



TOWN OF PAONIA
214 GRAND AVENUE
MONDAY, JANUARY 30, 2023
TOWN BOARD WORK SESSION AGENDA 5:00 PM
[HTTPS://US02WEB.ZOOM.US/J/81554693034](https://us02web.zoom.us/j/81554693034)
MEETING ID: 815 5469 3034
ONE TAP MOBILE
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This is a work session for the purpose of allowing the Board of Trustees to review current policies, practices and explore other options. No citizen comment will be taken at this meeting. The Board cannot make final decisions during a work session. It may direct staff to provide additional information, including the drafting of documents for the Board's consideration, at a subsequent regular or special meeting. Any final decision will be made at a regular or special meeting, and the public may comment at that time.

Roll Call

Approval of Agenda

Board Work Session:

Roles & Responsibilities

Adjournment

AS ADOPTED BY:
TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. CONSENT AGENDA

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. EXECUTIVE SESSION

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. SUBJECT TO AMENDMENT

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

File Attachments for Item:

- 1. Meeting Structure Workbook



Town of Paonia Meeting Structure Workbook For January 30th Workshop

Introduction and Background:

In my interviews with six individual Board members, everyone said they were not happy with the meeting structure. I have heard similar comments from citizens. I understand you've had previous workshops to address this problem, and the Board did not adopt that previous suggestions.

My observations are that citizens interact in ways that could be restructured to make the meetings more respectful and effective for everyone. Some people will not like structure, but in the end, a structure that respects the overall common good and allows the Board to make decisions in a timely manner is best for all.

This workbook provides information to contemplate. I have included questions for you to ponder before the meeting so that you'll be better able to focus on solutions at the workshop. They are in bold, large type with space to jot down your thoughts.

I will draw heavily on a PowerPoint presentation by Tami Tanoue, Executive Director of CIRSA, called "Handling Conflicts at Governing Body Meetings," at CML's 2016 annual conference for the text in this workbook.

From Tami:

- Citizens think of "City Hall" and associated facilities as "belonging" to them
- Citizens are accustomed to a high degree of access to and responsiveness/transparency from their local government officials
- Sometimes, though, those expectations can create concerns from standpoint of safety, efficiency, and order
- Every municipality has dealt with challenging citizen situations such as:

1. Political disagreements, personal disagreements
2. Sense of entitlement or sense that rights are being denied
3. Belief that “City Hall” has done them wrong
4. Belief that City/Town is hiding something
5. Belief that City/Town is corrupt, not transparent, not business-friendly, too cozy with certain interests, not citizen-friendly, etc.

My observation is that the root cause of the political strife in Paonia is lack of trust. I want to acknowledge that two events, a former employee's embezzlement of public funds and the water crisis, cemented the lack of trust. Paonia has been through the proverbial wringer.

However, the climate of significant political strife and chaotic long meetings is affecting Paonia negatively, and it's time to move on to something that works to hear the public's input and respects the role of the Board to make reasoned, thoughtful decisions.

The Board has committed itself to fully staffing Public Works and hiring a professional administrator. The Board has laid the groundwork to address real problems and improve governance.

About Meeting Structure

The standard meeting format employed by most cities and towns is to schedule a public comment period at the beginning of the meeting and allow each commenter to speak on whatever they wish, including all agenda items during this confined period. Usually, a time limit is imposed – usually 3 minutes. The time cannot be “given” to another speaker. Each speaker is only allowed to speak for the maximum amount of time. The exception is a formal public hearing where there is another formal comment period.

Having observed Paonia's meeting structure, it appears both the public and the Board prefer a less structured approach to public comment. Engaging in dialogue with commenters seems to be acceptable.

The Board can set up its own meeting structure within specific guidelines and rules protecting free speech. Tami provides this guidance:

- If you're trying to move from chaos to order, accept the possibility that change will need to be gradual and incremental, and accompanied by a process of public education/acceptance
- Rapid or radical changes may create culture shock and not sit well with the public
- When establishing or revising rules, consider what “culture” is in place now and what you're seeking to change – Your community may be accustomed to and/or prefer meetings where public participation is less regimented or where there's more public comment rather than less – Citizens may be accustomed to having an opportunity to speak on each agenda item, at workshops, and/or from their seats

- Rules of procedure/conduct will help you lay the groundwork for orderly public meetings
- Rules should address matters such as - Public comment period(s) – placement on agenda, availability/non-availability at regular/special meetings, workshops, etc. – How to seek time to speak during public comment (e.g., sign-in sheet or sign-up card) – How to be recognized (called on by the presiding officer, come to the podium) – Time limits (on individual speakers and/or on the total time allotted - If you have them, you must be consistent in their use!) – Prohibition on disruptions – Recess or adjournment for disruptions – Enforcement
- A culture of civility flows from the top down. If members practice civility towards one another or towards staff/citizens, they can expect incivility from citizens in return.
- Practice/enforce what you preach in terms of repetition, meandering off-topic, filibustering, and other things you might find undesirable in public comments.

I confess to speaking without being recognized by the Mayor. I also need to be more disciplined in my meeting habits.

Recently the Board conducted a meeting while a citizen put a camera in the aisle, moved the podium without permission, etc. For others watching the meeting, this could have been distracting and obstructed their view of the Board. You have to consider if you want to allow everyone to do similar things without prior Board permission in a meeting. If you don't, you should prohibit everyone from doing this. Allowing one person to do something but prohibiting someone else from doing similar behaviors could be construed as discrimination.

The behavior described above could be considered a meeting disruption if the Mayor were to ask the person to stop and they refuse. From Tami:

- For actual disruptions, explore whether criminal charges could be applicable – some pertinent statutes include: – CRS 18-8-102, Obstructing government operations – CRS 18-8-306, Attempt to influence public servant – CRS 18-9-108, Disrupting lawful assembly – CRS 18-9-110, Trespass or interference in a public building, hindrance of a legislative body or executive proceedings
- Also civil protection orders – CRS 13-14-101
- BUT...scrutinize intent and motivation before using legal tools – Not even a hint of retaliation! –
- Look for ways short of legal processes to resolve issues if possible

The Town Attorney can assist you with determining what disruptive behavior is.

Current Town of Paonia rules regarding meeting conduct:

Resolution 2017-10

1. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject to all cases to an appeal to the Board of Trustees.
2. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town.
3. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e., Mr., Mrs., or Ms.), and members of the public by the appropriate honorific.
4. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda.
5. Making a motion, asking a question, or making a suggestion are not counted as speaking in a debate.
6. Items on the agenda presented by individuals, businesses, or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.
7. After the discussion of an item by the Board of Trustees has concluded, the Mayor shall open the floor for comments from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item.
8. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking.
9. Members of the public shall speak from the podium, stating their name, the address of their residence, and any group they are representing prior to making comment or asking a question.
10. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee.
11. Comments should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.
12. Disruptive behavior shall result in expulsion from the meeting.

The role of the presiding officer:

The presiding officer has a difficult role. It's not easy. From Tami, for the presiding officer (including for Commission meetings):

- Maintain a degree of formality at meetings – use titles, require that speakers come to podium to be recognized, etc.

- “Disarm” a tense situation. Don’t match tone for tone. “Out-shouting” doesn’t work. – If a response is necessary, lower your tone to below the speakers. – De-escalate, don’t escalate!
- Public speaking doesn’t come easily for everyone; what may appear to be rudeness or defensiveness may actually be nervousness. Help the speaker feel comfortable.
- Use non-judgmental language to get the discussion back on track – Instead of “Your remarks are irrelevant,” try “Quick reminder that ____ is the topic under discussion; please try to keep your remarks to this topic.”
- Have a gavel handy, and don’t hesitate to use it when necessary

What other suggestions do you have for maintaining/restoring order?

On responding to public comments:

From Tami:

- Treat public comment as a primarily a one-way opportunity for the citizen to provide input TO you
- Don’t try to suppress the content of citizen speech! It’s not just unlawful, it’s futile! People do not take well to being suppressed.
- Establish and communicate shared norms for meetings, e.g., “We appreciate everyone’s viewpoints, but personal attacks are unproductive and unhelpful. I think we might understand your perspective better if you focus on the issues and leave aside the personal attacks.”
- But if such a “teaching” approach doesn’t work, grit your teeth for the allotted number of minutes.
- Be prepared to respond, if at all, in a way that doesn’t put you on the spot with an immediate (and possibly inaccurate or inappropriate) substantive response – “I see that our City Manager is taking notes on your question. I trust she will get back to you just as soon as she’s had a chance to research the issue...is that correct, Ms. Manager? (Manager nods yes). Thank you.”
- If you forget that you’re the decider, things may escalate!
- Or you may be responding inaccurately and/or without adequate information
- Or you may be stepping into matters that staff is or should be handling!

- Or you may be setting up a community expectation of an instantaneous response to every question!

Concluding comments from Tami:

- Dealing with difficult situations comes with the municipal territory
- Have rules and processes in place that will facilitate citizens' right and ability to give and get information without unfairly monopolizing your time and resources
- Fair and respectful treatment at all times
- Do not demonize someone because he or she is disagreeable or has a disagreeable message
- Commitment to transparency
- Take a "teaching and educating" approach
- Respond to disruptive conduct, not to disagreeable statements
- Look for ways to de-escalate, not escalate, a volatile situation

Town Administrator's thoughts about your options:

1. It seems like the chaos in meetings is due to comments and dialogue throughout the meeting.
2. With individual items – the board speaks first and then allows the public to speak. This seems to set up the Board for debate. Usually, the public comment comes first, then the public speaks
3. What if you started your meetings earlier – say at 5:30 or 6, and used that time to take ALL public comments? This would allow you to engage in dialogue with commenters and ask questions as necessary within a confined period. Then at a set time, the comment period ends, and the rest of the meeting proceeds with the Board deliberation only, with no more comments or questions.
4. Another idea is to set a time once a month, say for an hour or so, at an informal location such as a coffee shop, etc. Only two board members would attend, entertain discussions and comments, and then report back to the full Board at a regular meeting. Or it could be a noticed workshop with all Board members attending. This allows more freedom for back-and-forth discussion and debate.
5. I also recommend you set rules of conduct such as a confined location for video cameras, no flashbulbs, no moving of town furniture, no blocking others' views, no mocking of the speaker, no applause, etc. Post them in large format in the meeting

room. This will let the public know what they can and can't do. These rules would need to be applied consistently.

What options would you like the Board to consider for better meetings?
