiding Officer to call a recess may be in order to allow

the Member to consult with the Presiding Officer, administrative staff, or the Body's legal counsel.

Critically important is that a supermajority of two-thirds of the quorum is required for approval of an executive session motion pursuant to the Colorado Open Meetings Law. An error in the vote may result in the content and discussion of the executive session becoming public¹³⁸ and the award of court costs and reasonable attorney's fees.¹³⁹

Confusion sometimes arises upon the effect of a failure of the Motion for Executive Session to receive the necessary vote. A Motion for Executive Session is a proposal to enter a non-public setting to discuss a limited and statutorily authorized subject or topic. The failure of the motion to secure the necessary two-thirds vote of a quorum merely rejects the requested opportunity to hold the discussion in a non-public setting. The motion's rejection does not mandate that the local government discuss the subject or topic in a public setting. The local government is entitled to forgo or abandon the discussion altogether. If the agenda includes a reference to a planned executive session, upon the failure of the motion, it would be in order for the Presiding Officer to move to the next agenda item. See Rules 1.2 and 3.4.

Additionally, the rejection of a Motion for Executive Session is not a decision by the Body to waive any right to privilege or confidentiality that protects the information associated with the proposed session. As a rule, a waiver of privilege requires a *knowing* waiver by the Body,¹⁴⁰ and, because the Body is unaware of the specific information to be presented in the executive session, the Body lacks the requisite knowledge for an effective waiver.

CHAPTER 8

APPOINTMENT & ELECTION PROCESSES

From time to time, the appointment or election of either a Member of the Body or another person to a position of service to the local government is necessary or desired. This chapter offers procedures to aid the Body when making appointments or conducting elections in a fair, consistent, and effective manner.

23.0 Simple Appointment

Many appointments of Members or others to serve on committees, subcommittees, or in other positions of service to the Body or the government are not complicated. These uncomplicated appointments do not necessitate a formal process. For example, the Body may seek to appoint one of its Members or another person to serve on the local open space and trails committee or to act as the government's liaison with the local school district. When only one person seeks the appointment and there exists a consensus that the appointment is acceptable to the Body, a formal selection process is unwarranted.

The Body is authorized by the *Rules of Order* to forgo a formal nomination and election process when the Presiding Officer decides that there exists no competition or disagreement for an appointment. Simple appointment by a motion or an informal action will advance efficiency.

24.0 Formal Nomination & Election – Single Position

Local governments often find it necessary to formally elect a Member or another person to serve in a specific role within the Body or to serve on a board, commission, committee, subcommittee, or in another

capacity. A formal process will advance fairness, especially where two or more persons seek the position. As examples, a municipal governing body may need to elect one of its Members to serve as the mayor, president, or mayor pro tem. A Body may also need to elect a Member to serve on a committee or subcommittee of the Body. A board of county commissioners may need to appoint the board chairperson or vice chairperson. A planning commission may need to elect from among its membership a person to serve as the chairperson or vice chairperson. A citizen may seek the Body's appointment to serve on a formally constituted board or commission.

Where two or more persons seek an available position, simple appointment pursuant to Section 23.0 is unavailable, and a formal election of a person to serve in that position may be necessary. Instead, Section 24.0 provides for a process for formal election in the event that two or more persons seek to fill a single available position.

Election Process

A. Generally

The following procedure shall apply to the Body's election of a person to serve in a special capacity on the Body or in a position on another body.

The process for the election shall be conducted during a regular or special meeting of the Body at which a quorum exists unless the bylaws or other governing policy of the Body provide for another process or procedure.

B. Determination of Process

1. **Regular Process.** The nomination and election process of Section 24.0 shall be followed unless the Body approves an alternative process.

2. **Alternative Process.** The Presiding Officer or another Member may offer a Principal Motion to the Body proposing the use of a process other than the process provided by Section 24.0. In order for the Principal Motion to be stated in clear and understandable language as required by Rule 5.2, the Moving Member shall provide to the Body in advance of the meeting a written process detailing the steps to be followed for the proposed alternative election process. The offered Principal Motion shall require a second and is debatable. See Section 15.0, Principal Motion.

The Body may, by a majority vote of a quorum on the Principal Motion (as it may be amended), require the use of the proposed alternative process. In such an event, the process for nominations and election provided by Section 24.0 will be modified as needed to comply with the Body-approved alternative election process.

C. Nominations

1. **Nomination Required.** To be eligible, a person seeking to fill a position must be nominated by a Member. If the position is available to be filled by a Member, a Member may nominate themselves.
2. **Written Nominations.** Nominations may be submitted in writing (which includes electronic mail and text messaging) to the Presiding Officer prior to the meeting at which nominations will be offered and accepted.
3. **Nominations from the Floor.** At the meeting, the Presiding Officer shall announce a call for nominations from the Floor.
4. **Closing and Announcement.** Upon a determination by the Presiding Officer that no further nominations are offered, the Presiding Officer shall announce that the opportunity for

nominations is closed. The Presiding Officer shall announce the name of each person who was nominated from the Floor and the name of any person for whom a written nomination was received prior to the meeting.

5. Acceptance of Nomination.

(a) For Positions of Leadership

Where the position to be filled is one of leadership¹⁴¹ on the Body, the Presiding Officer shall obtain an acceptance of the nomination from each nominee to avoid the election of a Member unwilling to serve. Members expecting to be nominated but who will be absent from the meeting at which nominations will be offered must inform the Presiding Officer prior to the meeting of their willingness to accept a nomination for leadership in the event they are nominated. A Member who does not affirmatively express an acceptance of a nomination for leadership shall be deemed unwilling to serve if nominated and shall be excluded from candidacy in the election.

(b) For All Other Positions

To avoid election of a person unwilling to serve, the acceptance of a nomination is desired. The Presiding Officer shall endeavor to obtain an acceptance of the nomination by each person nominated. When the nominee is present, a simple verbal inquiry and confirmation of acceptance is sufficient. For absent nominees, acceptance may be expressed by a confirmation from the nominating Member that the nominee agreed to serve if elected, or written

acceptance of a nomination from the nominee may be accepted. The Presiding Officer is authorized to forgo a need for a formal acceptance of a nomination where there is an understanding or expectation by the Body that the nominee will serve if elected.

6. Nomination of Presiding Officer. In the event that the Presiding Officer is nominated and accepts the nomination, the Presiding Officer shall temporarily relinquish the position as Presiding Officer to another Member in accordance with the Body's bylaws or other established policy.

D. Election

1. Selection of a Single Nominee. Should only one person be nominated for the available position, the Presiding Officer shall declare without vote that the nominated person is elected. The Presiding Officer's declaration is subject to a Point of Appeal. All Members of the Body, including any nominated Member, may vote on the Point of Appeal. Upon successful appeal by a majority of the Body, the appeal will require that a vote be conducted in order to elect the nominee.
2. Election from Multiple Nominees. In the event that two or more persons are nominated for one available position, an election from among the nominees shall be conducted.
3. Option for Nominee Statements. Prior to the casting of votes, the Presiding Officer may offer an opportunity to each nominee to provide a brief statement as to the nominee's qualifications for and interest in the position. In the interest of efficiency, the Presiding Officer may forgo the opportunity for statements or may set a uniform limit on

the duration of each nominee's statement. Nominees absent from the meeting may prepare a statement in advance and may request that a person in attendance read the nominee's statement if an opportunity for statements is offered and provided that the statement can be read within any time limitations set by the Presiding Officer.

4. **Process for Election.** The Presiding Officer shall call for each Member's vote for a nominee.
 - (a) For a leadership¹⁴² position of the Body, the Presiding Officer may direct that the votes be cast by written secret ballot.¹⁴³ The Presiding Officer's direction is subject to a Point of Appeal. A Member who is a nominee may vote.
 - (b) For all other positions, election shall be by any method acceptable to the Body that will allow the identity of the Member and the vote cast by each Member to be publicly known.¹⁴⁴ A Member who is a nominee may vote.
5. **Counting of Votes.** The Presiding Officer or an administrative staff person shall be responsible for counting and publicly announcing the results of all voting. The Presiding Officer may appoint an administrative staff person to assist in verifying the accuracy of the vote. A vote cast for any person other than a nominee shall be invalid and not counted.
6. **Election Outcome.** Based on the number of nominees and the resulting vote, the following determination and process shall be applied:
 - (a) **Election Between Two (2) Nominees** – The nominee receiving the greater number of votes shall be declared

elected. In the event of a tie vote between the two nominees, the Presiding Officer or administrative staff person shall conduct a drawing from among the names of the two nominees. The drawn nominee shall be declared elected.

- (b) Between Three (3) or More Nominees – Should only one nominee receive the highest number of votes, the nominee shall be declared elected.

In the event that two or more nominees receive both the highest and the same number of votes (a tie vote), a revote shall be conducted from among the tied nominees only. Should only one nominee receive the highest number of votes, the nominee shall be declared elected. If upon revoting two or more nominees remain tied for the highest number of votes, the Presiding Officer or administrative staff person shall conduct a drawing from the names of the tied nominees, and the drawn nominee shall be declared elected.

25.0 Formal Nomination & Election - Multiple Positions

Local governments often encounter the need to fill multiple positions at one time on a single board, committee, subcommittee, or other Body. Multiple positions may arise, for example, with the initial creation of a committee or subcommittee or the need to fill positions created by the resignation of two Members of an existing committee. Individually filling each open position one at a time through the formal nomination and election process of Section 24.0 may be less efficient than filling the positions at one time from among a slate of nominees.

This section provides a process to fill multiple positions at one time.

Election Process

A. Generally

The following procedure shall apply for the election of two or more persons to fill two or more available positions on the Body, a committee, or subcommittee or to serve in appointed or representative positions on another Body.

The process for the election of persons shall be conducted during a regular or special meeting of the Body at which a quorum exists unless the bylaws or other governing policy of the Body provide for another process or procedure.

B. Determination of Process

1. **Presiding Officer's Direction.** Where multiple positions on a Body are to be filled at the same time, the Presiding Officer is authorized to direct the Body to follow the nomination and election process of Section 24.0¹⁴⁵ (filling each position individually) or Section 25.0 (filling multiple positions concurrently).
2. **Alternative Process.** A Member may offer a Principal Motion to the Body proposing the use of a process other than the process directed by the Presiding Officer. In order for the motion to be stated in clear and understandable language as required by Rule 5.2, the Moving Member shall provide to the Body in advance of the meeting a written process detailing the steps to be followed for the alternative selection process. The Principal Motion shall require a second and is debatable. See Section 15.0, Principal Motion.

The Body may, by majority vote on the Principal Motion (as it may be amended), require the use of the proposed alternative

process. In such an event, the process for nominations and selection or election provided by Section 25.0 will be modified as needed to comply with the Body-approved alternative selection process.

C. Nominations and Acceptance

Nominations and the acceptance of nominations shall follow the process provided by Section 24.0(C)(1) through (6) unless an alternative nomination process is approved by the Body.

D. Election

1. **Nominees for Less than or Equaling the Number of Positions.**
Where the number of nominees is less than or equal to the number of available positions, the Presiding Officer shall declare without vote that the nominated members are all elected for the available positions. The Presiding Officer's declaration is subject to a Point of Appeal. All Members of the Body, including any nominees who are also Members, shall vote on any Point of Appeal. If a majority of a quorum voting on the appeal rejects the Presiding Officer's declaration, the election to the positions shall be addressed by filling each position individually in accordance with Section 24.0.
2. **Election from Among More Nominees than Positions.**
If there are more nominations than available positions, an election from among all nominees shall be held. The Presiding Officer shall call, or shall direct an administrative staff person to call, for each Member's vote for nominees.

When voting, each voting Member shall cast a vote by a written ballot identifying those nominees the Member desires to fill the number of open positions. The written ballot must include:

- (a) at the top of the written ballot, the name of the Member casting the vote on the ballot; and
- (b) the names of the persons the Member seeks to elect to available positions.

A Member who is also a nominee may vote and may vote for themselves. A Member need not cast a vote for a number of persons equal to the available number of positions. However, a ballot failing to identify the name of the Member voting or a ballot identifying a person other than a nominee or identifying a greater number of persons to be elected than available positions shall be declared invalid, and the vote of such a ballot shall not be counted.

- 3. **Counting of Votes.** The Presiding Officer or an administrative staff person shall be responsible for counting the votes on each ballot and publicly announcing the results of all voting. The Presiding Officer may appoint an administrative staff person to assist in verifying the accuracy of the vote.

All ballots shall be available for inspection by each Member of the Body and shall be a public record subject to inspection upon request.

- 4. **Election Outcome.** Based on the number of nominees, the number of available positions to be filled, and the resulting vote, the following process and determination shall apply:
 - (a) Where the votes cast identify that the number of available positions can be filled by the persons receiving the highest number of votes, then the Presiding Officer or administrative staff person shall announce the names of the persons elected to the available positions. For example:

Three (3) available positions are to be filled from among six (6) nominees. The voting outcome is:

Jones	6	Elected
Garcia	5	Elected
Smith	5	Elected
Johnson	4	Not Elected
Williams	1	Not Elected
Brown	0	Not Elected

- (b) Where the votes cast identify that one or more of the available positions can be filled by one or more of the persons receiving the highest number of votes but a tie vote prevents a determination that all positions can be filled, the Presiding Officer or administrative staff person shall announce the names of the persons receiving the highest number of votes, who shall each be declared elected to an available position. A revote shall then be conducted from among all other remaining nominees for the position(s) that remain unfilled. Such a revoting process shall continue until a determination can be made that all available positions can be filled by persons receiving the highest number of votes. For example:

Three (3) available positions are to be filled from among six (6) nominees. The voting outcome is:

Jones	6	Elected
Garcia	5	Elected
Smith	4	Revote
Johnson	4	Revote
Williams	2	Revote
Brown	0	Revote

If the revote identifies that the remaining available positions can be filled with a nominee or nominees receiving the highest number of votes, the nominee or nominees receiving the highest number of votes shall be declared elected to the remaining positions. For example:

Following the election of Jones and Garcia above, one (1) available position remains. A revote from among the four (4) remaining nominees is held and results in election to the remaining position:

Smith	5	Elected
Johnson	3	Not Elected
Williams	2	Not Elected
Brown	0	Not Elected

If revoting fails to result in the election of the needed number of nominees for the available positions due to tie votes, the Presiding Officer may continue with a new revote from among the remaining nominees, proceed to a revote from among those nominees who each received the highest but same number of votes, or conduct a drawing from the names of the tied nominees, with the drawn nominee(s) being declared elected.

ADDITIONAL INFORMATION

Expert Advisors

I extend my sincere appreciation to the following exceptional people who assisted in the perspective, review, and editing of *Bob's Rules of Order*. They are each widely respected as recognized experts in local government law. I owe a debt to each of them, not only for their assistance with these *Rules of Order* but also for their long-standing support of Colorado local government.

David Broadwell

David Broadwell served Colorado municipalities for over 40 years, starting as a planner in Glenwood Springs in 1982. He was appointed as Glenwood's first full-time City Attorney from 1984 until 1992, when he moved to the Arvada City Attorney's office. He was a Colorado Municipal League (CML) staff attorney from 1992 to 1999 before joining the City and County of Denver as chief legal advisor to the Denver City Council. He is the principal author of *TABOR: A Guide to the Taxpayer's Bill of Rights* (1999) and contributed to numerous other CML publications while at CML. During his career, Mr. Broadwell was a frequent speaker on topics of interest to local government attorneys and officials, and between 1993 and 2015 he authored the chapter on local government law for the *Annual Survey of Colorado Law*, published by Continuing Legal Education in Colorado, Inc. In 2002, Mr. Broadwell received the Award for Distinguished Public Service by a Local Government Attorney from the International Municipal Law Association, and, in 2020, IMLA honored Mr. Broadwell with the Burk E. Delventhal Legal Advocacy Award. He re-joined the CML as General Counsel in 2019, where he served until his retirement in 2022.

Gerald Dahl

Gerald (Jerry) Dahl is a member of the Lakewood law firm of Murray Dahl Beery & Renaud LLP. Mr. Dahl serves as Town Attorney for Georgetown and Poncha Springs and City Attorney for Wheat Ridge, Colorado. A former General Counsel to the Northwest Colorado Council of Governments and the Colorado Municipal League, Mr. Dahl maintains a statewide practice in local government law, with particular expertise in annexation, land use, and elected official procedures. Mr. Dahl has mentored and supported innumerable Colorado local government attorneys throughout his career. Mr. Dahl can be reached at gdahl@mdbrlaw.com.

Sam Light

Sam Light is General Counsel for the Colorado Intergovernmental Risk Sharing Agency (CIRSA), a public entity self-insurance pool that provides property, liability, and workers' compensation insurance for Colorado cities, towns, and affiliated public entities. Prior to joining CIRSA in 2018, Mr. Light served in private practice with the Denver firm of Light Kelly P.C., where he practiced for over 20 years in the areas of municipal and public entity law and government liability and insurance issues. He served as General and Special Counsel to home rule and statutory municipalities and other public entities throughout Colorado and is a past president of the Colorado Municipal League Municipal Attorneys Section and the Metro City Attorneys Association. Mr. Light frequently provides training for local government elected and appointed officials and staff and frequently speaks at conferences on public entity risk management and related topics. He is the author of numerous articles, papers, and presentations on legal and risk-management issues affecting public entities, and he is a co-author and editor of CIRSA's *Ethics, Liability and Best Practices Handbook for Elected Officials*, which was awarded a

national 2020 Outstanding Achievement Award by the Public Risk Management Association. Mr. Light can be reached at saml@cirsa.org.

Wynetta Massey

A native of Independence, Missouri, Wynetta Massey holds bachelor's degrees from the University of Missouri-Columbia in speech communication (with honors) and political science and graduated from the University of Kansas School of Law. She accepted a position with the Colorado Springs City Attorney's Office in 1990 and has served as Colorado Springs' City Attorney and Chief Legal Officer since 2014. Ms. Massey is a national speaker on a variety of municipal law topics, including ethics, land use, marijuana regulation, and the Council-Mayor form of government, and has published articles in *The Municipal Lawyer* and *The Kansas Municipal Law Annual*. She advances the practice of municipal law through the Colorado Municipal League (CML) and the International Municipal Lawyers Association (IMLA), serving on the executive boards of both organizations. Ms. Massey has chaired CML's Budget, Audit, and Management Committee, the *Amicus* Committee, and the Attorney's Section. She is a recipient of the IMLA *Amicus* Service Award and the James H. Epps Longevity in Service to a Community Award. Ms. Massey is also an IMLA Local Government Fellow and a nationally recognized expert in local government law. Ms. Massey may be reached at Wynetta.massey@coloradosprings.gov.

Robert Sheesley

Robert Sheesley serves as General Counsel to the Colorado Municipal League (CML), where he supports and advises CML's municipal and associate members on the ever-changing laws affecting local government interests. Mr. Sheesley previously served as the City

Attorney for Commerce City, Colorado, and in the City Attorney's Office for the City of New Orleans. Before practicing municipal law, Mr. Sheesley practiced in the areas of commercial litigation and employment law in New Orleans and Jacksonville, Florida. A graduate of Loyola University New Orleans, Mr. Sheesley received his J.D. from the University of Florida College of Law and his M.P.A. from the University of Colorado Denver. Mr. Sheesley can be reached at rsheesley@cml.org.

ACKNOWLEDGEMENTS

An untold number of people played important roles during the last three decades in what is now *Bob's Rules of Order*. These people include mayors, governing body members, city and town managers and clerks, and seminar and conference attendees posing intriguing questions about parliamentary procedure.

Most notable among the local governments that assisted in *Bob's Rules* is the City of Centennial, Colorado. Incorporated in 2001 as one of Colorado's largest municipalities, Centennial strives to innovate and to create efficient processes and procedures in delivering services to its citizens. *Bob's Rules* is in large part premised on the meeting practices supported by Mayors Randy Pye, Cathy Noon, and Stephanie Piko and the truly exceptional city council members, city managers, and administrative staff that successfully led Centennial for more than 20 years. I owe to the City of Centennial my sincere and deepest appreciation.

My gratitude extends to the local government attorneys of Widner Juran LLP. Maureen Juran, Jill Hassman, Chris Price, Jennifer Madsen, and Molly Schultz each ably aided in the preparation of *Bob's Rules* with their exceptional insight, research, editing, and answers to my never-ending stream of questions about local government meeting procedures. You will not find a more experienced group of attorneys who are more devoted to the interests of Colorado local government. And I am proud to say that they are loyal friends.

The Colorado Municipal League (CML) also contributed to *Bob's Rules of Order*. During my entire career under the leadership of Kevin Bommer, Sam Mamet, and Ken Bueche, CML provided me with invaluable knowledge about local government and allowed me

a forum to share my knowledge on local government topics and to present my ideas concerning effective public meetings.

Finally, and most deservedly, I extend my appreciation to my wife, Betsy, for her unwavering support of my passion and commitment to local government. Without her encouragement, *Bob's Rules of Order* would remain merely a pile of notes I collected throughout my career.

Notwithstanding everyone's exceptionally helpful aid and input, any error or deficiency in *Bob's Rules of Order* shall remain entirely my responsibility.

Bob Widner

ABOUT THE AUTHOR

Robert (Bob) Widner dedicated more than three decades to the representation of local governments through service as the city attorney, town attorney, county attorney, or special counsel for communities throughout Colorado. Bob's dedication to local government interests is demonstrated by his longstanding membership through statewide election to the Executive Board of the Colorado Municipal League (CML) and his election to lead CML as Board President.

Bob is the 2020 recipient of the Marvin J. Glink Private Practice Local Government Attorney Award conferred by the International Municipal Lawyers Association (IMLA). IMLA confers the award upon one attorney who best exemplifies excellence in the practice of municipal law and outstanding service to the public, has an exemplary reputation in the legal community, and exhibits a devotion to mentoring and educating young lawyers in local government law. Bob is one of fewer than 150 attorneys to receive an IMLA Fellowship as a recognized municipal law expert. As an adjunct professor of law with the University of Colorado Law School, Bob imparted his passion for local government and land-use law to students who now serve communities throughout the United States.

After fifteen years as an associate and a partner with the Denver law firm of Gorsuch Kirgis LLP, Bob founded the law firm of Widner Juran LLP in 2004. Widner Juran LLP exclusively represents the interests of Colorado local governments. Today, Bob continues his service as general and special counsel to Widner Juran's local government clients. Since 2004, Bob has served as the City Attorney for the City of Centennial, one of Colorado's larger municipalities and a nationally recognized leader in local government efficiency, effectiveness, and innovation. Bob is a frequent conference speaker

and author of numerous publications and articles advancing the interests of local government.

Bob can be contacted at:

Robert Widner

Widner Juran LLP

13133 East Arapahoe Road, Suite 100

Centennial, Colorado 80112

rwidner@lawwj.com

www.lawwj.com

APPENDICES

Appendix A

Sample Form of Resolution for Adoption of *Bob's Rules of Order*

RESOLUTION NO. XXX

A RESOLUTION ADOPTING RULES OF ORDER FOR THE [*Name of Body*]

WHEREAS, the City of Somewhere is authorized to adopt procedures to govern the conduct of meetings and rules governing the decision-making process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOMEWHERE, COLORADO, AS FOLLOWS:

Section 1. The [*Name of Body authorized to adopt rules*] for the City of Somewhere hereby adopts as the rules of order governing meetings of the [*Name of Body*] the publication *Bob's Rules of Order for Colorado Local Governments* (Robert Widner, 2023 edition), with the following deletions or modifications:

Rule ____ is deleted in its entirety; and

Rule ____ is amended to provide that [*identify the rule change*].

Section 2. Effective Date. This Resolution shall take effect upon its approval by the [*Name of Body authorized to adopt rules*].

ADOPTED by a vote of ____ in favor and ____ against this ____ day of _____, 20__.

[INSERT APPROVING BODY'S SIGNATURE BLOCK]

APPENDIX B

Bob's Rules of Order

List of Rules for Reference

1.0 The Meeting Generally

- Rule 1.1 Any state or local law that concerns the conduct of a meeting is a part of the *Rules of Order* to the extent the law is applicable to the Body.
- Rule 1.2 The meeting agenda will be followed unless properly amended or modified.
- Rule 1.3 The Body may presume that any legally required public notice for the meeting and for each agenda item was properly completed.
- Rule 1.4 A Member shall disclose a conflict of interest and recuse themselves from both participation and voting when required by applicable state or local law.
- Rule 1.5 A motion is not required for the Body to initiate discussion.
- Rule 1.6 The record for each decision of the Body includes all information presented to the Body that pertains to the decision, all discussion and debate of the Body in reaching the decision, and all laws and local policies applicable to the decision.
- Rule 1.7 The Body's decision on a matter is presumed to be supported by the record and by reasonable inferences drawn from the record.

Rule 1.8 A meeting formally ends only upon the Presiding Officer's declaration of adjournment without objection or upon the approval of a Motion to Adjourn.

2.0 The Quorum

Rule 2.1 A quorum of the Body is required for the Body to conduct business unless otherwise expressly provided by the Body's bylaws or the *Rules of Order*.

Rule 2.2 Unless otherwise provided by the Body's bylaws or other applicable law, a majority of the total membership of the Body who are present and eligible to vote shall constitute a quorum.

Rule 2.3 A request to be excused from the meeting while a motion is on the Floor, if granted, shall be effective:

- ✦ Upon the granting of the request if the excuse is due to a lawfully recognized conflict of interest; or
- ✦ Upon the granting of the request if the excused Member's absence will not deny the Body of a quorum; or
- ✦ Upon the final vote or other final resolution of the pending motion if the excused Member's absence will deny the Body of a quorum.

Rule 2.4 A Member's unexcused absence while a motion is on the Floor shall not affect the quorum until the final vote or other final resolution of the motion.

Rule 2.5 In the absence of a quorum, the Presiding Officer, the Members present, or an administrative staff member shall:

- ✦ Postpone all unresolved agenda items to the next regular meeting; and
- ✦ Adjourn the meeting.

3.0 The Presiding Officer

- Rule 3.1 The Presiding Officer shall be the exclusive director and facilitator of all meeting conduct.
- Rule 3.2 The Presiding Officer serves as the parliamentarian unless the role is assigned to another person.
- Rule 3.3 The Presiding Officer is entitled to the same rights as a Member unless otherwise limited by law.
- Rule 3.4 The Presiding Officer may exercise discretion during the meeting subject to a Point of Order or a Point of Appeal.
- Rule 3.5 The Presiding Officer shall facilitate the meeting in a fair and neutral manner and, whenever practicable, defer to the Members to initially lead discussion, offer motions, and direct debate.

4.0 The Floor

- Rule 4.1 The Floor is required to address the Body.
- Rule 4.2 A Member shall be granted the Floor by the Presiding Officer when properly requested in accordance with the *Rules* and local meeting practice.
- Rule 4.3 A Member's right to the Floor is limited to five minutes.
- Rule 4.4 A Member may obtain the Floor only once until all other Members are afforded an opportunity to obtain the Floor.

5.0 The Motion & Second

- Rule 5.1 A motion is required for the Body to take formal action.
- Rule 5.2 A motion shall propose an affirmative proposition in clear and understandable language that is limited to either a “yes” or a “no” vote.
- Rule 5.3 A motion requires a second.
- Rule 5.4 To be placed on the Floor for the Body’s consideration, the Presiding Officer must acknowledge that the motion was properly stated and seconded in accordance with Rules 5.2 and 5.3.
- Rule 5.5 A motion, once acknowledged by the Presiding Officer and placed on the Floor, is owned by the Body.
- Rule 5.6 The Presiding Officer shall offer the Moving Member the first opportunity to speak to a debatable motion.

6.0 The Friendly Requests

- Rule 6.1 A Friendly Amendment is authorized only for a debatable motion, and the amendment of the motion will be effective unless a Member objects.
- Rule 6.2 A Friendly Withdrawal is authorized only for a debatable motion, and the withdrawal of the motion will be effective unless a Member objects.

7.0 The Vote

- Rule 7.1 The Presiding Officer’s call for the vote closes the Floor.
- Rule 7.2 Proxy or absentee voting is not permitted.
- Rule 7.3 A Member’s attempt to explain their vote after the call for the vote is not permitted.

- Rule 7.4 Neither the Moving Member nor the Member offering a second on a motion must advocate for or vote in favor of the motion.
- Rule 7.5 Each Member eligible to vote on a motion shall vote either “yes” or “no.”
- Rule 7.6 The approval of a motion requires a vote of a majority of a quorum unless a greater number of votes is required by the *Rules of Order* or by law.
- Rule 7.7 The approval of a motion by the required vote shall decisively approve the motion’s proposition or question.
- Rule 7.8 The failure of a motion to receive the required vote for approval shall result in the rejection of the motion.
- Rule 7.9 A Member shall not change their vote after the announcement of the final vote except in exceptional circumstances with the approval of the Presiding Officer.

8.0 Rule Suspension and Rule Deviation

- Rule 8.1 The Presiding Officer may suspend certain rules.
- Rule 8.2 The Body may suspend certain rules.
- Rule 8.3 An inadvertent and non-substantive deviation from a rule by the Presiding Officer or the Body without objection from a Member is authorized and intended.

10.0 Points Generally

- Rule 10.1 A point is privileged and may be raised at any time.
- Rule 10.2 A point does not require the Floor.
- Rule 10.3 A point does not require a second.

14.0 Motions Generally

Rule 14.1 A main motion is only in order when no other motion is on the Floor.

Rule 14.2 A debatable motion may be amended by either:

- ✦ A Friendly Amendment pursuant to Rule 6.1; or
- ✦ A Motion to Amend.

Rule 14.3 Only one Motion to Amend may be on the Floor at any one time.

APPENDIX C

Bob’s Rules of Order

Summary Table of Points and Motions

TYPE	MOTION	FLOOR?	WHEN IN ORDER?	SECOND?	DEBAT-ABLE?	VOTE?
POINT	Order	No	Any time	No	No	No
	Information	No	Any time	No	No	No
	Appeal	No	Immediately following Presiding Officer’s decision	No	No	Majority of quorum
MAIN	Principal Motion	Yes	When no motion is pending	Yes	Yes	Majority of quorum usually but may depend on special law. Rule 7.6
	Reconsider	Yes	When no motion is pending but with limited availability. Section 19	Yes	Yes, only as to the reason to recon- sider	2/3 of quorum
	Adjourn	Yes	When no motion is pending	Yes	Yes	Majority of quorum

TYPE	MOTION	FLOOR?	WHEN IN ORDER?	SECOND?	DEBAT-ABLE?	VOTE?
MAIN	Continue or Postpone	Yes	When no motion is pending	Yes	Yes	Majority of quorum
		Yes	When a Principal Motion is pending	Yes	Yes	Majority of quorum
SUBSIDIARY	Amend a pending debatable motion	Yes	When a debatable motion is pending	Yes	Yes	Majority of quorum
	Close Debate	Yes	When a debatable motion is pending	Yes	No	2/3 of quorum
PRIVILEGED	Recess	Yes	Any time	Yes	No	Majority of quorum
	Executive Session	Yes	Any time	Yes	No	2/3 of quorum

ENDNOTES

- 1 Sometimes also referred to as “parliamentary rules” or “rules of procedure.”
- 2 The term “parliamentary” when associated with rules is generally used today to describe rules that govern the decision-making process of deliberative bodies. The word originates from early medieval English to identify a legislative Body assembled by the British sovereign comprised of nobility, clergy, and commoners.
- 3 Henry M. Robert III et al., *Robert's Rules of Order Newly Revised*, 12th ed. (New York: Public Affairs, 2020). Within the endnotes of *Bob's Rules of Order*, the 12th edition of *Robert's Rules of Order Newly Revised* is abbreviated as “*RONR*.”
- 4 To its credit, the publishers of *RONR* recognize the length and complexity of the rules and offer a 213-page *Robert's Rules of Order in Brief* (referred to herein as *In Brief*). On the inside cover of *In Brief*, the publishers caution that the *In Brief* edition serves as an introduction and guide to *RONR* and is only a “partial summary” that is not suitable for use as a body's parliamentary authority. See Henry M. Robert III et al., *Robert's Rules of Order Newly Revised in Brief*, 3rd ed. (New York: Public Affairs, 2020).
- 5 *RONR* includes 41 pages of a table of contents, preface, and introduction; 633 pages of principal text; 52 pages of charts, tables, and lists; a 14-page appendix; and a 63-page index, totaling 803 pages.
- 6 See *RONR*, Table of Rules Relating to Motions, at pages t6–t33.
- 7 Allen C. Jennings, *Robert's Rules for Dummies*, 4th ed. (New Jersey: John Wiley & Sons Inc., 2022).

- 8 Nancy Sylvester, *The Complete Idiot's Guide to Robert's Rules*, 2nd ed. (New York: Penguin, 2010) (published prior to the 12th edition of *RONR*).

- 9 Not surprisingly given the 803 pages and complexity of *RONR*, individuals seeking to gain a minimum or an advanced level of competence in *RONR* may pursue professional registration or certification. The National Association of Parliamentarians (NAP) offers credentialing processes that include testing of the individual's proficiency in the use of *RONR*. See <https://www.parliamentarians.org>. The American Institute of Parliamentarians (AIP) applies the *Standard Code of Parliamentary Procedure* (citation at footnote 14) in its credentialing processes, which also includes a testing process to achieve certification. See <https://www.aipparl.org>. Without doubt, requiring all members of a local governmental body to study, test, and gain a certified level of competency in the use of either *RONR* or the *Standard Code of Parliamentary Procedure* will aid the members in using these complex sets of meeting rules. Such a commitment of time, effort, and funding to learn rules more complex than needed for local government meetings may, however, be unwarranted for most governments.

- 10 Ann G. Macfarlane and Andrew L. Estep's *Mastering Council Meetings* (Seattle, ERGA, Inc. 2013) published by Jurassic Parliament offers a "guidebook for elected officials and local governments." The guidebook is not a complete set of rules of order. Instead, the guidebook seeks to assist readers in applying *RONR* to government meetings and conducting meetings "according to Robert." Because it is entirely based on *RONR*, the guidebook retains the deficiencies of *RONR* when applied to local government meetings and recognizes that quasi-judicial hearings are "outside the scope of the book." Although *Mastering*

Council Meetings is an entertaining stroll through *RONR*, the book cannot serve as a set of rules of order for local government bodies. *Mastering Council Meetings* is, however, recommended for its practical and useful ideas on the management of a public meeting.

- 11 The number of instances that *RONR* will conflict with the common needs of local government meetings are too many to summarize. Examples can be found in Chapter XX concerning Disciplinary Procedures, which authorizes the imposition of penalties against members who do not follow the provisions of *RONR*, including a censure or suspension or mandating an apology from a member and the exclusion of a member from a meeting until the member offers the apology. *RONR* § 61:15, page 611. *RONR* also authorizes the body to remove the mayor, chairperson, or other presiding officer as the director of the meeting. See Interpretive Rule 2006-02 at <https://robertsrules.com/official-interpretations/#interpretations>.
- 12 The formality imposed on meetings by *RONR* contributes to the sheer size of the volume of rules and the rules' complexity. As a few examples found at *RONR* §§ 3:10–3:13, pages 20–22, *RONR* limits the words that members may use when referring to the presiding officer and the other members of leadership, prohibits the use of the word “you” when referring to the presiding officer or other members except in limited circumstances, requires the presiding officer to refer to themselves in the third person, and prohibits members from using the names of other members. These, and other formal meeting mandates, make much of *RONR* inconsistent with the more casual or collaborative character of the typical local government meeting. *RONR* recognizes that a “small board” can abide by a few different and less formal rules than a larger body, such as allowing the presiding officer and

members to remain seated when addressing the body. However, *RONR* buries a few references to special rules for small boards throughout its text in random clauses and sentences, and some exceptions to the mandates of *RONR* can be found in a single one-half page section among the 803 total pages in Chapter XVI, § 49:21. With the very few exceptions for small boards, all other rules of *RONR* apply to a meeting of a small board.

- 13 By way of only one example, *RONR* authorizes the presiding officer to unilaterally expel any nonmember (i.e., a citizen) from a meeting because nonmembers hold no right to attend a meeting. *RONR* § 61:7, page 609. This and other provisions of *RONR* conflict with Colorado's statutory requirements for local governments, including the Colorado Open Meeting Law.
- 14 As examples, see the American Institute of Parliamentarians, *Standard Code of Parliamentary Procedure* (New York: McGraw Hill, 2012); and O. Garfield Jones, *Parliamentary Procedure at a Glance* (New York: Penguin, 1971). At 326 pages in length, the *Standard Code* includes motions and procedures not commonly used or needed during the typical local government meeting. *Parliamentary Procedure at a Glance* is based on *RONR* editions predating the current 12th edition.
- 15 See *Hartley v. City of Colorado Springs*, 764 P.2d 1216 (Colo. 1988) (governing body's adoption of meeting rules granted jurisdiction to conduct meetings in accordance with the rules); *City of Greeley v. Hamman*, 28 P. 460 (Colo. 1891) (where no constitutional or statutory obligation exists to require specific meeting procedure, a governing body is authorized to adopt rules to govern its proceedings); *Glenwood Post v. City of Glenwood Springs*, 731 P.2d 761 (Colo. App. 1986) (local government may adopt its own rules of order). See also E. McQuillin, *The Law of*

Municipal Corporations, §§ 13:66–13:67 (3rd edition, 2019) (citing numerous state judicial decisions supporting the authority of governmental bodies to adopt rules of order and procedure to govern meetings).

- 16 *Bob's Rules of Order* does not authorize a Body to conduct virtual meetings. The authorization for the use of different forms of meetings should be addressed by the Body's bylaws or other local policy of the local government.
- 17 Very generally and in the context of local government meetings and hearings, the constitutional right of procedural due process requires the government to establish and follow processes and procedures designed to ensure fairness to individuals holding a protected property interest. Countless judicial decisions acknowledge that the existence of rules and the compliance with established rules leads to fairness in the administration of laws and government programs.
- 18 See, e.g., C.R.S. § 31-16-103 (municipal ordinances to be published and recorded in a book to be received as evidence) and C.R.S. §§ 30-11-101, 31-15-401, and 31-15-404 (county laws to be published and recorded). Assuredly, the written law formally adopted by federal, state, and local governments will govern the actions of these respective governments. In addition, unwritten rules, principals, and norms that are consistently followed can, at times, be referenced to support or guide the government's actions.
- 19 As some examples of courts finding that action taken in accordance with adopted procedural rules of order will be deemed authorized, see *L.C. Canyon Partners v. Salt Lake County*, 266 P.3d 797 (Utah 2011) (rules expressly authorized action to reconsider and to rescind a decision); *Hartley v. City*

- of Colorado Springs, 764 P.2d 1216 Colo. 1988) (rules of order granted authority to reconsider a prior decision); *McGuire v. City of Sweetwater*, Tennessee, No. 20-6067, 2021 WL 3620449 (6th Cir. Aug. 16, 2021) (denying citizens the right to speak was authorized by adopted meeting rules of order); *Wolfman, Inc. v. City of New Orleans*, 874 So. 2d 261 (La. Ct. App. 2004) (board's failure to follow its procedural meeting rules invalidated a decision); *Marohn's Buffalo Marketplace v. City of Buffalo*, 2002 WL 31819273 (Minn. Ct. App. 2002) (a non-technical defect in following adopted procedural rules proved fatal to a zoning decision).
- 20 Consistent with *Bob's Rules*, *RONR* recognizes the difference between bylaws and rules of order and also recognizes the confusion that can result when combining or integrating rules of order with bylaws due to important differences in the subject matter and the ability to amend and suspend the rules of the two different documents. *RONR* also recognizes bylaws as being the most important organizational document for the body and that the bylaws will expressly recognize the parliamentary procedure to be applied by the body in the conduct of its meetings. See *RONR*, Chapter XVIII, pages 535–567, and Chapter I, pages 11–13. Similarly, the National Association of Parliamentarians (NAP) recognizes that bylaws and parliamentary procedures/rules of order are not the same. See <https://www.parliamentarians.org/wp-content/uploads/2019/10/NAP-Bylaws-2019-Final.pdf>.
- 21 Besides the title “bylaws,” some bodies use other titles for the principal governing document for the body, such as “rules of procedure,” “rules of procedure and order,” “code of procedure,” “code of conduct,” “meeting regulations,” or “meeting guidelines,” and at times integrate what is commonly recognized as bylaws with decision-making rules of order into

a single document sometimes titled “rules of order.” Both *Bob’s Rules of Order* and *RONR* suggest not to combine the bylaws with procedural rules of order because these forms of regulations serve two different purposes.

- 22 Whether to authorize a Body to conduct video conference meetings (i.e., remote attendance via an online video conference platform such as Zoom, Microsoft Teams, Adobe Connect, GoToMeeting, and Facebook Messenger) is an issue that each local government should consider in its bylaws. Video conference meetings present practical implications and legal issues when conducting these types of nontraditional meetings, with implications and issues largely stemming from requirements of due process and fairness in the quasi-judicial setting.
- 23 See *RONR*, Chapter V, pages 92–115, The Main Motion.
- 24 As an example, *RONR* classifies more than 30 motions or motion variations as “main motions,” but the phrase “main motion” is also used by *RONR* to describe the primary or principal business motion. See *RONR*, Chapter V, pages 92–115, and Table of Rules Relating to Motions, *RONR*, pages t6–t33.
- 25 Appendix A at the end of this handbook includes a sample form of a resolution for the adoption of *Bob’s Rules*.
- 26 By way of an example of a potential rule modification, Rule 7.5 provides that voting on all motions should be a “yes” or “no” vote. A Member’s vote to “abstain,” a Member’s silence, or another declaration other than “yes” or “no” is out of order. However, a Body may decide that, after reviewing the rationale of Rule 7.5 and consulting with the Body’s legal counsel, abstentions should nonetheless be permitted. Another example of a desired modification may be to Rule 4.3, which limits a

- Member's right to the Floor on any matter to a maximum of five minutes unless otherwise authorized by the Presiding Officer. The local government may feel that a time lesser or greater than five minutes, or no time limit at all, should be the recognized rule for the Body.
- 27 The practice of modifying or amending standardized, uniform, or model regulations and general codes is common. For example, most local governments modify or amend provisions of the International Building Code or the Model Traffic Code at the time of the adoption of these codes by ordinance. *Bob's Rules* uses a numbering system for each rule, point, and motion to enable adopting local governments to identify the provision subject to modification or amendment.
 - 28 For a debriefing of a quasi-judicial decision, the Body's legal counsel may advise that the session be conducted after the expiration of any right of appeal for the decision. For decisions that involve significant or substantive errors, the legal counsel may advise that an executive session be held to receive legal advice regarding the meeting process and the proper application of the *Rules*.
 - 29 See *Cherry Hills Resort Development Co. v. City of Cherry Hills Village*, 757 P.2d 622 (Colo. 1988).
 - 30 The term "quasi-judicial" (rather than "judicial") is commonly used when referring to the exercise of judicial power by local government officials. The officials are not held to the strict requirements of judges in a court of law but serve in a role that is very similar to a judge. "Quasi" means "having some resemblance by having certain attributes." *Merriam-Webster Online Dictionary*, <https://www.merriam-webster.com/dictionary/quasi>. For an excellent summary of the requirements for quasi-judicial action,

see the Colorado Intergovernmental Risk Sharing Agency's (CIRSA) Quasi-Judicial Basic Training presentation prepared by Sam Light, CIRSA General Counsel, at <https://www.cirsa.org/wp-content/uploads/2020/05/Quasi-JudicialProceedings.pdf>.

- 31 For an explanation and comparison of quasi-judicial action in the local government context, see *Jafay v. Boulder County Comm'rs*, 848 P.2d 892 (Colo. 1993); *Prairie Dog Advocates v. City of Lakewood*, 20 P.3d 1203 (Colo. 2000).
- 32 *City of Aurora v. Zwerdlinger*, 571 P.2d 1074 (Colo. 1977).
- 33 *Discussion*, Black's Law Dictionary, page 567 (10th ed. 2014).
- 34 See <https://www.dictionary.com/browse/discussion>
- 35 See <https://www.dictionary.com/browse/debate>
- 36 See <https://www.merriam-webster.com/dictionary/debate>
- 37 The term “postpone” means “to change the date or time for a planned event or action to a later one.” In contrast, “continue” and more specifically the phrase “continued meeting” means “a meeting that is part of a session that will be ... resumed after adjournment.” See definitions of *Postpone*, *Continue*, and *Continued meeting*, Black's Law Dictionary, pages 1132 and 1356 (10th ed. 2014).
- 38 *Abstention*, Black's Law Dictionary, page 10 (10th ed. 2014).
- 39 *Recusal*, Black's Law Dictionary, page 1467 (10th ed. 2014).
- 40 Legal impediments to voting will commonly result from state statutory provisions concerning conflicts of interest. In addition, the local government's charter, ordinances, bylaws, or code of ethics may impose special requirements on voting that are binding on the Body and its Members. It is important that

Members consult with the local legal counsel regarding voting requirements.

- 41 Some rules of order, including *RONR*, provide for a separately recognized “motion to amend the agenda.” *Bob’s Rules* relies upon a Principal Motion as the means to formally amend the agenda for several reasons: (1) the agenda will not often need amending, and creating a separate motion adds unneeded clutter to the *Rules*; (2) a Presiding Officer’s discretionary modification of an agenda pursuant to Rule 3.4 is rarely opposed because the modification is readily seen by the Body as acceptable and necessary for efficiency; and (3) the use of a Principal Motion to amend the agenda is no different than a motion to amend the agenda because both motions require the Moving Member to state the specific amendment and to obtain a majority vote from a quorum.
- 42 Many actions by local government require specialized notice apart from the general meeting notice. As some examples, a separate public notice in addition to the general notice for the public meeting is required for (1) a hearing to change the zone district of property or to adopt or change development regulations, (2) the legislative approval of the local government’s budget, and (3) the annexation of property. See C.R.S. § 31-23-304 (zoning and development regulations); C.R.S. § 29-1-106 (budget hearing); and C.R.S. § 31-12-108 (annexation hearing).
- 43 See C.R.S. § 24-6-402(2)(c)(I).
- 44 A “meeting” is defined by the Colorado Open Meetings Law as “any kind of gathering convened to discuss public business, in person, by telephone, electronically, or by other means of communication.” C.R.S. § 24-6-402 (1)(b).

45 C.R.S. § 24-6-402 (2)(c)(I).

46 As a widely accepted general rule, notice of public meetings and hearings requires information sufficient to reasonably apprise an interested person of the date, time, place, and general purpose of the meeting or hearing. See, e.g., *Hallmark Builders v. City of Gunnison*, 650 P.2d 556, 559 (Colo. 1982); *Whatley v. Summit County Bd. of County Comm'rs.*, 77 P.3d 793, 801 (Colo. App. 2003). For meetings conducted after July 1, 2019, the Colorado Open Meetings Law directs that the local public body “post the notice, with specific agenda information if available, no less than 24 hours prior to the holding of the meeting on a public website of the local public body.” C.R.S. § 24-6-402 (2)(c)(I). Local law or policy may require other forms of notice.

47 As an example of a requirement for the issuance of multiple notices for a hearing, see C.R.S. § 31-12-108 (municipal annexation of land).

48 See note 42.

49 See Standards of Conduct, Article 18 of Title 24, C.R.S. (*Code of Ethics and Proscribed Acts Related to Contracts and Claims*) and C.R.S. § 18-8-308 (*Failing to Disclose a Conflict of Interest*).

50 See Chapter 2, Special Terminology, “Abstain” and “Recuse.”

51 *RONR* prohibits or discourages any discussion prior to a motion. For example, *RONR*, § 4:7 on page 30 states that, “under parliamentary procedure, strictly speaking, discussion of any subject is permitted only with reference to a pending motion.” In addition, *RONR* states that “[t]he general rule against discussion without a motion is one of the parliamentary procedure’s powerful tools for keeping business ‘on track,’ and an observance of its spirit can be an important factor in making even a

- very small meeting rapidly moving and interesting.” *RQNR*, § 4:8, page 31. For a “small board,” *RQNR* allows for informal discussion without a motion, although what may be “informal” is undefined by *RQNR*. *RQNR*, § 49:21, pages 464–465. It may prove inefficient for the Body to expend time entertaining and deciding objections concerning whether a particular discussion is “informal” and demands by one or more Members that the Body cease discussion in order to comply with *RQNR*.
- 52 See note 53. It could be viewed as unfair in a judicial proceeding for the judge to announce at the outset of the proceeding and prior to the presentation of any evidence that she is proposing to rule against one of the parties.
- 53 See, e.g., *Wells v. Del Norte School Dist.*, 753 P.2d 770, 772 (Colo. App. 1987); *Soon Yee Scott v. City of Englewood*, 672 P.2d 225, 227 (Colo. App. 1983); Omar T. McMahon, *A Fair Trial Before Quasi-Judicial Tribunals as Required by Due Process*, 29 Marq. L. Rev. 95 (1948).
- 54 A Member sitting as a judge in a quasi-judicial proceeding may offer or acknowledge factual testimony in a very limited circumstance, called “judicial notice.” The Member may express a fact that is not subject to reasonable dispute because it (a) is generally known (such as the sun rises in the east) or (b) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Judicial notice is a very limited and specialized exception that allows a judge to express or to accept a fact that “everyone already knows.”
- 55 A quasi-judicial decision may be challenged in a state court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. According to Colorado courts and Rule 106(a)(4), a court may invalidate a Body’s decision if there is no competent

evidence to support the decision. “No competent evidence” means that there is an absence of evidence in the record to support the ultimate decision of the Body, and the decision is found to be arbitrary and capricious. See, e.g., *McCann v. Lettig*, 928 P.2d 816 (Colo. App. 1996); *Board of County Commissioners of Routt County v. O’Dell*, 920 P.2d 48 (Colo. 1996); *Carney v. Civil Service Commission*, 30 P.3d 861 (Colo. App. 2001); *Cruzen v. Career Services Board*, 899 P.2d 373 (Colo. App. 1995).

- 56 Not all meetings of a Body must follow the same quorum requirement. For example, a Body’s bylaws may provide that a workshop or study session where no formal decisions may be made can be conducted with a quorum different than the quorum necessary to conduct formal business and vote on motions binding the Body.
- 57 Legal counsel will most often advise that the Body must refrain from discussion of a quasi-judicial matter unless a quorum of the Body is present and proper notice of the meeting was issued.
- 58 A meeting pursuant to the Colorado Open Meetings Law (COML) is defined as “any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.” C.R.S. § 24-6-402 (1)(b). COML recognizes that meetings “at which any public business is discussed ... are declared to be public meetings open to the public at all times.” C.R.S. § 24-6-402 (2)(b).
- 59 Rule 2.2 and the meaning of the phrase “total membership” in the context of a quorum is consistent with C.R.S. § 2-4-111 (defining as a matter of statutory construction that a “quorum of a public body is a majority of the number of members fixed by statute.”). The meaning is also consistent with C.R.S. § 31-1-

101(4) (definition of “governing body” that provides that, “[f]or purposes of determining a quorum or the required number of votes for any matter, ‘governing body’ includes the total number of seats on the governing body but does not include the seat held by a nonvoting city manager under section 31-4-214.”). Note that setting a quorum requirement based upon the total number of persons *attending* the meeting can lead to an unacceptable result. For example, if the quorum requirement for a meeting of a seven-member body is a majority of the “members present” or “in attendance” and only three members attend the meeting, a motion that requires a vote of a majority of the members present or in attendance may be approved with only two affirmative votes or far less than a majority of the total membership of the Body.

- 60 The Body’s bylaws or other policy should describe what constitutes a presence at a meeting, which may include, in addition to actual physical presence, participation by telephone or attendance through a video conferencing platform such as Zoom, Microsoft Teams, Adobe Connect, GoToMeeting, or Facebook Messenger.
- 61 Many local government bodies recognize positions for one or more nonvoting members on the Body. These positions may be titled as an “ex officio,” an “alternate,” an “associate,” or a “liaison” member. Although the persons in these positions may sit at the dais and may take part in discussion and debate, these members are not eligible to vote except, where provided by the bylaws or other policy, when the member is authorized to fill a voting position in the event of an absence of a voting Member. It is the total number of authorized voting positions on the Body (which is a number set by state or local law, the bylaws, or other governing policy) and not the total voting and nonvoting

positions that will comprise a quorum for purposes of the *Rules of Order*.

- 62 The Body's bylaws should describe the accepted justifications for an excused absence and who may grant the excuse. Many bylaws provide that the Presiding Officer is authorized to grant an excuse when justified and that the Presiding Officer's decision is subject to a Point of Appeal.
- 63 If the quorum was established with the minimum number of Members necessary for a quorum, the absence of an *excused* Member will deny the Body of a quorum and the ability to conduct business and make decisions. Such an impact on the quorum in such circumstances is an unfortunate aspect of a public meeting and the quorum requirement.
- 64 Most motions require a majority or a supermajority of a quorum. With each absence of a Member from the meeting, the number of votes needed for approval of a motion may be more difficult to achieve—that is, securing a majority vote of four Members from a seven-member Body when all seven Members are in attendance is more achievable than securing three votes from only four Members in attendance from the same seven-member Body. An emergency ordinance, as another example, requires three-fourths of the entire membership of the governing body. When only six Members are present and eligible to vote from a seven-member Body, a unanimous vote of all six Members will be necessary for approval of the emergency ordinance. When the quorum requirement is satisfied for a seven-member Body with fewer than six Members, the Body cannot enact an emergency ordinance. See C.R.S. § 31-16-105.

- 65 The Body’s legal counsel should be consulted about any need to re-publish or re-post new hearing notices for a postponed quasi-judicial hearing.
- 66 Note that Rule 3.3 takes a different approach from the general requirements of *RONR*, which provide that the chairperson may not participate in discussion or debate unless the chairperson formally relinquishes the chair to another member of the body. *RONR*, Chapter XII, § 43:29, page 374. However, Rule 3.3 is consistent with the rules in *RONR* as applied to a “small board.” For small boards, *RONR* allows the chairperson to speak in “informal discussion.” *RONR*, Chapter XVI, § 49:21, pages 464–465. Unfortunately, *RONR* does not define what constitutes “informal discussion,” and this deficiency can potentially lead to conflict when members believe that the chairperson’s comments during discussion are not informal. Equally unhelpful in applying *RONR* in this case is the common definition of “informal,” which generally means “marked by the absence of formality or ceremony.” See *Merriam-Webster Online Dictionary* at <https://www.merriam-webster.com/dictionary/informal>
- 67 See C.R.S. § 31-4-302, which applies to a municipal board of trustees. This section provides that “an ordinance limiting the mayor’s power may provide that the mayor shall not be counted for purposes of deciding a quorum or for the requisite majority on any matter to be voted on by the board of trustees.”
- 68 *Id.*
- 69 Concurrence or consent is often expressed by an absence of any objection from the Members upon the Presiding Officer’s proposal to take an action. Some Presiding Officers ask for a show of hands or pose an inquiry of “Thumbs up?” or “Any

objections?” to solicit the Body’s general consent in place of a formal vote.

- 70 When the Presiding Officer holds the office of mayor, the passing of the gavel to another Member does not relieve the mayor from any statutory, charter, or other limitation imposed on the office of mayor. For example, in a statutory town, an ordinance may be adopted to deny the mayor the right to vote except in the event of a tie vote. See C.R.S. § 31-4-302. Assigning the role of Presiding Officer to another Member will not relieve the mayor from this statutory limitation. The passing of the gavel only authorizes another Member to conduct the meeting in the role of Presiding Officer.
- 71 This informal concurrence or consent is often expressed by an absence of any objection from the Members upon the Presiding Officer’s proposal to take an action. Some Presiding Officers ask for a show of hands or pose an inquiry of “Thumbs up?” or “Any objections?” to solicit the Body’s general consent in place of a formal vote.
- 72 In some limited circumstances, the local home rule charter, ordinance, or policy may provide that the Body may only act by ordinance, resolution, or motion. This type of limitation could be interpreted to prohibit all use of an informal consensus by the Body, even for minor matters. The Body should consult with its legal counsel when deciding the proper interpretation of any charter, ordinance, or other policy provisions that may limit the authority to render decisions informally.
- 73 Although reference is made in *Bob’s Rules* to the expression of “yes” or “no” regarding a Member’s vote, other affirmative expressions such as “aye” or “nay” are not precluded by the

Rules if the expression clearly informs the Body of the Member's vote.

- 74 It would be unfair for the Moving Member to speak to a motion that is not debatable because the other Members would not share the same opportunity to comment or debate. A nondebatable motion asks the Body to take a defined and specific action, which does not require Members to engage in a detailed evaluation of viewpoints or to debate the possible impacts or effects of the motion.
- 75 A Friendly Amendment is premised on the practice of unanimous consent as recognized by *RONR*, Chapter II, §§4:59–4:62, pages 49–51.
- 76 The debatable motions are the Principal Motion, Motion to Continue or Postpone, Motion to Amend, Motion to Reconsider, and Motion to Adjourn.
- 77 A Member may also express the objection by a Point of Order to require the Body to comply with Rule 5.1 and to entertain the amendment by a formal Motion to Amend.
- 78 The debatable motions are the Principal Motion, Motion to Continue or Postpone, Motion to Amend, Motion to Reconsider, and Motion to Adjourn.
- 79 A Friendly Withdrawal is premised on the idea of unanimous consent found in several publications and also recognized by *RONR* in Chapter II, §§ 4:58–4:63, pages 49–51.
- 80 The Body's bylaws should address what constitutes attendance (or presence), which may include attendance by telephonic or virtual means in addition to physical presence. Most bylaws will effectively prohibit voting by proxy when the quorum

determination is based upon physical presence in the meeting or upon authorized virtual or telephonic attendance.

- 81 Most often, the Member granting the proxy will not attend the meeting, although absence from the meeting is not typically a requirement to grant a proxy.
- 82 Procedural due process for a quasi-judicial matter requires that the persons deciding the matter enter the hearing as neutral and unbiased judges and render a decision based only on the evidence presented during the hearing. See, e.g., *Wells v. Del Norte School Dist.*, 753 P.2d 770, 772 (Colo. App. 1987); *Soon Yee Scott v. City of Englewood*, 672 P.2d 225, 227 (Colo. App. 1983); Omar T. McMahon, *A Fair Trial Before Quasi-Judicial Tribunals as Required by Due Process*, 29 Marq. L. Rev. 95 (1948).
- 83 *RONR* and one set of uniform rules of order offered to local government officials prohibit a member making a motion from speaking against the member's own motion. *RONR*, § 43:25, pages 372–373; Ann G. Macfarlane and Andrew L. Estep, *Mastering Council Meetings* (Seattle, ERGA, Inc. 2013), at Appendix C, page 115.
- 84 Recall that the Moving Member is afforded the first right to the Floor to speak to the motion pursuant to Rule 5.6. In this initial address to the Body, Rules 5.6 and 7.4 allow the Moving Member the opportunity to explain that the motion is offered only to allow debate, and the Moving Member can offer reasons why the Body should reject the motion.
- 85 Although *Bob's Rules* references the expression of a “yes” or a “no” vote regarding a motion, other affirmative expressions such as “aye” or “nay” are not precluded by the *Rules* if the expression clearly informs the Body of the Member's vote.

- 86 See Chapter 2, Special Terminology, “Abstain” and “Recuse.” See also Chapter 1, Incorporating *Bob’s Rules* into Meeting Practice, for guidance on changing the *Rules* to recognize a right to abstain when voting.
- 87 *RONR* recognizes that a member holds a “duty” to vote in support or opposition of a motion. Yet, without detailed explanation, *RONR* also states that a member has a “right” to abstain because a member cannot be “compelled to vote.” See *RONR* §45:3, page 385.
- 88 Here, a vote “prevented by law” will arise from a Member’s conflict of interest or from state or local laws governing participation and voting due to the form of government (e.g., a mayor’s statutory requirement to vote only in the event of a tie where a local ordinance limits the mayor’s powers). Because conflicts of interest as well as limitations imposed by the form of government may be rules and requirements specific to the Body and its purpose, these matters should be addressed in the bylaws and not in the parliamentary procedures or rules of order for a meeting.
- 89 The Body’s bylaws, code of ethics, or other policy may also recognize a Member’s failure to follow Rule 7.4 and to vote “yes” or “no” as an intentional breach of the rules of order that may subject the Member to a specified disciplinary action, such as censure.
- 90 See, e.g., *State ex rel. Miller v. Marshall*, 184 So. 870 (1938) (finding that abstentions and nonvoting members “virtually acquiesce” in the decision made by those who do vote, citing numerous judicial decisions and tracing the common law to the 1760 decision of *Oldknow v. Wainwright*, 2 Burr. 1017 (English Reports, Full Print, Vol. 97, page 683)); 63 A.L.R.3d

1072 – *Abstentions from Voting of Member of Municipal Councils Present at Session as Affecting Results* (“courts have adopted and applied the rule or view that abstention is to be considered as acquiescence in [the] action favored by the majority of those who do vote, and have held or recognized that the nonvoting members should be considered, or counted, as having voted in the affirmative—in favor, that is, of the particular proposition requiring such a specific majority.”); E. McQuillin, *The Law of Municipal Corporations*, § 13:46 (3rd edition, 2019) (“while it has been said that those present who refuse to vote for a proposition cannot be counted, the general rule is that they are regarded as having voted affirmatively, i.e., for the proposition ... a ‘pass’ vote must be counted as voting with the majority.”).

- 91 See Chapter 3, Section 2.0, for the rules governing the quorum.
- 92 See C.R.S. § 31-16-103 for general municipal action by ordinance, resolution, or order and C.R.S., § 30-15-404 for general county action by ordinance.
- 93 Note that the Colorado Open Meetings Law (COML) requires this same voting standard as a matter of statutory law be applicable to every public body as defined by COML. See C.R.S. § 24-6-402(4).
- 94 See C.R.S. § 31-16-103.
- 95 See C.R.S. § 31-16-104.
- 96 See C.R.S. § 31-16-105.
- 97 See C.R.S. § 31-23-305.
- 98 See Section 22.0 and Colorado Open Meetings Law at C.R.S. § 24-6-402(4).

- 99 See Home Rule Charter for the City of Centennial, Colorado, §13.2 at https://library.municode.com/co/centennial/codes/municipal_code.
- 100 This objection should be raised by a Point of Order. See Section 11.0.
- 101 An idiom meaning that something more powerful is controlled by something less powerful. <https://www.merriam-webster.com/words-at-play/wag-the-dog-idiom-meaning>.
- 102 The number and names of classes of motions in *Bob's Rules of Order* differ from other procedural rules. For example, *RONR* provides five different classes of motions: main, subsidiary, privileged, incidental, and motions to bring a matter again before the assembly.
- 103 A Motion to Continue or Postpone is a hybrid motion, meaning that it can serve as a main motion or as a subordinate motion. As a main motion, the Motion to Continue or Postpone can be used to delay consideration of an item on an agenda that is not yet open or delay consideration of a matter that is open but for which no main motion is pending before the Body. As a subordinate motion, the Motion to Continue or Postpone will ask to delay a matter for which a main motion is on the Floor and pending before the Body.
- 104 See note 103.
- 105 A Member may use the phrase “Point of Clarification.” The Presiding Officer should recognize that a Point of Information and a Point of Clarification are interchangeable.
- 106 See note 103.

- 107 The debatable motions are: Principal Motion, Continue or Postpone, Amend, Reconsider, and Adjourn.
- 108 The motions that are not debatable and are single-purpose motions are: Close Debate, Recess, and to conduct an Executive Session. A Motion to Amend, although debatable, is not capable of amendment pursuant to Rule 14.3 (no amendment of a motion to amend).
- 109 Other rules of order, including *RONR*, recognize a larger number of different main motions available to propose a general business action to the Body. The names of these general action motions include a “main motion,” “original main motion,” and “incidental main motion,” among others. *Bob’s Rules of Order* dispenses with a need to understand and differentiate between these varying and potentially confusing forms of main motions and simply recognizes that a Principal Motion is the form of main motion used to propose that the Body take an action.
- 110 An emergency ordinance will take effect immediately upon adoption. See C.R.S. § 31-16-105.
- 111 See C.R.S. § 31-23-305.
- 112 To understand the interchangeable nature of the terms “continue” and “postpone,” see Chapter 2, Special Terminology, “Continue” and “Postpone.”
- 113 Recall that “open” is defined by the *Rules* to mean that the agenda item has been formally announced or presented to the Body. See Chapter 2, Terminology, “Open.”
- 114 See Section 9.0 to understand the priority of main, subordinate, and privileged motions.

- 115 A public notice customarily requires information that is sufficient to advise the public of the time, date, place, and purpose of the meeting or hearing.
- 116 See Chapter 2, Special Terminology, “Legislative,” “Quasi-Judicial,” and “Administrative Powers.”
- 117 *Bob’s Rules of Order* disfavors the use of the expression “call the question.” This expression can create confusion because it can imply—and some bodies improperly allow the use of the expression in practice—to mandate the immediate cessation of debate and an immediate vote on the question (or motion). No published set of procedural rules authorizes a member to unilaterally stop the body’s debate and cause a vote on a pending motion. The proper practice is to seek approval of the body to stop (i.e., close) debate, which, if approved, will naturally result in the motion proceeding to a vote. Nevertheless, the Presiding Officer can recognize a Member’s intent behind a “motion to call the question” as a Motion to Close Debate. The *Rules* does not prohibit a Body’s use of a motion to call the question if the use of the motion is ingrained in the Body’s meeting practice.
- 118 See Chapter 2, Special Terminology, “Quasi-Judicial,” “Legislative,” and “Administrative Powers.”
- 119 For a judicial decision noting the important differences between a motion to reconsider and motion to rescind a prior decision (under *RONR*), see *L.C. Canyon Partners v. Salt Lake County*, 266 P.3d 797 (Utah 2011).
- 120 Note that Rule 2.5 authorizes Members of the Body and administrative staff members to announce the adjournment of a meeting in the absence of a quorum.

- 121 A Point of Appeal challenging the Presiding Officer's discretionary decision to adjourn could be possible where the Body seeks to consider other non-agenda matters and the Presiding Officer uses the discretion to adjourn the meeting as a means of avoiding such consideration.
- 122 Recall that a Point of Information is privileged and is in order at any time and that any Member, including the Presiding Officer, may propose a Point of Information.
- 123 Here, the Town Attorney further understands that a motion that is not on the Floor can be voluntarily withdrawn by the Moving Member. See Rules 5.4 and 5.5.
- 124 Note that the Presiding Officer makes a motion in this example notwithstanding that Rule 3.5 encourages the Presiding Officer to customarily defer to the Members to take such action. Here, however, the Presiding Officer recognizes the efficiency of making the motion in order to directly inform the Body of the proposed process to most effectively adjourn the meeting.
- 125 Which authorization will be found at subsections (a) through (h) of C.R.S. § 24-6-402(4).
- 126 C.R.S. § 24-6-402(4).
- 127 Id.
- 128 C.R.S. § 24-6-402(4)(a).
- 129 C.R.S. § 24-6-402(4)(b).
- 130 C.R.S. § 24-6-402(4)(c).
- 131 C.R.S. § 24-6-402(4)(d).
- 132 C.R.S. § 24-6-402(4)(e).

- 133 C.R.S. § 24-6-402(4)(f)(I).
- 134 C.R.S. § 24-6-402(4)(f)(II).
- 135 *Id.* As a side note, a special statutory provision of the Colorado Open Meetings Law found at C.R.S. § 24-6-402(3.5) may authorize non-public executive sessions to conduct some of the business associated with selecting the government’s chief executive officer (commonly the principal manager or administrator). Consultation is advised with the Body’s legal counsel to understand the applicability of this statutory provision and the steps necessary to hold these very special forms of non-public public meetings.
- 136 C.R.S. § 24-6-402(4)(f)(II).
- 137 C.R.S. § 24-6-402(4)(g).
- 138 C.R.S. § 24-6-402 (2)(d.5)(II)(C).
- 139 C.R.S. § 24-6-402(9)(b).
- 140 *Millage v. Spahn*, 175 P.2d 982 (Colo. 1946) (a waiver is the intentional abandonment of a known right). Although an intent to waive a benefit may be implied by conduct, the conduct itself should be free from ambiguity and clearly manifest the intention not to assert the benefit. *Department of Health v. Donahue*, 690 P.2d 243, 247 (Colo. 1984).
- 141 The Colorado Open Meetings Law does not define the term “leadership.” The *Rules of Order* subscribes to the proposition that “leadership” is a position on the Body that holds a present or potential future right to preside over the Body’s meetings. Such position is customarily titled as mayor, mayor pro tem, council or board president or vice president, or chairperson or vice chairperson. The Body’s legal counsel should be consulted

regarding the proper meaning of the term “leadership” and to consider the intent underlying the use of this undefined term in the Colorado Open Meetings Law at C.R.S. § 24-6-402(2)(d)(IV).

142 See note 141.

143 A “secret ballot” means “a vote cast in such a way that the identity of the person voting, or the position taken in such vote is withheld from the public.” C.R.S. § 24-6-402(2)(d)(IV). For the purposes of the *Rules*, such methods may include but are not limited to the use of paper ballots without a designation of the person casting the vote or a form of voting software that allows the casting of anonymous votes.

144 In addition to holding a roll-call vote or by immediately posting each individual Member’s vote, a vote will be deemed a publicly known vote if the vote is (i) cast on a written ballot, (ii) the written ballot clearly identifies the name of the voting Member, and (iii) the ballot is readily available for public inspection upon request.

145 Section 24.0 may be the preferred election process when the multiple positions to be filled each have different terms of office.

Bob's Rules of Order for Colorado Local Governments

SIMPLIFIED PARLIAMENTARY RULES FOR PUBLIC MEETINGS

Rules of order are vital to an efficient local government meeting. Rules provide processes and procedures that are pre-designed to create organization, to promote fairness among participants, and to lead to a more thorough evaluation of issues. To be most effective for government, the rules should be tailored to the government's specialized needs and should avoid the length and complexity found in Robert's Rules of Order. *Bob's Rules of Order for Colorado Local Government* seeks to fill the need for reasonable, workable, and easily understandable parliamentary procedures.

"Governing has never been an easy job, and in recent years, it's gotten tougher with the cacophony of views in our communities and among elected officials. Bob's Rules of Order lays out how to have both efficient and effective meetings where all voices are fairly and equitably heard. He shows how to have differences of opinion without it deteriorating into dysfunction."

Kathy Hodgson, City Manager, Lakewood, Colorado

"Bob's Rules of Order is the definitive resource for simple, clear standards for governing bodies. This is absolutely the best guide to help government complete the important business of the public without being distracted by complex or cumbersome rules."

Kevin Bommer, Executive Director, Colorado Municipal League





AGENDA MEMO

SUBJECT: Increasing Water and Sewer Rates
STAFF CONTACT: Gloria Kaasch-Buerger
MEETING DATE: September 9, 2024

Overview:

In the August 14th Utility Committee Meeting the Committee recommended implementing an immediate 15% increase to the water and sewer base rates while we work on balancing the water and sewer accounts. The Board of Trustees gave staff direction at the August 26th Regular Meeting to draft a resolution, notice, and set a public hearing for the 15% increase.

Staff has evaluated the impact of the 15% increase and would like to propose another option that is more in line with the rate study. This additional step does not impact the timeline of notice as the soonest the town could hold a public hearing on this is October 14th with noticing requirements and without scheduling a special meeting.

C.R.S. 40-3.5-104 Outlines the following for rate changes:

(1) (a) No change shall be made by any municipal utility in any rate or charge or in any rule, regulation, or contract relating to or affecting any base rate, charge, or service, or in any privilege or facility, except after thirty days' notice to the public. Such notice shall be given by keeping open for public inspection new schedules stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. In addition, such notice shall be given by publishing the proposed new schedule, or if that is impractical due to the size or bulk of the proposed new schedule, by publishing a notice of the availability of the proposed new schedule for public inspection, at least once in at least one newspaper of general circulation in the authorized service area at least thirty days and no more than sixty days prior to the date set for public hearing on and adoption of the new schedule.

(b) In addition to the notice provided for in paragraph (a) of this subsection (1), if a municipal utility serves customers who live outside the municipal corporate boundaries, notice of any change in any rate or charge or in any rule, regulation, or contract relating to or affecting any base rate, charge, or service or any change in any privilege or facility shall be given by mailing to such customer notification of any such change.

(2) The notice required by subsection (1) of this section shall also specify the date, time, and place at which the public hearing shall be held by the governing body of the municipal utility to consider the proposed new schedule. The notice shall specify that each municipal utility customer shall have the right to appear, personally or through counsel, at such hearing for the purpose of providing testimony regarding the proposed new schedule. Said public hearing shall be held on the date and time and at the place set forth in the notice; except that the governing body of the municipal utility may adjourn and reconvene said hearing as it deems necessary.

(3) The governing body of the municipal utility, for good cause shown, may allow changes without requiring the thirty days' notice and public hearing by an order specifying the changes to be made, the circumstances necessitating the change without requiring the thirty days' notice and public hearing, the time when the changes shall take effect, and the manner in which the changes shall be published.

Timeline for adoption of Resolution:

Publish Notice in Silverton Standard:	September 12, 2024
Public Hearing:	October 14, 2024
Enacted:	October 14, 2024
1 st Billing Cycle with new rates:	November/ December 2024
1 st Utility Bill with new rates:	January 2025



AGENDA MEMO

SUBJECT: Increasing Water and Sewer Rates
STAFF CONTACT: Gloria Kaasch-Buerger
MEETING DATE: September 9, 2024

Budget:

The 15% percent increase would be applied to all water and sewer base rates billed every two months:

Base Rates	Current Rate per Billing Cycle (every 2 months)	15% Increase	Total \$ Increase
Water	\$125.70 *(Includes \$30.21 Capital Improvement)	15% Increase to base rate of \$95.49=\$109.81+\$30.21=\$140.02	\$14.32
Sewer	\$81.57 *(Includes \$5.92 Capital Improvement)	15% increase to base rate of \$75.65=\$87.00+\$5.92=\$93.49	\$5.43
Landfill	\$43.30	No Change	None
Total	\$250.57	\$270.32	\$19.75

*The Rate Study recommended consolidating our rates with the capital improvements line item on the bill.

Increased revenue generated in:

Water Fund: 596 accounts x \$14.32 increase x 6 billing cycles = 70,626

Sewer Fund: 589 accounts x \$5.43 increase x 6 billing cycles = 19,190

Does not include senior discounts

Option from Staff:

The Rate study recommended increasing the water rate by 56% (\$283.21) and the sewer rate by 61% (\$209.92). Keeping consistent with the ratio increase for each fund, a more accurate percentage for increases would be 11.6% increase to water and an 18.4% increase to sewer.

Base Rates	Current Rate per Billing Cycle (every 2 months)	Increase based on percentage recommended in rate study	Total \$ Increase
Water	\$125.70 *(Includes \$30.21 Capital Improvement)	11.6% Increase to base rate of \$95.49 = \$106.57 + \$30.21 = \$136.78	\$11.08
Sewer	\$81.57 *(Includes \$5.92 Capital Improvement)	18.4% increase to base rate of \$75.65 = \$89.57 + \$5.92 = \$95.48	\$13.92
Landfill	\$43.30	No Change	None
Total	\$250.57	\$275.57	\$25.00

Increased revenue generated in:

Water Fund: 596 accounts x \$11.08 increase x 6 billing cycles = \$39,622

Sewer Fund: 589 accounts x \$13.92 increase x 6 billing cycles = \$49,193

Does not include senior discounts

Additional Requests Update:

Regarding the comment on increasing the sewer overages with the water overages, staff is still researching this option and will bring this to the Utility Committee Meeting scheduled for 9/25/24 at 4pm.

Regarding the comment to increase the tap and plant investment fees, the staff is researching this option and will bring this to the Utility Committee Meeting scheduled for 9/25/24 at 4pm.



AGENDA MEMO

SUBJECT: Increasing Water and Sewer Rates
STAFF CONTACT: Gloria Kaasch-Buerger
MEETING DATE: September 9, 2024

Master Plan

Improve Existing Infrastructure Strategy A #1 and #2

Building Community Trust and Improving Governance Strategy E #4

Staff Recommendation:

Staff recommends that the increase is consistent with the ratio of increases proposed by the Rate Study.

Additional rate increases will need to take place in 2025 on. A strategy for these increases should be prioritized for discussion.

The water meters, EQRs, and capital improvement priorities will also still need to be addressed to help with the burden of significant rate increases.

Motion or Direction:

Direction on the rate increase and to notice the public hearing.

September 9, 2024

10. Public Comment

The closing Public Comment is intended for a to comment only on agenda items that have been presented.

The Mayor or Pro Tem will call out the public to comment as well as time the comment and let the public know when they have run out of time. This has been limited to 3 minutes even though it has not stated this on the agenda.

It is not encouraged for Trustees to engage in a dialogue on a public comment, but Trustees can direct staff to follow up with the citizen.

Comments that are submitted via email about an agenda item will be accepted up until the agenda packet is constructed on noon on Wednesday before the Regular Meeting. Comments that are received after this deadline will be emailed to the trustees and not included in the packet. Comments that are emailed are not considered “official public comment” unless they are presented at the meeting or submitted for a Public Hearing before the Wednesday deadline.

Public Comments specific to a Public Hearing on the agenda should be encouraged to take place during the public hearing and not during the opening Public Comment, so that their comments can be recorded with the hearing.

Closing Public Comment is not addressed in the Silverton Municipal Code.