



## **Keystone Town Council Work Session Agenda**

The Keystone Town Council will have a Work Session on September 10, 2024, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. INTRODUCTION OF NEW EMPLOYEES
- III. DISCUSSION OF ORDINANCE ON FORMATION OF BOARDS AND COMMISSIONS
- IV. DISCUSSION OF LAW ENFORCEMENT BUDGET
- V. DISCUSSION OF COMPREHENSIVE PLAN REQUESTS FOR PROPOSALS
- VI. DISCUSSION OF 1041 REGULATIONS
- VII. DISCUSSION OF DRAFT ELECTRONIC PARTICIPATION REVISED BYLAWS
- VIII. DISCUSSION OF REIMBURSEMENT OF COUNTY TAX
- IX. DISCUSSION OF MANAGER/COUNCIL ISSUES
- X. ADJOURNMENT

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: John Crone, Town Manager  
FROM: Jennifer Madsen, Town Attorney  
DATE: September 10, 2024 – Work Session  
SUBJECT: Discussion of an Ordinance on formation of boards and commissions

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### **Executive Summary:**

Article IX of the Keystone Home Rule Charter provides that Town Council has the authority to create and disband boards, commissions, and committees and confer powers and duties through Resolution or Ordinance.

In past work sessions, Town Council has discussed consideration of forming a citizen’s advisory board. The purpose of this work session item is to discuss preparation of an ordinance for the establishment of certain boards, commissions, and committees. At the August 13 work session, Town Council discussed a draft ordinance for boards and commissions and provided direction to staff to work on that draft.

### **Background:**

Towns establish boards, commissions, task forces, and committees to provide guidance to governing bodies on a wide range of policy issues.

The Town Council can create standing advisory boards and commissions, as well as “ad hoc” advisory committees, for limited periods to address specific issues. These boards and commissions can enhance local government decision-making by studying issues, plans, and policies, while also providing opportunities for broader community involvement and outreach.

For long-term boards and commissions, it is recommended that the Town Council establish them through the adoption of an ordinance. This ordinance may address topics such as:

- **Creation of the Board/Commission/Committee:** The ordinance should outline the advisory body's purpose and scope, clearly defining its authority and expectations.
- **Membership:** The ordinance should specify who is eligible to participate. For example, should membership be limited to registered electors of Keystone, or should property owners also be included? It should also define the size of the body and confirm that Town Council appoints its members.
- **Term Limits:** The Town Council may wish to set term limits for members of advisory bodies.
- **Vacancies:** The process for filling vacancies should be clearly defined.
- **Removal:** The ordinance should include a procedure for removing members.
- **Meetings and Bylaws:** The ordinance may set requirements for meetings and bylaws governing the advisory body. Town boards and commissions are considered "local public bodies" for purposes of the Colorado Open Meetings Law and, as such, any Town boards and commissions must follow the open meetings law requirements related to public meetings and posting notice.

Included with this staff report is a draft ordinance for boards and commissions. The ordinance addresses the key issues above. In addition, the ordinance creates a Trails and Open Space Advisory Board and a Business Advisory Board. These proposed advisory boards were discussed at the work session on August 13.

The Trails and Open Space Advisory Board is a permanent board; meaning that the Board is in existence until such time as Town Council acts to suspend or to disband the board. The draft ordinance provides that its membership is five regular members and two alternate members. The membership is Town residents. The purpose of the Trails and Open Space Advisory Board is to serve in an advisory capacity related to matters affecting trails, open space, recreation, and parks. Town Council can provide direction to revise any details of the membership and purpose of the Trails and Open Space Advisory Board.

Town Council also provided direction for consideration of a Business Advisory Board. The draft ordinance provides that this board is also a permanent board with five members and two alternate members. The purpose of the Business Advisory Board is explained to research and evaluate matters with may have an impact on the business community and provide input and potential Town municipal regulation. Town Council can provide direction to revise any details of the membership and purpose of the Business Advisory Board.

**Attachment:**

- Draft Town of Keystone Ordinance Boards and Commissions

**TOWN OF KEYSTONE  
ORDINANCE NO. 2024-O-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
KEYSTONE, COLORADO, CREATING A PROCESS FOR  
ESTABLISHING BOARDS AND COMMISSIONS**

WHEREAS, the Town of Keystone (“Town” or “Keystone”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, pursuant to Article IX of the Town of Keystone Home Rule Charter, the Town Council has the authority to create boards and commissions; and

WHEREAS, the Town Council has a need for forming certain boards and commissions to study matters in greater detail and to sit in an advisory capacity to the Council; and

WHEREAS, the Town Council desires to adopt a process for forming these boards and commissions to create consistency and transparency in the formation and business of these boards and commissions.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,  
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Town Council adopts the following requirements related to formation of boards and commissions set forth in Article IX of the Keystone Home Rule Charter:

**BOARDS AND COMMISSIONS**

**I. Purpose**

In accordance with Article IX of the Keystone Home Rule Charter, Town Council has the authority to create boards, commissions, and committees by resolution or by ordinance. These regulations govern the Town boards, commissions, and committees. The provisions of these regulations are not applicable to any committees or task forces established by Town employees.

## **II. Formation of Boards and Commissions**

Town Council may form boards, commissions, and committees for the purpose of studying, making recommendations, and advising Town Council on particular subject matters. These bodies can be created for any duration, as determined by Town Council, and must be formed through an ordinance or resolution. The founding ordinance must specify the following details:

1. The subject matter or focus of the board, commission, or committee;
2. The number of members and whether there are alternate members and non-voting advisory members;
3. The expected duration of its existence; and
4. Any other relevant information to facilitate the organization and functioning of the board, commission, or committee.

## **III. Membership**

The following governs the qualifications, appointment, and conduct of members of the boards, commissions, and committees of the Town.

### **A. Qualifications.**

1. In the establishing ordinance or resolution, Town Council shall determine the residency requirements of the membership of a board, commission or committee. The intent is that boards, commissions, and committees are representative of the entire Keystone community.
2. Full-time Town employees may not serve on a board, commission, or committee related to their work functions.

3. Town Councilmembers and the Mayor shall only sit as advisory members or liaison members on a board, commission, committee unless Town Council is designated as serving the role and purpose of a particular board, commission, or committee.
4. No person shall be a member of more than one board, commission or committee at any one time.
5. No person shall serve more than two consecutive terms on any board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.
6. Town Council may provide for alternate member positions on the board, commission, or committee.
7. Town Council may provide for non-voting advisory members on a board, commission, or committee.

B. Appointments.

1. Town Council shall appoint the members of the boards, commissions and committees.
2. Town Council shall make appointments to fill vacancies on the boards, commissions, and committees to fill unexpired terms.
3. Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly created boards, commissions and committees shall be staggered and shall be for either one, two or three years.

**IV. Organization**

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

**A. Meetings.**

1. All meetings of any board, commission or committee must comply with the Colorado Open Meetings Law.
2. Board, commission and committee members may be entitled to a meeting stipend for meeting attendance in an amount established by resolution of the Town Council. A member of any board, commission or committee may additionally receive reimbursement of reasonable expenses related to the functions of the board, commission or committee to the extent provided by resolution.

**B. Bylaws and Rules of Procedure.**

1. Each board, commission or committee may promulgate such bylaws and rules of procedure for its conduct as may be deemed necessary.
2. The bylaws and rules of procedure must be consistent with Colorado law.
3. Town Council shall have the right to establish, amend, alter, or modify the bylaws or rules of procedure of any board, commission, or committee.

**V. Trails and Open Space Advisory Board**

A. Town Council recognizes the importance of trails and open space in the Town. Pursuant to the authority vested in Town Council, there is established a Trails and Open Space Advisory Board for the purpose of advising Town Council on matters effecting parks, open space, trails and other recreation in the Town. The Trails and Open Space Advisory Board is expected to exist until such time as Town Council acts to suspend or disband the advisory board.

**B. Membership.**

1. The Trails and Open Space Advisory Board shall consist of five regular members and two alternate members.



2. The members of the Trails and Open Space Advisory Board shall at all times be residents the Town of Keystone.

C. Purpose.

The Trails and Open Space Advisory Board shall adopt bylaws for the purpose of organizing its efforts in the following areas of responsibility:

1. Advisory matters. Town Council may ask the Trails and Open Space Advisory Board to research and evaluate Town issues which may have an impact on trails and open space areas. The Trails and Open Space Advisory Board may also be asked to advise Town Council on the acquisition, planning, development, maintenance, and use of trails and open space.
2. The Trails and Open Space Advisory Board is to promote and encourage the development, public awareness and proper use of trails and open space.
3. The Trails and Open Space Advisory Board is to perform such other functions associated with trails and open spaces as Town Council may direct.
4. The Town Council, as an elected body, shall continue to exercise, in its sole discretion, all authority on the priority of and allocation of Town funds to proposed park, open space, trail or recreation projects and plans, and nothing contained herein shall restrict the Town Council from taking any action related to parks, open space, trails or recreation projects, including but not limited to the expenditure of monies, acquisition or disposition of lands, approval of projects or the adoption of policies.

**VI. Business Advisory Board**

- A. Town Council recognizes that the economic vitality of the Town is served and dependent upon a vibrant business and commercial environment. The Town Council further recognizes that the business community may be directly impacted by many of the legislative acts promulgated by Town Council. Pursuant to the authority vested in Town Council, there is established a Business Advisory Board for the purpose of advising the Town Council on the economic and business impact of Town legislative and regulatory actions. The Business Advisory Board is expected to exist

until such time as Town Council acts to suspend or disband the advisory board.

B. Membership.

1. The Business Advisory Board shall consist of five regular members and two alternate members.
2. The members of the Business Advisory Board shall at all times be business owners or employees of business owners in the Town of Keystone.

C. Purpose.

The Business Advisory Board shall adopt bylaws for the purpose of organizing its efforts in the following areas of responsibility:

1. Municipal Code Review. The Business Advisory Board may, upon the request of Town Council, review any adopted or proposed municipal legislation.
2. Advisory matters. Town Council may ask the Business Advisory Board to research and evaluate Town issues which may have an impact on the business community.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Kenneth D. Riley, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH:  
FROM: John Crone, Town Manager  
DATE: September 10, 2024  
SUBJECT: Law Enforcement Budget

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### **Executive Summary:**

This report is a brief discussion on possible law enforcement options in 2025.

### **Background:**

The Town of Keystone is projecting an estimated income of approximately \$4,576,000 in 2025. This income revenue estimate excludes workforce housing income of approximately \$1,246,000 and revenue of approximately \$1,600,000 if the 2% lodging tax is passed (the lodging tax expenditures would be restricted to capital projects and public safety. We are expecting a general fund and capital fund balance of approximately \$1,400,000 at the end of 2024.

The combined general revenue and lodging tax revenue would give us a budget of \$6,176,000 which we can access to pay for law enforcement. At this point in the budget process, our expenditures excluding law enforcement are estimated at \$2,560,000. This would provide \$3,616,000 to fund law enforcement, desired capital projects, and investment in our fund balances (\$2,016,000 if the lodging tax doesn't pass).

Our original budget placeholder estimated a law enforcement budget of \$686,000 for 2025. We also have \$260,000 in the 2024 budget for law enforcement vehicles.

## **Discussion:**

The Town basically has three options for providing law enforcement in 2025:

- 1) We can establish our own police department.
- 2) We can continue to contract with the Summit County Sheriff.
- 3) We can form a joint police force with Dillon.

### Forming our own police department

This would be the most difficult and most expensive option; however, it would give the Town the most control over our law enforcement options. In order to have full coverage with two officers per shift, the Town would have to hire at least 8 officers. In reality, we would have to hire more officers to cover for vacations and downtime. It costs approximately \$171,000 a year per officer excluding capital purchases such as cars, vests, and communication equipment. Equipment costs can add between \$30,000-\$50,000 a year per officer. Forming our own department could easily cost the Town well over \$2,000,000 a year.

### Continuing to contract with the sheriff's department

It appears as if the Town will still have the option to continue to contract with the sheriff's department. This would be the most cost-effective option. The Town is still waiting to hear what a new contract would cost, but we can anticipate that the cost would be around \$200,000 for the year.

Contracting with the sheriff will likely limit the coverage to the parameters listed in our current contract. This requires the sheriff to conduct patrol activity in the same manner that it patrols rural Summit County. It also requires that the department respond to calls, provide animal control, and enforce state and Summit County laws. It does not require dedicated Keystone patrols, responses to HWY 6 accidents, or specialized investigations

### Joint police force with Dillon

The cost of forming a joint force with Dillon would likely be just under \$1,000,000 a year. This option would provide for full-time coverage in Keystone with dedicated patrols, accident response, and specialized investigations. The police cars and uniforms would be rebranded with both Towns' names and the Town would have an equity interest in the equipment. It would also provide for two Community Service Officers (code officers) to patrol the two towns.

This option would allow for a large degree of control over police operations in the Town and would allow the police to enforce Town regulations.

### **Next Steps:**

Staff would like guidance on how the council would like to proceed in providing police services in 2025 and beyond.

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: John Crone, Town Manager  
Lindsay Hirsh, Community Development Director  
FROM: Jennifer Madsen, Town Attorney  
DATE: September 10, 2024 – Work Session  
SUBJECT: [Work Session] 1041 Regulations

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### **Executive Summary:**

This work session item is a continuation of the discussion on 1041 Regulations.

### **Background:**

This is a follow up discussion of 1041 Regulations from the April 23 work session. At this meeting, Town Staff and Town Attorney are seeking direction from Town Council as to whether to proceed with implementing 1041 regulations in the Town of Keystone.

Town Staff recommends that Town Council adopt 1041 regulations and designate the following areas and activities (underlined and bolded in the list below) for purposes of the Town's 1041 regulations.

The "areas of state interest" local governments may designate include:

- Mineral resource areas;
- Natural hazard areas (including floodplains, wildfire hazard areas and geologic hazard areas);
- Areas containing, or having a significant impact upon, historical, natural, or archaeological importance; and

- Areas around certain “key facilities” including airports, rapid or mass transit terminals, interchanges involving arterial highways, and major facilities of a public utility.

The Act authorizes local governments to designate the following “activities of state interest”:

- **Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;**
- Site selection and development of solid waste disposal sites;
- Site selection of airports;
- **Site selection of arterial highways and interchanges and collector highways;**
- **Site selection and construction of major facilities of a public utility;**
- Site selection and development of new communities;
- Efficient utilization of municipal and industrial water projects; and
- Conduct of nuclear detonations.

Town Council’s designation of an area or activity of state interest must designate the boundaries of the proposed area of state interest and state reasons why the particular matter is of state interest. The boundaries could be the entire Town or an area that is designated by legal description or a general or layperson’s description of the property. The designation must include the intensity of current and foreseeable development pressures; the reasons why the particular area or activity is of state interest; the dangers that would result from uncontrolled development of any such area or activity; and the advantages of development of such area or conduct of such activity in a coordinated manner.



## **Overview of 1041 Regulations:**

The following information was included in the April 23 staff report and provides background information on 1041 regulations and the process for adopting these regulations.

At the most basic level, local government 1041 regulations are a land use tool for municipalities. As a planning tool, 1041 regulations give a local government a “seat at the table” during the review of particular development projects occurring in the jurisdiction, even when the project has statewide impacts.

In 1974, the Colorado legislature enacted the Areas and Activities Of State Interest Act which defines the authority of state and local governments in making land use planning decisions for matters of statewide interest. The Areas and Activities Of State Interest Act (“Act”) was adopted pursuant to House Bill 74-1041 and accordingly, regulations adopted by local governments under the authority identifying the Areas and Activities Of State Interest Act are often referred to as “1041 Regulations.”

The legislative purpose of the Act was, in part, to clarify the relative authority of state and local governments over land use decisions concerning matters of statewide interest. The General Assembly encouraged local governments to “designate areas and activities of state interest and, . . . promulgate guidelines for the administration thereof.” The Act delegates powers, commonly called “1041 Powers,” to local governments allowing local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process. The general intent of 1041 Powers is to allow local governments to maintain their control over certain types of projects because they have statewide or regional impacts.

The Act does not require that every local government exercise 1041 powers. However, local governments must make a designation and adopt regulations before 1041 powers may be used. Using 1041 powers is a powerful land use regulatory step for local governments given that the general rule in Colorado is that local regulations are preempted by state regulations in areas of exclusive state-wide concern. The Act alters that general rule for those areas and activities of state interest identified in the lists below. The Act assigns the following functions to local governments in their exercise of authority under the Act:

- Designate matters of state interest.
- Hold hearings on applications for permits for development with respect to matters of state interest.
- Grant or deny applications for permits applications for permits for development with respect matters of state interest.
- Receive recommendations from state agencies and other local governments relating to matters of state interest.
- Send recommendations to other local governments relating to matters of state interest.

The Act identifies the areas of land and the activities qualifying as “matters of state interest” local governments may designate.

The "areas of state interest" local governments may designate include:

- Mineral resource areas;
- Natural hazard areas (including floodplains, wildfire hazard areas and geologic hazard areas);
- Areas containing, or having a significant impact upon, historical, natural, or archaeological importance; and
- Areas around certain “key facilities” including airports, rapid or mass transit terminals, interchanges involving arterial highways, and major facilities of a public utility.

The Act authorizes local governments to designate the following “activities of state interest”:

- Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- Site selection and development of solid waste disposal sites;
- Site selection of airports;
- Site selection of arterial highways and interchanges and collector highways;
- Site selection and construction of major facilities of a public utility;
- Site selection and development of new communities;
- Efficient utilization of municipal and industrial water projects; and
- Conduct of nuclear detonations.

Local governments may choose to adopt 1041 regulations for any one or all of these areas or activities of state interest. Once adopted, development activities in these designated areas or activities are required to obtain a 1041 from the local government.

Here are some examples of uses of 1041 regulations in other communities:

- Local Permitting of On-Ramp Traffic Signals on I-70 (CDOT v. City of Idaho Springs)
- Local Permitting of Major Electrical Power Lines (Tri-State Generation v. Lincoln County BOCC)
- Local Permitting of Major Water Projects and Transbasin Diversion Projects (City and County of Denver v. Grand County BOCC; City of Colorado Springs v. Eagle County BOCC)

## Implementation of Town of Keystone 1041 Regulations

If Town Council would like to consider the adoption of 1041 regulations, a strict process must be followed to implement these regulations.

**First – Notice of Public Hearing.** Town Council must decide which areas of state interest and which activities of state interest that will be subject to the Town’s regulations. The designation must occur at a public hearing. Notice of the public hearing must be provided at least 30 days in advance of the hearing. This notice must be mailed to other state and federal agencies deemed appropriate by the Council and other people as required by state law.

**Second – Preparation of Material for Public Hearing.** Staff must prepare materials in advance of the public hearing:

- A list of proposed areas and activities of state interest to be considered for designation at the hearing;
- A copy of the proposed guidelines and regulations for matters of state interest, including the administrative guidelines;
- Model application forms and model forms for designations of areas and activities of state interest;
- A copy of the notice of the hearing;
- A copy of the certificate of publication of the notice;
- A copy of the list of persons and organizations to whom the notice was sent;
- Maps of the areas proposed for designation

**Third – Public Hearing on the Proposed Designation.** The public hearing is conducted in the same manner as a public hearing for the adoption of other land use regulations. The adoption of guidelines and regulations for the administration of matters of state interest is a legislative function. It is

most closely analogous to the adoption of a general zoning plan for the Town. Any designation of areas or activities of state interest must designate the boundaries of the proposed area of state interest and state reasons why the particular matter is of state interest. The dangers that would result from uncontrolled development of any such activity and the advantages of development of such activity in a coordinated manner. The Act has specific requirements of what must be included in the record of the designation hearing.

**Fourth – [Same day as public hearing – adopted as an ordinance]**

**Adoption of Designations and Regulations.** The Act has detailed requirements for the adoption of designations of state interest and regulations. Either at the conclusion of the hearing or within 30 days, Town Council may adopt, adopt with modifications, or reject the proposed designations and regulations. The action must be taken by ordinance. Each designation order should include, at a minimum:

- A specification of the boundaries of the proposed area of state interest or the boundary of the area in which the activity of state interest has been designated. Section 24 65.1 401(2)(a).
- State reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of the area or uncontrolled conduct of the activity, and the advantages of development of the area or conduct of the activity in a coordinated manner.
- Specify the regulations applicable to the designated matter of state interest.

In making its designation, Town Council must take into consideration the following:

- All testimony, evidence and documents taken and admitted at the public hearing;

- The intensity of current and foreseeable development pressures in the Town;
- The matters and considerations set forth in any applicable guidelines or model regulations issued by the Colorado Land Use Commission and other state agencies; and
- Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development with respect to the matter of state interest and the advantages of development of the matter of state interest in a coordinated manner.

#### Suggested Outline for 1041 Regulations

The Town adopted 1041 regulations would include an application and review process and should include the following elements:

- Designation of the Permitting Authority (likely the Town Council)
- Application Process
  - o Specific application requirements with an application fee (for Town processing)
  - o Designate a permit administrator
  - o Referrals to certain agencies
  - o Town-retained expert reviews
    - Engineers (e.g., Traffic, Drainage)
    - Water Quality
    - Transportation Impact
- Public Hearing
- Criteria for Approval

For an example of Town adopted 1041 Regulations, [here is a link to the Town of Blue River 1041 Regulations and 1041 applications.](#)

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH: John Crone, Town Manager  
FROM: Jennifer Madsen, Town Attorney  
DATE: September 10, 2024 [Work Session]  
SUBJECT: Discussion of draft electronic participation revised bylaws

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### **Executive Summary:**

At the August 27 meeting, Town Council discussed consideration of a policy related to electronic participation by members of Town Council at work sessions and regular meetings. Town Council provided direction to staff to work on draft documents for consideration of such a policy.

### **Background:**

Town Council adopted bylaws on April 9, 2024. The adopted Town Council bylaws were silent related to electronic participation in meetings by members of Town Council. The adopted bylaws have been redlined to specifically address electronic participation by members of Town Council. The redline on page 6 provides that Members of Town Council are permitted electronic attendance at meetings and that such attendance is considered an excused absence. The redline also provides that members of Town Council are permitted three (3) excused absences in one calendar year beginning on January 1, 2025. Additional excused absences may be permitted for good cause. It is important to consider that under this draft a member of Town Council would be allowed three excused absences and three unexcused absences in a calendar year for a total of six absences in a calendar year. Town Council may provide alternate direction related to the revisions to the Town Council bylaws.

In addition to revised bylaws, it is recommended that Town Council consider a policy related to electronic meeting practices for both Town Council and its advisory boards. A draft Telephonic/Electronic Participation and Fully Remote Meeting policy is provided for Town Council's review and consideration. This draft policy addresses emergency situations where fully remote meetings are recommended and the process for conducting fully remote meetings. The draft policy articulates the preference all other meetings are conducted in-person and provides procedures for electronic participation at in-person meetings of Town Council and the Town Boards. The draft policy provides that electronic participation in quasi-judicial matters and executive sessions is not permitted. In addition, the draft policy provides that only three members of Town Council or a Town Board are permitted electronic participation in any one meeting.

Other communities have adopted similar electronic meeting policies to provide a process on electronic participation and to be able to continue Town Council business during emergency situations.

Drafts revisions to the Town Council Bylaws and a draft Telephonic/Electronic Participation and Fully Remote Meeting policy are provided for consideration and discussion. Town Council can provide alternative direction on both documents.

**Attachments:**

- DRAFT revised Town Council bylaws
- DRAFT Telephonic/Electronic Participation and Fully Remote Meeting



## TOWN OF KEYSTONE, COLORADO

### TOWN COUNCIL BYLAWS

<b>DATE OF POLICY/REVISIONS:</b>	Original Enactment: April 8, 2024 Resolution No. 2024-32
<b>SCHEDULED REVIEW AND REVISION:</b>	As deemed necessary or desired by the Town Council or upon recommendation of the Town Manager or Town Attorney.
<b>ATTACHMENT(S):</b>	None
<b>AUTHORITY/REFERENCE(S):</b>	Keystone Charter, Section 3.8.  Titles 29 and 31, C.R.S., and the Colorado Open Meetings Law, C.R.S. §§ 24-6-401 <i>et seq.</i> , as interpreted by the Colorado appellate courts.

## TOWN COUNCIL BYLAWS

**These Bylaws** are intended to direct and assist the Town Council for the Town of Keystone, Colorado, in the conduct of meetings and the conduct of public business. These Bylaws and Procedures shall be interpreted consistently with the Keystone Home Rule Charter (“Charter”) and, in the event of a conflict between these Bylaws and Procedures and the Charter, the Charter shall govern and control.

References to “Councilmember,” “Councilmembers,” or “Town Council” shall include the Mayor unless the context provides otherwise.

### I. Legislative Body & Officers

#### 1.1 Town Council

The Town Council is the legislative and governing body of the Town.

#### 1.2 Mayor – Presiding Officer

The Mayor shall be the Presiding Officer at all meetings of the Town Council. The Mayor is a member of the Town Council. The role of Presiding Officer may be assigned to another member of the Town Council in accordance with the Rules of Order.

#### 1.3 Mayor Pro Tem

The Town Council shall elect one of its members to serve as Mayor Pro Tem in accordance with the Keystone Home Rule Charter. The process for nomination and election of the Mayor Pro Tem shall be determined by the Town Council which process may be established by Resolution.

#### 1.4 Temporary Chair

- a. In the event of the absence, conflict of interest, or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any meeting of the Town Council, the Town Clerk shall call such meeting to order and shall call the roll. The Town Council shall then proceed to elect, by a majority vote of those present, a Councilmember to serve as the Temporary Chairperson for the meeting.
- b. The Temporary Chairperson shall serve as Presiding Officer until the arrival or the resolution of the conflict of interest of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon conclusion of the agenda item or other business then before the Town Council.

## II. Town Council Meetings.

### 2.1 Regular Meetings

- a. The Town Council shall meet regularly at least once each month at a day and hour and place to be fixed by the Rules of Order of each Town Council adopted by Resolution. The intent is that the Town Council will conduct in person meetings, unless circumstances necessitate another form of meeting. The procedures for in person meetings and the circumstances necessitating another form of meeting shall be defined by the Rules of Order of the Town Council. (Charter § 3.1)
- b. For ease of administration, an approved schedule of meeting dates, times, and places for regular meetings may be administratively considered and approved for each calendar year by the Town Council. The Town Council reserves the authority to modify or adjust any previously approved meeting schedule or to change meeting days or times as may be needed for convenience or to accommodate holidays, anticipated lack of quorum, and other events or circumstances.
- c. When a regular meeting must be cancelled due to unforeseen or unanticipated circumstances, such as but not limited to emergency, adverse weather conditions, absence of quorum, or failure to post any required public notice, the Mayor, or the Mayor Pro Tem in the Mayor's absence, is authorized to instruct staff to cancel the regular meeting and the Mayor may reschedule the meeting to another date and time. The Town Clerk shall prepare a notice of the meeting cancellation and the rescheduled meeting and shall cause the notice to be delivered through reasonable and customary means, including by posting notice on public entry doors of the Keystone Center and posting on the Town's Website.

### 2.2 Special Meetings

- a. Special meetings of the Town Council shall be called by the Town Clerk on the oral request of two (2) or more members of Town Council with at least twenty-four (24) hours' notice to each member of the Town Council and to the public, delivered in accordance with the Rules of Order of the Town Council and the requirements of this Charter and the Colorado Open Meetings Law. (Charter § 3.2)
- b. No business shall be conducted at a special meeting of the Town Council unless the business has been stated in the notice of such meeting; except that any business which may lawfully come before a regular meeting of the Town Council may be transacted at a special meeting if all members of the Town Council present consent thereto and all the Councilmembers absent file their written consent.
- c. Executive sessions may be held during any properly convened special meeting.

### 2.3 Emergency Meetings

- a. Emergency meetings of the Town Council shall be called by the Town Clerk on the oral request of two (2) or more members of Town Council with less than twenty-four (24) hours' notice. An emergency meeting may be called in the event of an immediate danger or threat to the public health, welfare, peace, safety or property for the purpose of preservation or protection of the public health, welfare, peace, safety or property. Unless it is impractical, all members of the Town Council shall be notified of such meeting and such meeting may be held if a Quorum consents. Maximum practical notice, including posted notice, shall be given to the public stating the purpose, time, place and manner of any such meeting. (Charter § 3.3)
- b. Any business which may lawfully come before a regular meeting of the Town Council may be transacted at an emergency meeting.
- c. Due to the emergency nature of the meeting, no Quorum of the Town Council is required although a Quorum is strongly desired wherever practicable. Where a Quorum does not attend the emergency meeting, the action of the Town Council at the emergency meeting will need to be ratified by the Town Council at the next meeting at which a Quorum is in attendance.

### 2.4 Study or Work Sessions

- a. The Town Council may hold study or work sessions as deemed necessary or desirable. Study or work sessions shall be called in the same manner as a Special Meeting or called by the Town Manager in consultation with the Town Clerk.
- b. No legally binding or formal action shall be taken at any such session. The Council may provide general administrative direction to the Town Manager by simple concurrence or consensus of the members of the Town Council.
- c. A study or work session shall *customarily* be limited to the presentation of information to the Town Council and to Town Council's discussion of such information. Public comment upon matters under study or discussion shall not be typically entertained except upon concurrence of the Council members in attendance. No Quorum shall be required at any study or work session.
- d. Executive sessions shall not be conducted during a study or work session.

### 2.5 Quorum

Where a quorum is required by these Bylaws, a majority of the members of the Town Council in office shall constitute a quorum for the transaction of business at all Town

Council meetings. In the absence of a Quorum, a meeting may be rescheduled to a later date and time as permitted by Town Council's adopted Rules of Order.

#### 2.6 Meetings to be Public

All meetings of the Town Council shall be open to the public except as permitted by law. At Town Council meetings, members of the public shall have a reasonable opportunity to be heard except for those meetings that are designated as study or work sessions. In compliance with the Colorado Open Meetings Law, the Town Clerk shall keep a record of the proceedings of each meeting. The intent is that, when feasible, Town Council will allow for a remote meeting option for the public's attendance and participation at open meetings. (Charter § 3.5) The Town Council may adopt a remote meeting policy to further define the public's attendance and participation through the remote meeting option.

#### 2.7 Meeting Notice

The Town Council shall adopt a Resolution that establishes public notice and posting requirements in accordance with the Colorado Open Meetings Law including designating the Town official site for posting the agenda at least 24 hours in advance of the public meeting (except for emergency meetings as governed by Charter § 3.3) and such designation shall be deemed automatically readopted at the Town Council's first regular meeting of each calendar year unless otherwise determined by the Town Council. (Charter § 3.10)

#### 2.8 Town Council Attendance and Absences

- a. All Town Councilmembers are expected to attend all regular, special, work and study session meetings unless excused from attendance in accordance with this section. Councilmembers are expected to attend Town Council meetings in person unless a different form of attendance is authorized or in person attendance is excused. (Charter § 3.9)
- b. Three (3) or more unexcused absences by a member of the Town Council in any one (1) calendar year shall constitute grounds for sanctions or removal.
- c. Excused Absences.
  1. The Presiding Officer shall excuse an absence of the Mayor or any Councilmember from all or any portion of a meeting where:
    - (i) The Mayor or Councilmember contacted the Mayor, Town Manager, or Town Clerk *in advance* of the meeting regarding the reason for the absence; *and*
    - (ii) The reason for the absence is due to vacations scheduled well in advance of a meeting or circumstances that were unforeseeable or unavoidable, such as but not limited to, emergency, illness, or last-minute familial obligations. An

excuse shall not be granted where the Mayor or Councilmember's absence is due to the person's desire to attend other meetings or functions unless the person's attendance at the meeting or function was: (i) requested or directed by the Town Council; or (ii) undertaken in the Councilmember's appointed role as Town Council representative to a board, commission, or body.

- (iii) An absence may not be excused if the Councilmember has been absent for more than two (2) consecutive regular meetings due to a vacation.
- (iv) If a Councilmember is absent for both a work or study session on the same date, that absence is only counted as one and not two absences.
- (v) If advance notice is provided, an excused absence may be ratified by Town Council on the consent agenda.

2. The Presiding Officer may excuse an absence of any Councilmember from a meeting or a portion of a meeting *subsequent to* the meeting where:

- (i) The Councilmember's requested excuse was due to circumstances that were unforeseeable or unavoidable, such as but not limited to, accident, emergency, illness, or last-minute familial obligations; and
- (ii) The circumstances surrounding the excuse did not permit the Councilmember to timely contact the Mayor, Town Manager, or Town Clerk prior to the meeting as provided by paragraph (B) above.

~~(ii)~~ 3. Members of Town Council are permitted three (3) excused absences in each calendar year. Members of Town Council may be permitted more than three excused absences for good cause. The limitation on the number of permitted excused absences is effective beginning January 1, 2025. Electronic participation and attendance by a member of Town Council is considered to be an excused absence.

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d. The Presiding Officer's decision regarding the recognition or denial of any absence shall be subject to appeal as provided by the Rules of Order.

## 2.9 Town Attorney

Unless otherwise excused by the Town Council, the Town Attorney or the Town Attorney's designated representative is expected to attend all regular, special, or emergency meetings of the Town Council and attend such other meetings and sessions of the Town

Council as the Town Council may request. The Town Attorney may attend meetings by a remote meeting option.

2.10 Town Clerk, Written Minutes, and Official Record

- a. The Town Clerk, or the Town Clerk's designated representative, shall attend and shall keep written minutes of each regular or special meeting of the Town Council. Written meeting minutes may be a brief and concise summary or synopsis of actions taken by the Town Council, the titles of ordinances and resolutions considered, votes taken, and other action items and general topics of discussion. Meeting minutes need not record what was said during the meeting.
- b. The minutes shall record how each Councilmember voted on each question, except that where the vote was unanimous it shall only be necessary for the minutes to so state.
- c. The official record of a Town Council meeting shall be the Town's electronic recording of the meeting, if any, and in the absence of an electronic recording or in the event of recording equipment malfunction, the official record shall be the written meeting minutes.
- d. A Councilmember shall have the privilege of having his or her statement on any subject then under consideration by the Town Council entered into the written minutes. Such request must be made before the Presiding Officer puts the question to a vote and must be accompanied by the statement, "For the Record," to alert the Town Clerk of the need to include such remarks in the written minutes. A Councilmember's lengthy statement for the record is strongly encouraged to be submitted to the Town Clerk in writing prior to the meeting. At the Town Clerk's discretion, unwritten lengthy oral statements may be summarized in the written minutes with attribution to the speaker.
- e. Minutes of a previous meeting will not be read provided each member of Town Council has been provided access to a copy of the minutes in advance of the meeting at which the minutes are to be approved. Written minutes shall be initially set for approval on a consent agenda. Any Councilmember may request that the minutes be removed from the consent agenda for full discussion and consideration of proposed amendments or revisions by the Town Council prior to any motion for approval. Every Councilmember may, at the member's option, vote to approve or reject the minutes of any meeting notwithstanding such member's absence from the meeting.
- f. At any time prior to the Town Clerk's certification of the minutes as approved by the Town Council, the Town Clerk may change the minutes to correct spelling or typographical errors, provided that such change does not alter the substance or meaning of the minutes.

- g. The Clerk of the meeting at which the minutes are approved shall sign the approved minutes.

#### 2.11 Agenda and Order of Business

- a. A regular meeting of the Town Council will have an established order of business generally along the following guidelines which may be modified by the Presiding Officer in accordance with the Rules of Order:
  - 1. Call to Order, Roll Call
  - 2. Approval of Agenda
  - 3. Recognitions, proclamations, and appointments
  - 4. Communications to Council
  - 5. Consent agenda (handling of routine business)
    - A. First Reading of Ordinances
    - B. Resolutions
    - C. Approval of Town Council Minutes
    - D. Excused Absences
  - 6. Discussion Business
    - A. Consideration of Ordinances (second reading/public hearing)
    - B. Resolutions
    - C. Other
  - 7. Planning Matters
  - 8. Reports
  - 9. Other Matters
  - 10. Adjournment

#### 2.12 Setting Agendas

The Mayor and the Town Manager have the task of setting the meeting agendas for regular and special meetings and for work sessions of the Town Council. In addition, two members of the Town Council may request that the Town Manager place an item on a meeting agenda.

#### 2.13 Requesting Future Agenda Items

Any Councilmember, the Town Manager, or the Town Attorney may request that the Town Council formally consider any Town business or other matter of public interest at a future meeting by raising the request with the Town Council during any **regular** meeting. Upon confirmation by a consensus of the Town Council that the Town Council desires to entertain consideration or review of the proposed business or matter, the Presiding Officer shall instruct the Town staff to set the matter on the next available agenda or on the agenda of a specific meeting.

#### 2.14 Adjournment of Regular Meetings by 9:00 p.m.



A Town Council regular meeting shall customarily adjourn at or before 9:00 p.m. Extending a regular meeting beyond 9:00 p.m. shall require approval of a motion to suspend the required adjournment requirement. A motion may propose to limit the agenda matters to be considered after 9:00 p.m. and/or set a later time for adjournment.

As an express condition of adjournment, the Town Council shall formally move to continue or postpone all agenda items that will not be considered following adjournment in accordance with the Rules of Order.

### III. Meeting Procedures.

#### 3.1 Parliamentary Rules/Rules of Order

- a. Bob's Rules of Order for Colorado Local Governments (Peak Nine Press 2023) shall be the parliamentary rules of order for meetings of the Town Council ("Rules of Order").
- b. The following additional rules shall be incorporated into the Rules of Order:
  1. A Councilmember shall not engage in the review or transmission of electronic mail or other forms of digital communications or be connected to the Internet during any quasi-judicial matter.
  2. Addressing the Town Council – Time Limitations.
    - (i) Councilmember's access to the floor when addressing the Town Council shall be limited in time as provided by the Rules of Order;
    - (ii) Guests, presenters, and speakers invited to present to the Town Council shall be limited in time as established or directed by the Presiding Officer; and
    - (iii) For all other persons wishing to address the Town Council (other than public hearings, see V. below), such persons shall be limited to three (3) minutes for any presentation unless the Presiding Officer establishes a different time limitation applicable to all such persons wishing to address the Town Council.
- c. Voting Methods.
  1. A simultaneous voice vote or show of hands shall generally be used provided that an announcement is made regarding the result of the vote, including identification of Councilmember(s) voting on the non-prevailing side.
  2. The Presiding Officer may direct a vote to be made by roll call. A roll call vote by voice shall be *required* for:

- (i) All ordinances on final reading;
  - (ii) Any resolution appropriating or borrowing money;
  - (iii) Any resolution pertaining to new or existing taxes;
  - (iv) Any action concerning an initiative or referendum petition;  
and
  - (v) Conveyance of interests in real property.
3. Manner of Roll Call. When roll call voting is used, the roll call vote shall be taken in alphabetical order in a rotating manner, as follows: on the first roll call vote for the meeting, the Town Clerk will begin with the first Councilmember's name on the list; on the second vote, the Town Clerk will begin with the second Councilmember's name on the list and end with the first Councilmember name on the list, and continue to rotate the order in this manner. Such rotation will continue without interruption from meeting to meeting.

### 3.2 Meeting Decorum

- a. For regular and special meetings, each Councilmember shall be addressed as Mr./Ms. (last name) or Councilmember (last name); the Mayor shall be addressed as Mr./Ms. Mayor or Mayor (last name); Town staff, citizens, consultants, contractors shall be addressed as Mr./Ms. (last name). A less formal recognition of Councilmembers and others shall be acceptable for study or work sessions and executive sessions.
- b. At any regular or special meeting of the Town Council, any member of the public desiring to address the Town Council shall first secure the permission of, and be recognized by, the Presiding Officer.
- c. Each person addressing the Town Council shall be asked to provide his or her name and address for the record. All comments shall be addressed to the Presiding Officer and to the Town Council as a body and not to any particular Councilmember thereof or to other members of the audience.
- d. Actions which unreasonably disrupt a meeting shall be out of order. "Disrupt" shall mean evidently intended or designed to prevent, or reasonably preventing, the Town Council from conducting business. Disruptive actions may include, but not limited to: (i) constant or consistent shouting following the Presiding Officer's request to speak in a conversational voice; (ii) the use of horns, bells, or other sources of unwanted and unnecessary sound or noise; (iii) repeated speaking or interruption of the meeting without first obtaining the floor or without being acknowledged by the Presiding Officer; or (iv) threats of harm or violence. Refusal to heed requests to cease disruption may subject the person to removal from the meeting.
- e. The use of amplified sound or noise in any meeting shall not be permitted unless approved by the Presiding Officer as a necessary part of a

presentation by a speaker. The Town's use of methods to amplify the voices of the Councilmembers shall be permitted.

- f. To prevent obstructing the view and hearing of persons attending a meeting, posters, banners, signs, or other forms to display shall be permitted in meeting rooms provided that such items or materials are placed against and along the side perimeter walls of the room in a manner not to interfere with access or the safety of attendees. No posters, banners, signs, or other forms to display shall be located behind the Town Council dais. The Presiding Officer may designate the appropriate location(s) for posters, banners, signs, or other forms to display.

#### **IV. Procedure for Passage of Ordinances (Charter § 6.5)**

The procedure for the passage of an Ordinance, other than an Emergency Ordinance, shall be as follows:

- a. Introduction (first reading) of the Ordinance at any regular or special meeting and vote by the Town Council in accordance with the voting requirements established by the Charter to move the proposed legislation forward to the second reading. Introduction and first reading of the Ordinance may be by placement on the Town Council's consent agenda for such meeting.
- b. If the Ordinance is passed upon first reading, publicizing by title only and in accordance with the requirements, methods, and procedures for publicizing Ordinances as adopted by the Town Council by Ordinance.
- c. Consideration of the Ordinance on second reading at a meeting not earlier than six (6) days after the first reading.
- d. Public hearing on the Ordinance (See V. Below).
- e. Roll call vote of the Town Council on the Ordinance following the public hearing.
- f. Any ordinance may be amended before final passage by a roll call of the Town Council.
- g. After final passage, the Town Clerk shall publicize the Ordinance by title only with the statement that the full text is available for public inspection and acquisition in the office of the Town Clerk. Whenever possible, publicizing shall be within ten (10) days after final passage.
- h. Unless a later date is specified in the text of the Ordinance, an Ordinance other than an Emergency Ordinance shall take effect and be enforced thirty (30) days after final publication.

**V. Public Hearings – Procedures.**

Public hearings required by law shall be conducted in general accordance with the following procedures. Deviations from these procedures that do not substantially affect the fairness and outcome of the hearing shall be permitted with or without approval of the Town Council.

- a. Town Clerk shall read the title or subject matter of the item into the record.
- b. The Presiding Officer, in the order indicated, will:
  1. Declare the public hearing open;
  2. Announce the public hearing procedures (if such procedures were not previously explained to the audience in a prior hearing during the same meeting);
  3. Establish, when determined to be necessary, reasonable time limits for the presentation to the Town Council of public comments and testimony during the hearing. Where no other time limits are established:
    - (i) Town staff or Town consultants shall not be limited except as directed by the Presiding Officer;
    - (ii) An applicant, permittee, or petitioner (or their representative) whose property or other legal rights are the subject of determination during the public hearing shall not be subject to time limitations provided that the applicant, permittee, or petitioner avoids redundant and duplicative testimony or presentation of evidence;
    - (iii) Scheduled speakers invited to present information to the Town Council shall not be subject to time limitations except as directed by the Presiding Officer; and
    - (iv) All other persons shall be limited to three (3) minutes;
  4. Ask for an introductory presentation by the Town Administration, if appropriate;
  5. Ask for the applicant's, permittee's, or petitioner's presentation, if appropriate;
  6. Provide opportunity for public presentation by those who are in favor of the matter, opposed to the matter, or who may have general questions regarding the pending matter.
  7. Any person speaking or presenting any information at the hearing may be questioned by the Town Council and, with the consent of the Presiding Officer, by the Town Administration.

8. The Presiding Officer will ask, at times during the hearing determined by the Presiding Officer, if any member of Town Council has any questions of, or desires any additional information from, anyone who has spoken or has presented information during the hearing. If such is the case, a member of Town Council may direct the question and/or request through the Presiding Officer to such individual and the response will be limited to the answer of the question, as stated.
- c. Cross-examination of persons providing testimony or evidence shall not be permitted.
- d. The Presiding Officer may, on his/her own initiative or at the request of a Councilmember or the applicant, permittee, or petitioner, afford the applicant, permittee, or petitioner an opportunity to rebut or address statements or testimony presented by the general public or Town Administration. Rebuttal shall be limited only to subjects and matters raised during the hearing and is not intended to provide an opportunity for the applicant, permittee, or petitioner to present new evidence or information not offered during the main presentation. The Presiding Officer may, in the Officer's discretion, provide an opportunity for the general public to address issues, information, or matters newly raised during a rebuttal.
- e. Following questions from Town Council, the Presiding Officer will declare the public hearing closed and the matter will be remanded to the Town Council for consideration.
- f. Upon the closure of the public hearing, the Town Council will seek to avoid additional questioning of any hearing participant except as may be found necessary by the Presiding Officer to quickly clarify a factual question or resolve a factual matter of dispute between members of the Town Council. No additional unsolicited testimony shall be entertained or accepted by the Town Council. The public hearing may only be reopened for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event a public hearing is reopened, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
- g. The Town Council may, with leave of the Presiding Officer, request legal advice or direction from the Town Attorney at any time.

## **VI. Amendments.**

These Bylaws may be amended by a majority vote of Councilmembers present at a Town Council meeting at which a quorum exists. Any proposed amendments shall be submitted in writing to each member of Town Council at least two (2) weeks in advance of the Town Council meeting at which such amendments are to be considered.

ADOPTED BY THE TOWN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

8. The Presiding Officer will ask, at times during the hearing determined by the Presiding Officer, if any member of Town Council has any questions of, or desires any additional information from, anyone who has spoken or has presented information during the hearing. If such is the case, a member of Town Council may direct the question and/or request through the Presiding Officer to such individual and the response will be limited to the answer of the question, as stated.
- c. Cross-examination of persons providing testimony or evidence shall not be permitted.
- d. The Presiding Officer may, on his/her own initiative or at the request of a Councilmember or the applicant, permittee, or petitioner, afford the applicant, permittee, or petitioner an opportunity to rebut or address statements or testimony presented by the general public or Town Administration. Rebuttal shall be limited only to subjects and matters raised during the hearing and is not intended to provide an opportunity for the applicant, permittee, or petitioner to present new evidence or information not offered during the main presentation. The Presiding Officer may, in the Officer's discretion, provide an opportunity for the general public to address issues, information, or matters newly raised during a rebuttal.
- e. Following questions from Town Council, the Presiding Officer will declare the public hearing closed and the matter will be remanded to the Town Council for consideration.
- f. Upon the closure of the public hearing, the Town Council will seek to avoid additional questioning of any hearing participant except as may be found necessary by the Presiding Officer to quickly clarify a factual question or resolve a factual matter of dispute between members of the Town Council. No additional unsolicited testimony shall be entertained or accepted by the Town Council. The public hearing may only be reopened for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event a public hearing is reopened, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
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ADOPTED BY THE TOWN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

## TOWN OF KEYSTONE, COLORADO

### TELEPHONIC/ELECTRONIC PARTICIPATION AND FULLY REMOTE MEETINGS

#### I. Purposes.

With advancements in communication equipment, meeting participation through telephonic or other electronic means such as web-based meetings and voice or videoconferencing has become more popular within many local governments. However, telephonic, virtual or other electronic participation has inherent limitations because such participation may make more difficult a member's ability to fully view documentary information presented during meetings, to fully evaluate a speaker's non-verbal language in assessing veracity or credibility, and to fully observe nonverbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony.

The purposes of this Town Council Policy are:

- A. although not preferable, to specify the circumstances under which an individual member of Town Council or member of a Town Board may participate in Town Council or Board meetings, respectively, by telephone or other electronic means; and
- B. to recognize that, in rare circumstances, such as during or following natural disasters, severe weather events or public health emergencies, the conditions under which all members of Town Council or members of a Board may participate in regular, special, and emergency meetings and executive sessions by telephone or other electronic means should necessarily be expanded to ensure that the Town government can continue to function to the extent possible to protect the public health, safety and welfare, while still ensuring transparency and protecting the procedural due process and other rights of the public, applicants, and interested persons; and
- C. to authorize the Town Manager to adopt an administrative directive that sets a process for holding certain quasi-judicial hearings to allow some or all evidence, including public hearing comment, to be submitted in advance of the hearing date and time, such evidence to be made part of the record before the determining body, and to authorize the Town Manager to determine the selection of matters to be heard in such manner.

#### II. Applicability.

This Policy shall be applicable to the Town Council and to Boards, as such term is defined in Section III.

#### III. Definitions.

"Board" shall mean the following board, commission, or committee of the Town of Keystone:

- Planning and Zoning Commission
- Trails and Open Space Advisory Board
- Business Advisory Board

"Board member" shall mean all members of the particular Board of the Town subject to this Policy.

“Member of Town Council” shall mean the Mayor or other Councilmember of the Town Council of the Town of Keystone.

“Electronic participation” or “electronically participate” shall mean participating in a meeting by telephone or another web-based video or audio-conferencing platform as determined by the Town Clerk.

“Emergency” shall mean a public health or other emergency caused by epidemic, pandemic, or other natural or other physical disaster that renders it unsafe to physically meet or travel to physically meet in a public setting as determined by the Mayor or the Town Manager.

“Fully remote meeting” shall mean a meeting held entirely by electronic participation.

“Hybrid meeting” shall mean a meeting held by a combination of both in-person and electronic participation.

“In-person” shall mean participating in a meeting by being physically present at the designated meeting location.

“Meeting” shall mean a regular, special, work session or study session meeting of the Town Council or meeting of a Town Board that is required to be an “open meeting” under the Colorado Open Meetings law.

#### **IV. Statement of Policy.**

##### **A. Times of Emergency - Fully Remote Meetings of Town Council and Boards.**

This Section IV(A) applies to Town Council and Boards. During times of emergency, a meeting of the Town Council or any Board may be, but is not required to be, held as a fully remote meeting as follows:

1. Open Meetings. The Town Clerk or the Town Clerk’s designee shall take reasonable and practical measures to ensure that:
  - a. Each fully remote meeting is open to the public at all times; and
  - b. Information is provided to enable the public to electronically participate such that the public is always reasonably able to hear comments and testimony but, unless a quasi-judicial hearing is taking place in accordance with Section IV(A)(4) or there is an applicable legal requirement otherwise, it is not necessary to provide a means for the public to speak and, in the case of a video-conference fully remote meeting, it is not necessary to provide a means for the public to view the meeting; and
  - c. Each fully remote meeting provides Town staff and the public a reasonable opportunity to provide comments, which may include requiring the public to provide written comments/questions to the Town Clerk or the Town Clerk’s designee prior to the start of the meeting, except during public hearings for which public comment shall be taken at the time of the hearing; and



- d. All members of Town Council or Board members can clearly and without interruption hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and
  - e. All votes are conducted by roll call.
2. Notice of Fully Remote Meetings. Notice of fully remote meetings, including instructions on how the public may electronically attend the meeting, shall be provided in accordance with the Town's then-effective resolution designating the location for posting public notices whenever possible. If the nature of the emergency precludes the Town from so posting, the Town will use all reasonable efforts to provide notice to the public of its fully remote meeting, including whenever possible, posting such notice on the Town's web site and Town-maintained social media pages, providing notice to the local newspaper, and any local radio station and local television station that has filed a written request with the Town Clerk and has provided a telephone number for emergency notification.
3. Executive Sessions. Participation during an executive session held during a fully remote meeting shall be available only after each participating member of Town Council or Board member affirms on the record that each such member of Town Council or Board member is participating in a secure and confidential manner in a location where no other persons can hear the content of the executive session and such participant shall not record or transmit the executive session.
4. Quasi-judicial matters. The Town Manager has discretion to determine that any quasi-judicial matter hearing shall not be placed on the agenda of a fully remote meeting and such administrative decision is final. This Policy creates no right in favor of any party to have a quasi-judicial matter heard at a fully remote meeting. The Town may, however, in its sole discretion, allow such quasi-judicial hearing in accordance with the requirements of this Section IV(A)(4).
- a. No public hearings on quasi-judicial matters shall be held and no votes on quasi-judicial actions shall be taken during a fully remote meeting except:
    - i. if, due to emergency or other reasons, the Town is generally holding public meetings as fully remote meetings; and
    - ii. if such quasi-judicial matters heard during fully remote meetings provide the ability for interested members of the public to reasonably participate in the hearing; and
    - iii. in accordance with the following:
      - A. The applicant in the quasi-judicial matter must make a written request for the matter to be heard during a fully remote meeting on a form provided by the Town Clerk or the Town Clerk's designee, acknowledging that holding a quasi-judicial

hearing at a fully remote meeting presents certain legal risks and involves an area of legal uncertainty, and agreeing that moving forward with a quasi-judicial hearing at a fully remote meeting shall be at the applicant's own risk. Applicants requesting determinations on quasi-judicial matters during fully remote meetings shall agree in writing to hold harmless, defend and indemnify the Town for any costs, damages or claims, including costs of defense, in any action that alleges that holding such hearing during a fully remote meeting was improper, unauthorized, or otherwise denied the applicant rights attendant to a public hearing.

B. Upon receipt of a written request, the Town Manager or the Town Manager's designee shall (1) determine whether the Town has the capability to hold the particular type of hearing at a fully remote meeting, (2) determine what available platform, format or procedure for the fully remote meeting is most appropriate for the type of hearing, and (3) set date(s) for the hearing(s).

C. The platform, format or procedure chosen by the Town Manager or the Town Manager's designee shall ensure that the entire Town Council or Board, the applicant, and the public all have the ability to view or listen to the hearing in real time and that interested parties may provide input and ask questions when appropriate, which may be before or at the hearing. If documents or presentations are to be viewed, the platform format or process shall similarly either allow the entire Town Council or Board, the applicant and interested parties the ability to view the documents or presentation either before or during the presentation in real time, or references shall be made during the hearing on the record to page numbers and documents that had otherwise been publicly posted in advance of the hearing such that all participants are clear as to what documents/pages are being viewed/discussed.

D. In the posted notice of the hearing and at the outset of the hearing, the Mayor or presiding officer shall describe the hearing procedure, including how testimony and public comment has been or will be received.

E. Applicants for determinations on quasi-judicial matters shall, by participation therein, be deemed to have additionally agreed to the procedure to be followed for the hearing(s) as set forth in the Town-Manager promulgated administrative directive, including requirements on timing for submission of documents, responding to requests and questions received, etc.

F. Interested parties other than the applicant who desire to introduce documents shall be informed by notice (as described

in subsection IV(A)(4)(b)) of the methods by which such documents may be introduced at the hearing.

G. If documents are introduced at the hearing that make it difficult for the public, the applicant, or the electronically participating members of Town Council or Board members to view and/or review, the hearing may, in the discretion of the Town Council or Board, be continued to a date certain to allow for such viewing/reviews.

H. If at any time the Town Manager or the Town Manager's designee determines it is not possible or prudent to hold or continue the hearing at a fully remote meeting, whether due to technical issues or an inability to do so while meeting all legal requirements, the hearing shall be vacated and the matter will be continued until in-person meetings can be held. Such decision to vacate a hearing shall be a final administrative decision of the Town Manager or the Town Manager's designee.

b. Notice Requirements for Quasi-Judicial Hearings Held During Fully Remote Meetings.

- i. The required notice(s) for the quasi-judicial hearing and the agenda for the fully remote meeting at which the hearing will be held shall each include information about how the hearing will be conducted and how the public can provide comment, access and observe, and, if available, electronically participate in the hearing.
- ii. If notice as required by the Town of Keystone Ordinances and Municipal Code or otherwise by law has already been provided for a quasi-judicial hearing originally planned to be held in person, additional notice shall be given as to reasonably inform interested persons that such hearing will instead be held at a fully remote meeting. The date of issuance of any additional notice that addresses only the platform to be used for the meeting (*i.e.*, a fully remote meeting rather than an in-person meeting) shall not be considered for purposes of determining timeframes for publishing, posting or issuing public hearing notice requirements under the own of Keystone Ordinances and Municipal Code.
- iii. The notice shall advise how and when relevant documents will be made available, and how any interested party may review a paper copy if unable to access the documents available online, and that and how the Town will reasonably accommodate interested parties who lack necessary viewing equipment or the ability to access viewing equipment.
- iv. Interested parties will be encouraged and notified about the methodology by which to submit written comments or

documents for introduction in advance of the hearing and that such comments or documents will be made a part of the record of the hearing.

- c. Record. The Town Clerk shall ensure that all equipment used for the hearing is adequate and functional for allowing clear communication among the participants and for creating a record of the hearing as required by law, provided, however, the Town shall not be responsible for resolving any technical difficulties incurred by any person participating in the hearing.
  - d. Technical problems. If any person informs the Town Clerk or the Council or Board during the hearing of technical issues precluding participation as otherwise available under this Policy or the Town Manager-promulgated administrative directive authorized hereunder, such information will be forthwith transmitted to the Mayor or presiding officer who shall make a determination whether to continue the hearing to a future date certain. The Mayor, chairperson or presiding officer has discretion to determine whether to adjourn the hearing to a future date certain if the electronic participation results in interference in the meeting process; e.g., where the telephone or electronic connection is repeatedly lost, the quality of the connection is unduly noisy, or a participant is unable to hear other speakers using a normal speaking voice amplified to a level suitable for the meeting audience electronically participating.
5. Effect of Electronic Participation During Fully Remote Meetings. Electronic participation during fully remote meetings shall constitute actual attendance for purposes of establishing a quorum for the meeting and for action on all matters at such meeting.

**B. Meetings of Town Council and Town Boards Held Not During Emergency.**

1. In the absence of any emergency, the format of meetings of Town Council and Town Boards shall be in-person.
2. Electronic participation at an in-person meeting of Town Council and Town Boards shall be in accordance with Section IV(C) below.

**C. Electronic Participation in In-Person Meetings.**

1. This Section IV(C) applies to in-person meetings of the Town Council and Boards.
2. A member of Town Council or Board member may electronically participate in an in-person meeting of the Town Council or such Board only as follows:
  - a. Electronic participation shall be made available to a member of Town Council or Board member when such member of Town Council or Board member's absence would otherwise constitute an excused absence.

- b. Electronic participation is intended to be an infrequent or occasional substitution for physical attendance.
- c. The Town Council or relevant Board may, by majority vote of a quorum present, declare a member of Town Council's or Board member's repeated use of electronic participation excessive and deny a member of Town Council's or Board member's privilege to electronically participate for a specific meeting or meetings. Such declaration by the member of Town Council or Board shall only be made when the member of Town Council or Board member seeking to electronically participate is afforded advance notice and the opportunity to participate in the Town Council's or Board's discussion regarding excessive use and the continuation of such electronic participation by the member of Town Council or Board member. Provided that the member of Town Council or Board member is provided notice of the date and time of the planned Council or Board discussion, the member of Town Council's or Board member's inability to be available to participate in the discussion shall not preclude the Town Council's or Board's authority to discuss and decide whether such member of Town Council's or Board member's use of electronic participation is excessive.
- d. Electronic participation must permit clear, uninterrupted, and two-way communication for the participating member of Town Council or Board members.
- e. Up to three members of Town Council or Board members may electronically participate only if the telephone or other electronic conferencing system permits clear, uninterrupted, and two-way communication for all participating member of Town Council or Board members. If more than three members of Town Council or Board members desire to electronically participate during the same meeting, the first three member of Town Council or Board members who arrange for electronic participation with the Town Clerk or Recording secretary, respectively, as set forth in Section IV(C)(3)(b) shall be allowed to electronically participate.
- f. A member of Town Council or Board member may neither electronically participate in nor vote on a quasi-judicial matter at a public hearing; however, the member of Town Council or Board member may maintain the electronic or telephonic connection and monitor or listen to the hearing.
- g. Electronic participation during an executive session shall not be available to a member of Town Council or Board member. A member of Town Council may arrange to listen to a taped recording of a Town Council executive session held in such member's absence by making arrangements with the Town Clerk to listen at the Town Hall during normal business hours.
- h. The Mayor, chairperson or presiding officer may discontinue electronic participation by one or more member of Town Council or Board

members during a meeting where the electronic participation results in delays or interference in the meeting process; *e.g.*, where the telephone or electronic connection is repeatedly lost, the quality of the connection is unduly noisy, or a participating member of Town Council or Board member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

3. To arrange to electronically participate, a member of Town Council or Board member shall:
  - a. In the case of a member of Town Council, contact the Mayor, *or* Town Clerk, and in the case of a Board member, contact both the chairperson or presiding officer *and* Recording Secretary in advance of the meeting regarding the reason for the physical absence.
  - b. Contact the Town Clerk or the Town Clerk's designee or the Recording Secretary to arrange for electronic participation and provide a telephone number and any special calling instructions needed to facilitate the telephone or other electronic contact as may be required by the Town Clerk or the Recording Secretary. All member of Town Council or Board members shall endeavor to advise the Town Clerk or the Recording Secretary, respectively, of intent to electronically participate at the earliest possible time and not less than five (5) hours prior to the requested electronic participation. Late requests to electrically participate may be summarily denied by the member of Town Council or the Recording Secretary due to an inability to arrange for electronic participation.
  - c. Be available at the designated telephone number or through the designated web conferencing or similar portal as determined by the Town Clerk or the Recording Secretary not less than ten minutes prior to the scheduled time of the meeting.
  - d. The Town shall endeavor to initiate the telephone or web conferencing or similar contact not more than 10 minutes prior to the scheduled time of the meeting. In the event of disconnection during a meeting, the Town Clerk or the Town Clerk's designee or the recording Secretary shall make one attempt to re-initiate the connection unless the Mayor, chairperson or presiding officer instructs the Town Clerk or the Town Clerk's designee or the Recording Secretary to discontinue the electronic participation in accordance with Section IV(C)(2)(h).
4. Effect of Electronic Participation. Electronic participation shall constitute actual attendance for purposes of establishing a quorum for the meeting and for action on all administrative and legislative matters at such meeting. Electronic participation is defined as an "Excused Absence" under the Town Council bylaws. Executive session(s) and action(s) on quasi-judicial matters at such meeting requires a quorum of member of Town Council or Board members being physically present at the start of such executive session or quasi-judicial hearing (and electronically participating member of Town Council or Board members may not participate in either as set forth in Sections IV(C)(2)(f) and (g).

D. Administrative Directive on Quasi-Judicial Hearings with Advance Introduction of Evidence.

1. Town Council hereby authorizes the Town Manager to adopt an administrative directive that sets an optional process for holding certain quasi-judicial hearings to be held by Town Council and Boards, which process may allow some or all evidence, including public hearing comment, to be submitted in advance of the hearing date and time and be made part of the record before the determining body.
2. Town Council also authorizes the Town Manager to set forth the criteria for and to determine the selection of matters to be heard in accordance with such directive. The Town Manager may informally consult with the Town Council in advance on whether a particular matter shall be held in accordance with such directive.
3. Such directive may be implemented regardless of whether a meeting is held as a fully remote meeting in accordance with Section (IV)(A) of this Policy

**V. Reasonable Accommodations.**

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide disabled member of Town Council or Board members or members of the public full and equal access to Council or Board meetings.

This Policy was approved by Town Council on \_\_\_ day of \_\_\_\_\_, 2024, through Resolution No. \_\_\_\_\_.

# TOWN OF KEYSTONE, COLORADO

## STAFF REPORT

TO: Mayor & Town Councilmembers  
THROUGH:  
FROM: John Crone, Town Manager  
DATE: September 10, 2024  
SUBJECT: Reimbursement of County Tax

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### **Executive Summary:**

This report is a brief discussion on repayment of funds advanced to Keystone from Summit County.

### **Background:**

The Town of Keystone entered into an agreement with Summit County regarding the collection and disbursement of sales tax dollars. Under the agreement, Summit County advanced the Town \$200,000 a month to be repaid out of sales tax collections on behalf of the city. The County also advanced payments for July and August taxes that the state will pay directly to the Town on a regular taxing schedule. This is usually paid approximately six weeks after the end of the specific taxation month. The Town will receive July's taxes directly from the state this week.

The County has sent a final accounting to the Town showing an amount owed of \$460,539.06. The County has indicated that they will work with us on a repayment schedule, if necessary.

Currently, the Town has \$706,186 in Colotrust and \$303,319 in FirstBank. Staff has discussed repayment with our accountants, and we do not anticipate any expenses in the coming months that would create a financial problem if we were to repay the County in its entirety,



**Next Steps:**

Staff would like guidance on whether or not we should immediately repay the monies owed to the County..



**Summit County Government**

Finance  
 PO Box 68  
 Breckenridge, CO 80424  
 (970) 453-3432

# Statement

Statement Date	Customer Number
09/04/2024	469
<b>Statement Total</b>	
\$460,539.06	

469  
 TOWN OF KEYSTONE  
 1628 Sts John Rd  
 Keystone, CO 80435

## Statement

Description	Bill Number	Date	Bill Amount	Bill Adjusted	Paid	Amount Due
<b>GENERAL FUND UNDESIGNATED</b>						
	213901	08/31/2024				
1 JUN '24 KEYSTONE SALES TAX DUE TO COUNTY		08/31/2024	\$60,539.06	\$0.00	\$0.00	\$60,539.06
<b>Bill Summary</b>			<b>\$60,539.06</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$60,539.06</b>
<b>GENERAL FUND UNDESIGNATED</b>						
	213902	08/31/2024				
1 07/24 SALES TAX ADV REPAYMENT		08/31/2024	\$200,000.00	\$0.00	\$0.00	\$200,000.00
<b>Bill Summary</b>			<b>\$200,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$200,000.00</b>
<b>GENERAL FUND UNDESIGNATED</b>						
	213903	08/31/2024				
1 08/24 SALES TAX ADV REPAYMENT		08/31/2024	\$200,000.00	\$0.00	\$0.00	\$200,000.00
<b>Bill Summary</b>			<b>\$200,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$200,000.00</b>
<b>1 - 30 Days</b>	<b>31 - 60 Days</b>	<b>61 - 90 Days</b>	<b>Over 90 Days</b>	<b>Interest</b>	<b>Other fees</b>	<b>Total Due</b>
\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$460,539.06