



TOWN OF PAONIA
TUESDAY, JULY 30, 2019
SPECIAL TOWN BOARD MEETING AGENDA
6:00 PM

Roll Call

1. Roll Call

Approval of Agenda

2. Approval of Agenda

New Business

3. Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b); specific to possible investigation of Town Administrator and legal advice regarding Town Administrator's Employment Contract.
4. Executive Session: pursuant to C.R.S. § 24-6-402(4)(f) for discussion of a personnel matter involving the citizen complaint lodged against the Town Administrator, who was previously informed of this meeting.

Adjournment

5. Adjournment

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.



Roll Call

Summary:

Notes:

Possible Motions:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Bookout:
Trustee Budinger:	Trustee Hart:	Trustee Knutson:	Mayor Stewart:



Approval of Agenda

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Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. § 24-6-402(4)(b); specific to possible investigation of Town Administrator and legal advice regarding Town Administrator's Employment Contract.

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EXECUTIVE SESSION MOTION FORM

(Note: 2/3 quorum present must vote yes; the session may only occur at a regular or special meeting of the body)

I MOVE TO GO INTO EXECUTIVE SESSION:

(if the stated purpose of the executive session is legal advice, do not combine it with any other purpose):

- For a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
- For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
- To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);
- For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;
- For discussion of a matter required to be kept confidential by the following federal or state law, rule or regulation: _____ under C.R.S. Section 24-6-402(4)(c);
- For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);
- For consideration of documents protected by the mandatory non-disclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);
- Other (specify): _____

Specific to: _____ for identification purposes only.

PROFESSIONAL EMPLOYMENT AGREEMENT

Introduction

This Employment Agreement (this "Agreement"), dated this 22nd day of May, 2019, is by and between the Town of Paonia ("Town"), a Colorado statutory municipality, located in the County of Delta, State of Colorado, and Kenneth D. Knight ("Administrator"), located at 461 Price Road, Paonia, Colorado 81428, an individual who has the education, training and/or experience in local government management and who is a member of ICMA and is subject to the ICMA Code of Ethics, both of whom agree as follows:

Section 1: Term

- A. The term of this Agreement shall commence on May 14, 2019, and expire on August 31, 2020, subject to early termination as provided below.
- B. Notwithstanding anything to the contrary within this Agreement, the Administrator shall be deemed to be an employee at will, and nothing in this Agreement shall prevent or otherwise interfere with the right of the Town Board of Trustees to terminate the services of the Administrator at any time, subject only to the applicable provisions of this Agreement. Likewise, nothing in this Agreement shall prevent or otherwise interfere with the right of the Administrator to resign at any time as the Town Administrator.

Section 2: Duties and Authority

- A. The Town agrees to employ Kenneth D. Knight as Town Administrator to perform the functions and duties in accordance with the Paonia Municipal Code and the Job Description, attached to this Agreement as **Exhibit A** and to perform other legally permissible and proper duties and functions as prescribed by Colorado State Statute as well as the Board of Trustees from time to time.

Section 3: Compensation

- A. Base Salary: The Town agrees to pay Administrator an annual base salary of Eighty Thousand Dollars (\$80,000.00) ("Base Salary"), which shall be paid periodically on the same regular paydays applicable to all other Town employees.
- B. This Agreement shall be automatically amended to reflect any salary adjustments that are provided or required pursuant to the Town's compensation policies and/or this Agreement.

Section 4: Employees Benefits

During the term of this Agreement, and thereafter when specifically provided herein, the Administrator, in addition to the Base Salary provided for in Section 3, shall have and be entitled to receive from the Town the following employee benefits:

For the purpose of this Agreement, termination shall occur when:

- A. The majority of the governing body votes to terminate the Administrator at a duly authorized public meeting and provides a minimum of thirty (30) days' written notice to the Administrator;
- B. If the Town reduces the Base Salary, compensation or any other financial benefit of the Administrator, unless it is applied in no greater percentage than the average reduction of all department heads, such action shall constitute a breach of this Agreement and will be regarded as a termination;
- C. If the Administrator resigns following an offer to accept resignation by the Town, then the Administrator may declare a termination as of the date of the acceptance of the resignation;
- D. Breach of contract declared by either party with a 30-day cure period for either the Administrator or the Town. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 17, or
- E. Cause as determined by the Board of Trustees. Cause under this Agreement shall include, but not be limited to, the following:
 - i. Failure to comply with applicable material provisions of the Paonia Municipal Code or the Town of Paonia Employee Resource Guide;
 - ii. Disclosure of confidential information, documents or correspondence without authorization;
 - iii. Indulging in repeated offensive conduct or abusive conduct directed at Town employees or members of the public;
 - iv. Failure to comply with applicable provision of the standards of conduct for local governmental officials contained in CRS 24-18-101 to 24-18-206;
 - v. Any conduct that results or could result, in the reasonable judgment of the Town, in the conviction of a felony or crime involving fraud, theft, or misappropriation; or
 - vi. Failure to perform job duties following prior written notice, or conduct which constitutes insubordination or dereliction of duties, in either case in the reasonable judgment of the Board of Trustees.

Section 7: Severance

duties under this Agreement remains satisfactory to the Town and is in compliance with the terms and provisions hereof.

On or before June 1, 2020, the Administrator shall provide the Town notice that his contract is expiring on August 31, 2020, and, therefore, the Town Board of Trustees shall conduct a performance evaluation of the Town Administrator's performance of his duties as outlined on Exhibit A and Exhibit B.

Section 10: Hours of Work

The Town expects and the Administrator agrees that the Administrator's hours of employment must be flexible and sometimes will be long and irregular. The Administrator's duties hereunder will often require his attendance at and participation in meetings and other functions which occur during evening hours and occasionally on weekends. The Administrator understands and agrees that he will not be entitled to overtime pay, or any other form of financial remuneration over and above the Base Salary and benefits provided for herein with respect to the performance of his duties and his long hours of service hereunder, and that he shall be deemed an "exempt" employee under the provisions of the Fair Labor Standards Act.

Section 11: Outside Activities

The employment provided for by this Agreement shall be the Administrator's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Town and the community, the Administrator may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his responsibilities under this Agreement.

Section 12: Indemnification

The Town Administrator shall be defended and indemnified in his actions undertaken in his official capacity as Town Administrator pursuant to all insurance coverages maintained by the Board and pursuant to the terms of the Colorado Governmental Immunity Act. The Town Administrator shall, however, not be indemnified for any act or omission that is willful and wanton, as those terms are defined under the Colorado Governmental Immunity Act.

Section 13: Bonding

Town shall bear the full cost of any fidelity or other bonds required of the Administrator under any law or ordinance.

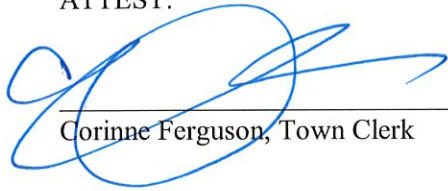
Section 14: Other Terms and Conditions of Employment

The Town, only upon agreement with the Administrator, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Administrator, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Municipal Code or any other law.

County District Court. Further, the parties agree that prior to becoming involved in any litigation regarding this Agreement or the Administrator's employment, they shall first attend mediation to attempt to resolve any such dispute and use their best efforts to resolve the same. To the extent mediation fails and/or litigation ensues, the party that substantially prevails shall be entitled to full reimbursement of all reasonable legal fees and costs, including expert and attorney's fees if any, whether related to mediation or litigation.


WHEREAS, the Board of Trustees approved this Agreement at a regular meeting of the Board of Trustees on May 14, 2019.

ATTEST:



Corinne Ferguson, Town Clerk

TOWN OF PAONIA

By: 

Charles Stewart, Mayor

By: 

Kenneth D. Knight, Town Administrator

EXHIBIT A

TOWN OF PAONIA

JOB DESCRIPTION

TOWN ADMINISTRATOR

Department: Administration
 FLSA Status: Exempt
 Reports To: Mayor & Board of Trustees
 Directly Supervises: Department Heads and indirectly all Town Staff except the Town Attorney and Municipal Judge

General Statement of Duties -

At the pleasure of the Board of Trustees, this position is the Chief Administrative Officer of the Town. Under the general supervision of the Mayor, directs and coordinates the day-to-day activities of all departments, department heads and employees of the Town of Paonia. Exercises authority (including appointment and removal) over all other management, supervisory, professional, technical, clerical and other staff.

Essential Functions --

Essential functions of the position include, but are not limited to:

- Performs a wide variety of functions to facilitate the administrative operations of the Town;
- Attends all Board meetings, participates in discussion and makes recommendations to the Board;
- Assists Mayor in the development of agendas for all meetings;
- Serves as Human Resources Officer, unless otherwise assigned;
- Prepares and submits annual Town budget in compliance with Colorado budget laws;
- Manages staff to obtain effective and efficient use of budgeted funds, personnel, materials facilities and time;
- Ensures proper administration and execution of the Paonia Municipal Code, of agreements and contracts executed by the Town and all other policies, rules and regulations as approved by the Board of Trustees;
- Manages, directs and develops systems for long-range planning and prioritization of projects and programs. Develops and implements the Comprehensive Plan for the Town;
- Works with legal counsel with regard to legal issues involving the Town;
- Serves as principal public relations, public information and intergovernmental affairs officer for the Town. When directed, represents the Town at meetings with federal, state and other local government officials;
- Oversees all Town purchases and approves major purchases of goods and services;
- Reviews and makes recommendations on all applications for development, subdivisions, special use permits, annexations and other community development activities;
- Oversees the coordination and management of all Town-sponsored events; the review and permitting of privately-sponsored special events on Town-owned property and the provision of Town services as may associated with said events;
- Oversees all professional and consulting service agreements entered into by the Town, including engineering, architectural, financial, planning & zoning, human resources, etc.;

- Conducts regular staff meetings to establish project priorities and to ensure the coordination of such information between staff and the Board of Trustees;
- Prepares special reports and provides analysis and evaluation as directed by the Board; and
- Develops and supervises grant applications and awards.

Required Knowledge, Skills and Abilities –

Knowledge of:

- Modern practices and principles of public administration;
- The workings, laws and regulations affecting the operation of municipal government;
- Research methods and practices, sources and availability of information;
- Modern municipal public finance administration and practices;
- Fiscal and other laws specific to Colorado such as GASB, TABOR and the Gallagher Amendment;
- Risk management and insurance issues;
- Employment laws such as FLSA, ADA, HIPPA, COBRA, Worker’s Compensation, Unemployment and the Family Medical Leave Act; and
- Federal, State and local laws and ordinances regulating the Town’s operations.

Skilled in:

- Preparing and presenting written and oral reports; and
- Communicating effectively with a wide variety of people, including the Board of Trustees, department heads, employees and representatives of other governmental agencies.

Ability to:

- Plan and coordinate a variety of problem-solving and fact-finding projects;
- Explain and interpret Town policies, procedures and functions;
- Establish realistic goals and priorities and attain them;
- Maintain effective working relationships with the public, media, Board, employees and citizens;
- Learn and retain technical and complex information, terminology, policies and procedures;
- Maintain composure under difficult situations;
- Communicate with personnel and the public in a tactful and courteous manner in face-to-face, one-on-one settings, in group settings, telephonically, electronically and in writing;
- Prepare and present ideas and findings clearly and concisely in written, oral and graphic form using proper sentence construction, punctuation and grammar;
- Carry out complex oral and written instructions;
- Research and prepare complex reports;
- Work well independently and with others to establish and attain objectives;
- Ensure accountability within the organization; and
- Organize workflow and manage time effectively.

Required Physical Capabilities –

While performing the duties of the job, the employee is regularly required to sit, talk, hear and occasionally lift and carry up to 20 pounds. The employee is regularly required to see, using close and

EXHIBIT A

medium range vision. The employee is often required to work with and around standard office equipment.

Working Environment –

The essential duties/activities of this position are performed in a variety of locations with exposure to differing exterior and interior environments.

Material and Equipment Directly Used –

Desktop and/or laptop/notebook computer with email, Microsoft Office software, writing utensils, calculator, desk calendar/appointment book or scheduling software and cell phone/telephone with voicemail.

Additional Requirements –

Requires travel to off-site locations for meetings, appointments, conferences and trainings. Must possess a valid Colorado driver’s license and have an acceptable driving record.


Education and Experience –

Bachelor’s degree in Public or Business Administration or a similar field; five (5) years of progressively responsible experience in government and/or business with a minimum of three (3) years of working in local government administration, finance, planning or similar area; or any combination of education and experience.

The Town of Paonia is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Town will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



Employee’s Signature



Supervisor’s Signature

Date

5/28/19

Date

Town Administrator Goals & Objectives

WATER SYSTEMS:

Evaluate the water system, including additional storage options and potential grant options for storage. Present best practices for water system improvements with pros and cons of each option.

PLANNING:

Work with intern to update Master Plan/Comprehensive Plan to present to Board by the end of 2019.

Including: Growth, Space to Create, Master Plan

Develop streets and drainage Master Plan with Clark Avenue as a priority.

Explore and present options for Clark Avenue traffic flow, one-way with exit on Minnesota Avenue.

FINANCIAL:

Work with Finance Officer to provide financial reports in a timely fashion.

Develop a plan to support key employee positions within the Town and present to Board in 3 months' time.

COMMUNICATION:

Work on communication skills with an emphasis on collaborative public relations and conflict resolution and a focus on reducing reactivity.

CS 5/22/19
LORC 5/22/19

Town Administrator Goals & Objectives

2019 Contract Renewal Exhibit B

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