



**TOWN BOARD AGENDA
REGULAR MEETING**

(All items listed for discussion and possible action)

VIRTUAL MEETING

**Thursday, August 19, 2021
6:30 p.m.**

1. Call to Order
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
 - a. Approval of Minutes – August 5, 2021
 - b. Financial Reports – July 2021
5. For Possible Action
 - a. Ordinance 2021-06 Repealing and Reenacting Article 2 of Chapter 7 of the Foxfield Municipal Code Regarding Animal Control
6. For Discussion
 - a. Long Range Financial Forecast
 - b. Revision to the Rules of Procedure
 - c. Social Media
 - d. Open Space Clean Up
7. Reports
 - a. Mayor
 - b. Members of Town Board
 - c. Staff
8. Future Agenda Items
9. Adjournment



MINUTES

BOARD OF TRUSTEES MEETING

August 5, 2021

Call to Order/Roll Call

The virtual meeting was called to order at 6:30 p.m. via Zoom.

The following Trustees were present: Amy Snell-Johnson, Debby Farreau, Josie Cockrell, Scott Freas, Pam Thompson, and Mayor Pro Tem Finch. A quorum was present.

Audience Participation

Tom Meigel, 17917 E. Davies Avenue, voiced his concerns about permits for the gates construction and the lack of a traffic plan for the road resurfacing.

Consent Agenda

Trustee Cockrell moved, seconded by Trustee Thompson, to approve the following item on the Consent Agenda:

- a. Approval of Minutes – July 15, 2021

The motion passed by unanimous roll call vote.

For Possible Action

Remote Meeting Participation

Town Administrator Proctor presented two options for hybrid meetings. The Board decided the Owl Pro camera/microphone system would be better than every Board member bringing a laptop to the meetings and logging into Zoom. Trustee Cockrell moved to approve an expenditure of up to \$3,000 for the Meeting Owl Pro, a new laptop and a Zoom subscription. Following a second by Trustee Snell-Johnson, the motion passed by unanimous roll call vote.

Trustee Thompson brought up the idea of adding mass communications software such as HubSpot to communicate with residents more easily and effectively. Town Clerk Gallivan will reach out to other municipalities for additional suggestions as well.

For Discussion

Group Homes

Town Administrator Proctor presented the current code section regarding group homes. Town Attorney Hoffman added that the Town cannot prohibit group homes but can regulate the impact they would have on the neighbors to make sure they look and operate like all residential homes. He suggested that the Town could modify its Group Home regulations to apply the special review use to all group homes, and not just group homes in excess of eight persons. Following some discussion, the Board decided that no change was needed at this time.

Master Plan and Municipal Code Update Grant Opportunity

Town Administrator Proctor stated that the Master Plan was last updated in 2008 and the municipal code has not had a full review since it was adopted in 2012. The Board has an extensive list of sections in the code to review and revise. She stated that the Master Plan should be updated at least every five (5) years and should be done in conjunction with an update to the Municipal Code. Town Administrator Proctor indicated that she has found an opportunity for the Town to apply for an Administrative Planning Grant through the Colorado Department of Local Affairs (DOLA). The Town is eligible to receive up to \$25,000 from DOLA, with a match from the Town of \$25,000. The total project cost is estimated to be approximately \$50,000. The Board would like to see the long-range financial forecast with these funds included before giving final approval to pursue the grant.

Draft Amendment to Chapter 7 of the Foxfield Municipal Code Concerning Animals

Town Administrator Proctor indicated that the Town of Foxfield has a contract with Arapahoe County for Animal Control Services and our Municipal Code section 7-2-10 is for the most part a duplicate of their code regarding animals. Arapahoe County recently updated this section of their code, therefore the Town of Foxfield also must update our code to reflect their changes. The Board will vote on the changes by Ordinance at the next meeting.

Reports

Members of the Town Board

Trustee Freas reported that he had been contacted about a panhandler in the Town. Attorney Hoffmann stated that other communities have addressed the issue by prohibiting sitting or lying in the right of way. If the panhandler is on private property, the owner can ask them to leave and if they do not leave it would be considered trespassing enforceable by Arapahoe County Sheriff. Someone's belongings cannot be removed, but litter can be. A conversation with the Arapahoe County Sheriff's department was suggested to discuss enforcement. Clerk Gallivan will arrange a meeting with the Sheriff and speak with Terracare about the cleanup of the trash. Trustee Freas asked if the bridle path is being mowed. Town Clerk Gallivan will check with Terracare.

Trustee Farreau asked if the Town has a policy for data security and if we have cyber security insurance. Clerk Gallivan will follow up. She has received a request for an all Q&A meeting where residents can speak on issues. Trustee Farreau would like to add a section in the meeting agendas for residents' comments after the Board discusses items that will be voted on. She asked everyone to remind people about the food drive that will be ending next week.

Trustee Cockrell gave an update on her work with DRCOG for the use of traffic equipment. She has received comments requesting increased social media usage by the Town. She suggested a texting option for urgent notifications. She explained how the agency page works on Nextdoor.

Trustee Thompson shared her disappointment with meeting and event last minute schedule changes. She requested follow up with a resident regarding a variance request for a driveway. She would like to have a discussion on clean up of the Open Space and a Neighborhood Watch program. Trustee Finch may have a contact that would be willing to paint a mural in the tunnel at no cost. Trustee Thompson encouraged people to go to the Town website to report issues with airport noise.

Mayor Pro Tem Finch reported that there were dogs running loose attacking other dogs and killing chickens. She also stated she had been contacted about a resident that is breeding and selling dogs.

Town Staff

Town Administrator Proctor asked if the Board would agree to cancel tonight's study session based on the discussion to pursue a grant for assistance to update the Town Code. The Board agreed.

Town Administrator Proctor provided responses to Tom Meigel's concerns regarding the gate permits and the traffic control plan for the road resurfacing. She gave an update on the gates. DGO needs to repair a loop and sensor which is expected to take place next week. Then testing will be done by the police, fire and school buses. Following that the RFID tags will be mailed to residents. A list of gate tasks is on the Town website.

Town Clerk Gallivan stated she has the gate tags ready to mail once the testing has been successfully completed. Clean-Up Day is Saturday; wood chipping and scrap metal collection will be available.

Future Agenda Items

Update to meeting agendas to allow additional public comment

Social Media

Neighborhood Watch program

Animal Control Ordinance

Financial plan update to reflect grant matching funds

Open Space clean up

Adjournment

Mayor Pro Tem Finch adjourned the meeting at 8:29 p.m.

Randi Gallivan, Town Clerk

Lisa Jones, Mayor



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: August 19, 2021

RE: Ordinance 2021-06 Repealing and Reenacting Article 2 of Chapter 7 of the Foxfield Municipal Code Regarding Animal Control

DISCUSSION:

The Town of Foxfield has a contract with Arapahoe County for Animal Control Services and our Municipal Code section 7-2-10 is for the most part a duplicate of their code regarding animals. Arapahoe County recently updated this section of their code, therefore the Town of Foxfield also must update our code to reflect the changes made by Arapahoe County.

The Board discussed this Ordinance at the meeting on August 5th, 2021 and listened to comments from the public. No changes were made to the proposed Ordinance.

SUGGESTED MOTION:

"I move to approve Ordinance 2021-06 Repealing and Reenacting Article 2 of Chapter 7 of the Foxfield Municipal Code Regarding Animal Control"

ATTACHMENT:

Exhibit A: Ordinance 2021-06 Repealing and Reenacting Article 2 of Chapter 7 of the Foxfield Municipal Code Regarding Animal Control

Trustee Bill No. 06
Series of 2021
Town of Foxfield

Introduced by Trustee

**A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 2
OF CHAPTER 7 OF THE FOXFIELD MUNICIPAL CODE REGARDING
ANIMAL CONTROL**

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

Section 1. Article 2 of Chapter 7 of the Foxfield Municipal Code is repealed and reenacted to read as follows:

Sec. 7-2-10. Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

"Abandon" means the leaving of a pet animal without adequate provisions for the animal's proper care by its owner or keeper.

"Aggressive dog" means a dog which, without intentional provocation, engages in any of the following behaviors:

- a. Threatens a person by encroaching onto public property or property of another from a vehicle or from the owner's or custodian's yard through, under or over a fence;
- b. Injures another domestic animal while off the owner's or custodian's property;
- c. Approaches any person in an apparent attitude of attack or in a terrorizing or menacing manner; or
- d. Causes bodily injury to any person.

"Animal Services Officer" means any person authorized by Arapahoe County to enforce the provisions of this Article and shall also include the Arapahoe County Sheriff and any Arapahoe County Sheriff's Deputy.

"At large" means a dog that is not under physical control or voice control, as defined in this Section 1, while on public property, or, means a dog that is on private property without the permission of the property owner or his/her agent; further, with respect to a dog on a County-owned open space, park, or trail, "at large" also means that the dog is in violation of any requirements as stated in Arapahoe County displayed signage applicable to dogs on such property (for example, designated signage may indicate that all dogs must be under physical control, or indicate that certain areas are off limits to dogs).

"Attack" means an assault against a person or domestic animal, whereby physical contact is made in an apparently hostile or terrorizing manner.

"Bite" means to seize with teeth or jaws so as to enter, grip, wound or cause a puncture to the skin.

"Bodily injury" means a physical injury to a person or animal resulting in bruising, muscle tears, skin lacerations, or broken bones that may or may not require professional medical treatment, which may include, but is not limited to, sutures or cosmetic surgery. Such injuries may or may not result in permanent disfigurement, protracted loss or impairment of the functions of any part or organ of the body, or death.

"Control" means:

- a. Having a dog on a leash, rope or other means of restraint so that freedom of the dog's movement is restricted within a ten-foot radius;
- b. Having a dog exclusively within the private property of the owner, keeper, or possessor of a dog.
- c. Accompanying a dog on public property when said dog is at all times within twenty (20) feet of and immediately responsive to the voice commands of the dog's owner, keeper or possessor.
- d. Accompanying a dog on private property with permission of the owner of such private property, when said dog is at all times within forty (40) feet of and immediately responsive to the voice commands of said dog's owner, keeper or possessor.

"C.R.S." means the Colorado Revised Statutes.

"Cruelty to Animals" means to knowingly, recklessly, or with criminal negligence, overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry in or upon any vehicle in a cruel manner, or otherwise mistreat or neglect any animal or cause or procure it to be done, or having the charge and custody of any animal, fail to provide it with proper food, drink or protection from the weather consistent with the species, breed, and type of animal, or abandon the animal. See Sections 35-42-107(2) and 18-9-202, C.R.S., as amended.

"Custody" means providing food, shelter, water, other sustenance, or care for a dog.

"Dog" means any member of the species *Canis familiaris*.

"Owner or Keeper" means any person eighteen (18) years of age or older, an unemancipated child under the age of eighteen (18) years, or the parent or guardian of any child under the age of eighteen (18) years who owns, keeps, harbors, possesses, has custody of, or is responsible for exercising physical or voice control over a dog or other animal.

"Person" means any natural person or individual, corporation, business trust, estate, trust, partnership, association, business, or any other legal entity, but shall exclude all governments, governmental subdivisions or governmental agencies.

"Pet animal" means an animal as defined in 30-15-101(3), C.R.S., as amended.

"Physical Control" means a dog is on a leash, rope, or other means of physical restraint by a person physically capable of handling such dog so that freedom of the dog's movement is restricted.

"Possessor" means a person who, or whose unemancipated child under the age of eighteen (18) years who resides with said person, has voluntarily assumed custody of a dog or the responsibility for the control of a dog, through means other than as an owner or keeper. A person is not a possessor if he, or his unemancipated child under the age of eighteen (18) years who resides with said person, assumes temporary custody of a dog for the sole purpose of summoning animal control authorities or for the sole purpose of seeking emergency aid or medical treatment for a dog.

"Running at large or runs at large" means a dog that is upon public property or upon the private property of a person other than the dog's owner, keeper or possessor, when said dog is not under the control of the dog's owner, keeper or possessor; or a dog that is upon the private property of a person other than the dog's owner, keeper or possessor, without permission from an owner of the private property or his agent, even if said dog is under the control of the dog's owner, keeper or possessor.

"Serious bodily injury" means an injury to a person or domestic animal caused by a dog which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks, fractures or injuries that require corrective surgery.

"Vicious dog" means:

- a. A dog whose freedom of movement is not restricted by confinement or by attachment to a leash, rope, or other means of restraint; and which dog, in a dangerous or terrorizing manner, has physical contact with a person or domestic animal, with or without causing bodily injury. Said restriction shall prevent the escape of such dog from its owner, keeper or possessor or from such owner's keeper's or possessor's property; and shall prevent such dog from attacking or injuring a human being or domestic animal.
- b. Any dog which has caused bodily injury to a human being or domestic animal during two (2) or more separate episodes.
- c. The control provisions of Subparagraphs a. and b. above shall not apply to any dog while actually working livestock or assisting law enforcement officers or while being trained for any of these pursuits. A dog owned, kept or possessed primarily as a domestic

pet on residential property shall not be excluded from Subparagraphs a. and b. above and shall not be considered a guard or police dog;

d. Episodes wherein a dog attacked, bit, caused bodily injury, caused serious bodily injury or caused death to a human being or domestic animal, when said human being or domestic animal intentionally provoked such dog's action without justifiable reason, shall be excluded from Subparagraphs a. and b. above.

e. The exclusions provided for in Subparagraphs c. and d. above shall be affirmative defenses.

“Voice Control” means a dog is immediately and reliably obedient to any voice or sound command given by an owner or keeper who is able to prevent the dog from charging, chasing, or otherwise disturbing or interfering with any person, pet animal, livestock, or wildlife, regardless of the distance involved or the presence of any distraction or provocation.

Sec. 7-2-20 Rabies Vaccination Required

A. Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog is more than four (4) months of age and the owner or keeper is unable to provide proof when requested of a then current rabies vaccination, issued by a licensed veterinarian. A rabies certificate or tag current at the time that it is requested, and supplied by a licensed veterinarian, shall serve as proof of rabies vaccination.

B. An owner or keeper of a dog is exempt from the requirements of this Section 7-2-20 if the owner or keeper can produce a signed letter from a licensed veterinarian stating that such vaccination would be detrimental to the health and well-being of such dog.

Sec. 7-2-30. Dogs At Large.

A. Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog is found to be at large.

B. The provisions of this Section shall not apply to any dog while working livestock, locating, or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, performing search and rescue functions for an emergency services provider, or while being trained for any of these pursuits.

C. A violation of this Section 7-3-40 shall not be proven solely by the uncorroborated testimony of a single witness unless the testimony is corroborated by the submission of photographic or video evidence, or unless the witness is an Animal Services Officer.

D. Repeated offenses shall be cumulative only within a 365-day period, counting from the day of the last violation.

Sec. 7-2-40. Noisy dogs.

A. Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog individually, or in combination with another dog or dogs together, makes any noises or disturbances by barking, howling, yelping, whining or other utterance which is audible beyond the premises on which the dog is kept, in excess of twenty (20) consecutive minutes during the day (7 a.m. to 9 p.m.) or in excess of ten (10) consecutive minutes during the night (9:01 p.m. to 6:59 a.m.) and/or a cumulative period in excess of one-hundred twenty (120) minutes during any twenty-four (24) hour period.

B. No citation for a violation of this Section 7-2-40 shall be issued unless at least one written warning, signed by the Animal Services Officer and at least one complainant, has been issued to an owner or keeper of the dog or dogs that have exceeded the noise limits. Such written warning shall contain the date and time when the violation occurred and a brief explanation of the nature of the noise complaint. Once a written warning has been issued, a citation may be issued for any violations that occur seven (7) or more days after the written warning is issued without the necessity of an additional warning.

C. No citation shall be issued and no conviction shall occur for a violation of this Section 7-2-40 unless there are two (2) complaining witnesses from separate households who have signed such citation; except that only one (1) complaining witness shall be required to sign the citation under either of the following circumstances:

- 1) An Animal Services Officer or Deputy Sheriff has personally investigated the complaint of a single complainant and observed the nature and duration of the noise created by the dog and can testify as to such observations; or
- 2) A complainant has presented to the Animal Services Officer, at the time of the complaint, a video and/or audio recording that corroborates the alleged violation.

D. Repeated offenses shall be cumulative only within a 365-day period, counting from the day of the last violation.

Sec. 7-2-50 Cruelty to Animals

An owner or keeper of an animal commits a violation of this Section, which is also a class I misdemeanor under §18-9-202, C.R.S., as amended, if he/she commits cruelty to animals.

Sec. 7-2-60. Approach in an Aggressive Manner

Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog, while off the owner's premises and without provocation, approaches any person in an apparent attitude of attack and demonstrates aggressive behavior, including but not limited to lunging, snarling, growling, barking, or snapping. Such behavior may restrict the movement of a

person, including but not limited to cornering or circling, and such behavior by such dog may, but need not, result in actual physical contact from such

Sec. 7-2-70. Pet Animal Causing Injury

Any owner or keeper of a pet animal commits a class 2. 2 petty offense or a municipal offense if such pet animal, causes injury to another pet animal or livestock.

Sec. 7-2-80. Affirmative Defense

If a dog or other pet animal is provoked into biting or attacking, which results in bodily injury, such provocation shall constitute an affirmative defense. Provocation shall be determined by one or more of the following:

A. That, at the time of the incident, the victim was committing or attempting to commit a criminal offense against the dog/pet animal owner or the dog/pet animal owner's property; or

B. That, at the time of the incident, the victim tormented, abused, or inflicted injury upon the dog or pet animal, which resulted in the incident; or

C. That, at the time of the incident involving the dog or other pet animal, which caused injury to or the death of another animal, the injured and/or deceased animal was at large.

Sec. 7-2-90. Impoundment and Disposition of Animals.

A. Any Animal Services Officer may impound into the custody of any licensed shelter or other impound facility any dog found to be at large. An Animal Services Officer may also impound any pet animal at the direction of a law enforcement officer made in accordance with and pursuant to lawful process.

B. Upon the impoundment of any dog or other pet animal, Arapahoe County shall make a prompt and reasonable attempt to identify the owner or keeper of the dog or other pet animal and, upon identification of the owner or keeper, shall cause written notice to be provided to the owner or keeper of the impoundment and the location of the impoundment facility. As used herein, a reasonable attempt to identify shall mean that the Animal Services Officer checks the dog or other pet animal for any identifying information, including identification tags or imbedded microchip, and a search for social media postings related to the dog or other pet animal. Written notice may be provided by email, text message or other electronic means, personal delivery to the owner or keeper of the dog or other pet animal, or by posting the notice at the residence of the owner or keeper of the dog or other pet animal.

C. Dogs and other pet animals impounded pursuant to the provisions of this Section 7-2-90 or pursuant to the direction of a law enforcement officer are subject to disposition in accordance with the requirements of applicable state law, including Section 35-80-106.3, C.R.S., and 18-9-202.5, C.R.S., the requirements of the licensed shelter or other impound facility, and of

any applicable order of a Court of competent jurisdiction. Such requirements may include a requirement for the payment of impound fees prior to the return of the dog or other pet animal.

D. In lieu of impoundment of a dog caught running at large, provided that the Animal Service Officer is able to identify and locate the owner or keeper at the time of capture, the dog may be returned directly to that owner or keeper upon payment of a "Return to Owner Fee" in the amount established as provided in Section 7-2-110 of the Foxfield Municipal Code. Upon capture of a dog at large, the Animal Services Officer shall attempt to identify the owner by checking for an identification tag on or microchip in the dog, and if the owner or keeper is identified, the Animal Service Officer shall first make an attempt to contact the owner or keeper and return the dog in exchange for payment of the of the "Return to Owner Fee," prior to taking the dog to an impound facility.

Sec. 7-2-100. Enforcement and liability.

The Board of Trustees, the Board of County Commissioners of Arapahoe County, and their officers, agents, employees, or any other persons authorized to enforce the provisions of this Article shall not be held responsible for any accident or subsequent disease that may occur to an animal in connection with the administration of this Article.

Sec. 7-2-110. Fees.

Fees authorized under this Ordinance shall be set in such amounts as approved in a separate resolution by the Board of Trustees.

Sec. 7-2-120. Enforcement/ Peace Officer Designation.

The provisions of this Article shall be enforced as designated by Arapahoe County. For purposes of enforcement and pursuant to Section 30-15-105, C.R.S., Arapahoe County Animal Services Officers may issue a citation to enforce this Article.

Sec. 7-2-130. Violations/ Strict Liability.

Violations of any provision of this Article shall be proven by establishing beyond a reasonable doubt that a person voluntarily acted or omitted to perform an act which such person was capable of performing, and that such act or omission was contrary to any provision of this Article constituting a violation. It shall not be necessary to prove a culpable mental state on the part of any person with respect to any material element of any violation. Any violations of this Article are ones of "strict liability," as defined by Title 18, Article 1, C.R.S.

Sec. 7-2-140. Penalties.

A Each violation of any provision of this Article which constitutes a class 2 petty offense, or a municipal offense shall be punishable upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

B. Any offense and repeated offenses of Section 7-2-70 of this Article shall require a mandatory court appearance. Each violation of Section 7-2-70 shall be punishable, upon conviction, by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

C. In addition to Subsection (a) above, the penalty assessment procedures as provided for in Title 16, Article 2, Part 2, C.R.S., are herein adopted by reference. If, in the discretion of the Town, such penalty assessment procedures are utilized in relation to class 2 petty offense violations or municipal offenses of this Article, except for violations of Section 7-2-70 of this Article, the following graduated penalty assessment schedule shall be applicable:

- (1) First offense: fifty dollars (\$50.00).
- (2) Second repeated offense: one hundred dollars (\$100.00).
- (3) Third repeated offense: three hundred dollars (\$300.00).
- (4) Fourth or more offense: mandatory court appearance.
- (5) Each and every incident during which a violation of any section occurs shall be deemed a separate violation.

Sec. 7-2-150. Incorporation of state statutes.

All provisions of Title 30, Article 15, Part 1, C.R.S., to the extent applicable to the Town of Foxfield, are hereby adopted and incorporated by reference into this Article.

Sec. 7-2-160. Applicability.

The provisions of this Article shall apply to and may be enforced within all areas of the Town.

Section 2. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 06 Series of 2021, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this _____ day of _____, 2021.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: August 19, 2021

RE: 2021 Financial Forecast Update

DISCUSSION:

The Long-Range Financial Forecast is attached as Exhibit A. I have added the possible \$25,000 grant funds match to Miscellaneous Expenditures, which is highlighted in yellow. Adding this expenditure reduces the General Fund estimated ending fund balance to \$690,029. If the Board approves this expenditure, Staff will apply for the grant and bring back a supplemental appropriation to amend the 2021 budget for this additional expenditure.

A breakout of sales tax revenue is included as Exhibit B and an update of the gate expenditures is included as Exhibit C.

ATTACHMENT:

- Exhibit A** – Long Range Financial Forecast
- Exhibit B** – Sales Tax Revenue
- Exhibit C** – Gate Expenses

Exhibit A

LONG RANGE FINANCIAL FORECAST													
Account	Account Title	2018 Actual	2019 Actual	2020 Actual	2021 Estimate	2022 Forecast	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	Description
GENERAL FUND													
BEGINNING FUND BALANCE		572,989	737,240	929,820	855,904	690,029	704,081	718,274	732,608	753,802	775,261	798,838	
Taxes and Franchise Fees													
	Assessed Value	20,495,097	20,309,298	22,601,884	22,737,996	23,874,896	23,874,896	25,068,641	25,068,641	26,322,073	26,322,073	27,638,176	
	Mill Levy	4.982	4.982	4.982	4.982	4.982	4.982	4.982	4.982	4.982	4.982	4.982	
10-31-111	Current Property Tax	101,683	100,682	112,575	113,281	118,945	118,945	124,892	124,892	131,137	131,137	137,693	Provided by the county
10-31-121	Specific Ownership Tax	7,420	7,939	7,980	7,000	7,070	7,141	7,212	7,284	7,357	7,431	7,505	County collected. Basically property tax on the type of vehicle. The year and taxable value determine these fees. Taxable value is determined by taking 85% of the suggested retail price.
10-31-161	Xcel Franchise Fee	6,955	8,441	6,777	6,772	6,839	6,908	6,977	7,047	7,117	7,188	7,260	
10-31-162	IREA Franchise Fee	23,159	22,321	21,806	22,000	22,220	22,442	22,667	22,893	23,122	23,353	23,587	
10-31-163	Cable Television Fees	5,242	5,114	4,882	4,800	4,848	4,896	4,945	4,995	5,045	5,095	5,146	Comcast
10-31-191	Current Property Tax Interest	137	73	214	100	101	102	103	104	105	106	107	Interest on property tax
10-31-192	Delinquent Property Tax	4,164	(1,170)	1,329	1,420	1,434	1,449	1,463	1,478	1,493	1,508	1,523	
10-31-193	Delinquent Property Tax Intrst	1,262	(165)	551	397	401	405	409	413	417	421	425	
10-31-311	Sales Tax	292,566	338,428	262,046	200,000	205,999	209,566	212,808	214,936	217,085	219,256	221,448	3.75% on purchases made in the town or delivered into the town. ESTIP agreement ended 5/18.
10-31-312	Use Tax	14,023	45,090	18,634	25,574	25,830	26,088	26,349	26,612	26,879	27,147	27,419	Three percent (3%) imposed only for the privilege of storing, using or consuming within the Town any construction and building materials greater than twenty thousand dollars (\$20,000.00)
Total Taxes and Franchise Fees		456,611	526,754	436,793	381,343	393,686	397,941	407,824	410,654	419,756	422,642	432,115	
Licenses and Permits													
10-32-211	Liquor Licenses	475	398	298	773	400	400	400	400	400	400	400	3 licenses + special events
10-32-215	Business Licenses	420	385	280	385	420	420	420	420	420	420	420	\$35 annual fee
10-32-218	Sign Permits	650	0	0	0	0	0	0	0	0	0	0	FVC and OLOL
10-32-219	Communique Ads	450	500	290	350	350	350	350	350	350	350	350	Increase in the number of newsletters
10-32-221	Building Permits	24,611	49,499	36,679	33,612	25,000	25,000	25,000	25,000	25,000	25,000	25,000	
10-32-222	Street Cut Permits/ROW	1,054	300	450	300	300	300	300	300	300	300	300	
10-32-223	Grading Permits	150	150	0	150	150	150	150	150	150	150	150	
10-32-224	Zoning Review	2,848	1,914	2,668	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	Costs billed through building permit
10-32-225	Engineering Review	2,600	807	3,488	618	500	500	500	500	500	500	500	Costs billed through building permit
10-32-226	Driveway Permits	250	250	1,000	250	250	250	250	250	250	250	250	
Total Licenses and Permits		33,508	54,203	45,152	37,938	28,870	28,870	28,870	28,870	28,870	28,870	28,870	
Intergovernmental													
10-33-321	Motor Vehicle Registration Fees	4,021	4,224	3,782	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	County collected
10-33-342	Cigarette Tax	1,125	1,222	1,576	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	State derived
10-33-350	Severance Tax	0	0	399	400	400	400	400	400	400	400	400	
10-33-352	Highway User Tax	47,492	52,434	36,143	35,772	40,000	40,000	40,000	40,000	40,000	40,000	40,000	Based on the # of vehicles and street miles in each community relative to the same statistics in other municipalities and the CO Dept of Transportation revenue estimates.
10-33-360	Mineral Lease	0	0	133	133	133	133	133	133	133	133	133	
10-33-371	County Road/Bridge Levy	5,810	5,691	5,436	6,367	6,685	6,685	7,019	7,019	7,370	7,370	7,739	Shareback from Arapahoe County (.560 x Assessed Value X 50%)
Total Intergovernmental		58,448	63,572	47,469	47,172	51,718	51,718	52,052	52,052	52,403	52,403	52,772	
Charges for Services													
10-35-510	Traffic Court Revenues	8,861	6,310	2,090	2,500	3,000	3,000	3,000	3,000	3,000	3,000	3,000	
10-35-540	Chargeback Administration Fee	1,549	684	190	500	500	500	500	500	500	500	500	SafeBuilt & SEH
Total Charges for Services		10,410	6,994	2,280	3,000	3,500	3,500	3,500	3,500	3,500	3,500	3,500	
Miscellaneous													
10-36-611	Interest Earnings	10,609	17,972	6,686	700	3,363	3,997	4,760	11,082	12,680	14,303	14,303	.2% 2021, .5% 2022-2024, 1% 2025-2027
10-36-680	Miscellaneous/Other Income	54,447	2,223	2,555	7,714	500	500	500	500	500	500	500	
10-36-682	SIPA Grant	0	4,250	0	0	0	0	0	0	0	0	0	
10-36-690	Transfer In	70	0	0	0	0	0	0	0	0	0	0	
Total Miscellaneous		65,126	24,444	9,241	8,414	3,863	4,497	5,260	11,582	13,180	14,803	14,803	
TOTAL REVENUES		624,103	675,967	540,936	477,867	481,637	486,526	497,507	506,658	517,709	522,218	532,060	

Administration														
10-41-110	Personnel Expenses	115,284	127,008	130,262	134,246	136,931	139,670	142,463	145,312	148,218	151,183	154,206		
10-41-116	Payroll Taxes (7.65%)	8,819	9,716	9,965	10,270	10,475	10,685	10,898	11,116	11,339	11,565	11,797		
10-41-118	Workers Compensation Ins.	826	715	724	781	950	1,000	1,000	1,000	1,000	1,000	1,000	Pinnacol	
10-41-120	Supplies/Materials	1,445	461	470	500	500	500	500	500	500	500	500	Server and equipment upgrades	
10-41-130	Postage/Bulk Mail Charges	537	330	336	495	400	400	400	400	400	400	400	PO Box Rental	
10-41-140	Printing	1,044	0	0	50	100	100	100	100	100	100	100		
10-41-141	Newsletter	195	35	0	50	50	50	50	50	50	50	50	Hard copies of newsletter	
10-41-143	Municipal Code Supplements	2,056	211	646	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500		
10-41-145	Legal Notices	312	266	255	250	250	250	250	250	250	250	250		
10-41-148	Recording Fees	26	26	0	50	50	50	50	50	50	50	50		
10-41-151	Audit	7,500	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	John Cutler and Associates	
10-41-152	Legal	11,397	16,345	20,651	25,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	HPWC	
10-41-160	County Treasurer Fees	1,072	1,042	1,153	1,143	1,189	1,189	1,249	1,249	1,311	1,311	1,377	1% of current property tax revenue	
10-41-170	Communications/IT	2,155	11,861	2,689	2,800	3,000	3,000	3,000	3,000	3,000	3,000	3,000	Caselle (AP & Payroll added), Carbonite, Laserfiche	
10-41-171	Telephone/Internet	2,298	1,518	1,582	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	Clerk's office	
10-41-172	E-mail Server	521	498	505	500	540	540	540	540	540	540	540		
10-41-173	Web Site Dev/Mgmt	240	4,412	0	0	0	0	0	0	0	0	0		
10-41-180	Insurance	4,759	4,500	4,995	6,987	6,000	6,000	6,000	6,000	6,000	6,000	6,000	CIRSA Property/Casualty and volunteer medical	
10-41-182	Membership/Dues/Training	2,342	2,832	1,889	3,000	3,500	4,000	4,000	4,000	4,000	4,000	4,000	DRCOG, CGFOA, CMCA, CML, IIMC, Conferences and training	
10-41-190	Miscellaneous Expense	38	99	2,831	31,751	150	150	150	150	150	150	150	\$25,000 grant matching funds	
10-41-192	Bank Service Charges	36	24	24	24	30	30	30	30	30	30	30		
	Total Administration	162,902	188,900	185,976	227,997	184,216	187,714	190,780	193,847	197,039	200,230	203,550		
Elections														
10-42-121	Elections - Judges	325	0	300	0	350	0	350	0	350	0	350		
10-42-131	Election Expenses	128	0	376	0	400	0	425	0	450	0	450		
	Total Elections	453	0	676	0	750	0	775	0	800	0	800		
Judicial														
10-44-211	Judge	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	\$250/month	
10-44-220	Court Related Expenses	6,117	5,864	648	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	Approximately \$1250/qrt	
	Total Judicial	9,117	8,864	3,648	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000		
Public Safety														
10-46-311	Law Enforcement	102,056	101,181	112,830	112,935	118,945	118,945	124,892	124,892	131,137	131,137	137,693	IGA with Arapahoe County Sherriff	
10-46-314	Off Duty Officer Patrols	14,152	5,138	1,935	5,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000		
10-46-400	Animal Control	390	260	195	325	325	325	325	325	325	325	325		
	Total Public Safety	116,598	106,579	114,960	118,260	132,270	132,270	138,217	138,217	144,462	144,462	151,018		
Public Works														
10-48-451	Planning	5,110	3,850	2,547	5,000	6,000	6,000	6,500	6,500	7,000	7,000	7,000	SafeBuilt	
10-48-452	Engineering	15,739	16,934	27,155	16,960	15,000	15,000	15,500	15,500	15,500	15,500	15,500	SEH	
10-48-453	Code Enforcement	7,939	9,308	10,129	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	SafeBuilt	
10-48-454	Snow Removal	8,036	26,244	18,328	30,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	Terracare	
10-48-455	ROW and Island Maintenance	37,827	37,421	44,811	45,000	45,000	45,000	45,000	45,000	45,000	45,000	45,000	Terracare	
10-48-456	Traffic Control/Signage	2,759	2,468	687	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	Sign placement and repair, gates maintenance	
10-48-457	Building Permit Expenses	18,444	35,788	27,194	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	SafeBuilt	
10-48-458	St. Cut/ROW Permit Expenses	0	175	0	300	350	350	400	400	450	450	450		
10-48-459	Street Lights	1,272	1,279	1,311	1,200	1,300	1,300	1,300	1,300	1,300	1,300	1,300	Lewiston Way and Parker Road	
10-48-460	Engineering Pavement Management	9,022	6,800	9,369	6,000	6,000	8,000	8,000	8,000	8,000	8,000	8,000	Misc Terracare charges, SEH pavement management	
10-48-461	Gates Electricity & Maintenance	0	0	0	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	\$4,000 Maintenance, \$1,000 electricity	
10-48-500	Comm Events (Parade,Directory)	4,706	5,614	2,855	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	4th of July, Parade, Chili Fest, Trunk or Treat	
10-48-600	Storage Unit	637	529	529	588	700	700	700	700	700	700	700		
	Total Public Works	111,491	146,410	144,913	152,048	141,350	143,350	144,400	144,400	144,950	144,950	144,950		
ESTIP														
10-52-620	ESTIP	25,250	0	0	0	0	0	0	0	0	0	0	Last payment made in May 2018	
	Total ESTIP	25,250	0	0	0	0	0	0	0	0	0	0		
Capital														
10-58-800	Capital Exp > \$5,000.00	32,165	32,634	164,679	136,437	0	0	0	0	0	0	0	Gates, ACWWA	
10-58-801	Capital Exp < \$5,000.00	1,876	0	0	0	0	0	0	0	0	0	0	Bulletin boards/dog waste stations/libraries	
10-58-804	Improvements - Ring Road	0	0	0	0	0	0	0	0	0	0	0		
	Total Capital	34,041	32,634	164,679	136,437	0	0	0	0	0	0	0		
	TOTAL EXPENDITURES	459,852	483,387	614,851	643,742	467,585	472,333	483,172	485,464	496,250	498,641	509,319		
	REVENUES LESS EXPENDITURES	164,251	192,579	(73,916)	(165,875)	14,052	14,193	14,334	21,194	21,459	23,577	22,741		

	ENDING FUND BALANCE	737,240	929,820	855,904	690,029	704,081	718,274	732,608	753,802	775,261	798,838	821,579	
ROAD MAINTENANCE FUND													
	Beginning Fund Balance	0	0	0	207,357	76,357	(23,404)	101,596	250,096	397,051	542,415	392,415	
	Village Center Sales Tax	0	0	207,357	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	
	TOTAL REVENUES			207,357	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	
	Crack Seal/Chip Seal	0	0	0	331,000	299,761	75,000	51,500	53,045	54,636	350,000	350,000	
	Other Road Maintenance	0	0	0									
	TOTAL EXPENDITURES	0	0	0	331,000	299,761	75,000	51,500	53,045	54,636	350,000	350,000	
	ENDING FUND BALANCE	0	0	207,357	76,357	(23,404)	101,596	250,096	397,051	542,415	392,415	242,415	
OPEN SPACE FUND													
	BEGINNING FUND BALANCE	95,993	117,815	140,765	163,766	183,575	203,675	223,775	243,875	263,975	284,075	304,175	
22-30-130	Arapahoe CO Open Space Distrib	19,845	20,282	21,936	23,059	19,000	19,000	19,000	19,000	19,000	19,000	19,000	
22-30-611	Interest Earnings	1,977	3,026	1,066	150	1,100	1,100	1,100	1,100	1,100	1,100	1,100	
22-30-680	Miscellaneous/Other Income	0	0	0	0	0	0	0	0	0	0	0	
	TOTAL REVENUES	21,822	23,308	23,002	23,209	20,100	20,100	20,100	20,100	20,100	20,100	20,100	
22-40-511	Maintenance	0	0	0	0	0	0	0	0	0	0	0	
22-40-530	Planning	0	0	0	0	0	0	0	0	0	0	0	
22-40-620	Improvements	0	358	0	3,400	0	0	0	0	0	0	0	
22-40-630	Engineering and Design	0	0	0	0	0	0	0	0	0	0	0	
	TOTAL EXPENDITURES	0	358	0	3,400	0	0	0	0	0	0	0	
	REVENUES LESS EXPENDITURES	21,822	22,950	23,002	19,809	20,100	20,100	20,100	20,100	20,100	20,100	20,100	
	ENDING FUND BALANCE	117,815	140,765	163,766	183,575	203,675	223,775	243,875	263,975	284,075	304,175	324,275	
CONSERVATION TRUST FUND													
	BEGINNING FUND BALANCE	37,094	32,271	28,259	29,985	25,005	20,285	15,565	10,845	6,125	1,405	(3,315)	
31-30-611	Interest Earnings	757	809	274	20	280	280	280	280	280	280	280	
31-30-634	CTF Distribution	7,898	5,982	8,024	8,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	
31-30-680	Miscellaneous/Other Income	0	0	0	0	0	0	0	0	0	0	0	
	TOTAL REVENUES	8,655	6,791	8,299	8,020	8,280	8,280	8,280	8,280	8,280	8,280	8,280	
31-40-520	Improvements	0	0	0	0	0	0	0	0	0	0	0	
31-40-525	Legal	0	0	0	0	0	0	0	0	0	0	0	
31-40-530	Planning & Engineering	0	0	0	0	0	0	0	0	0	0	0	
31-40-550	Maintenance	13,478	10,803	6,572	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	15% of Terracare contract, ACWWA, IREA
	TOTAL EXPENDITURES	13,478	10,803	6,572	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	
	REVENUES LESS EXPENDITURES	(4,823)	(4,012)	1,726	(4,980)	(4,720)	(4,720)	(4,720)	(4,720)	(4,720)	(4,720)	(4,720)	
	ENDING FUND BALANCE	32,271	28,259	29,985	25,005	20,285	15,565	10,845	6,125	1,405	(3,315)	(8,035)	

TOWN OF FOXFIELD SALES TAX REVENUE												
<u>2019</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)	Jun Tax (Aug)	Jul Tax (Sep)	Aug Tax (Oct)	Sep Tax (Nov)	Oct Tax (Dec)
Colorado	10,299	6,364	5,897	10,526	7,372	7,879	8,254	11,013	7,407	10,918	9,401	11,911
Remote	968	836	1,244	2,200	1,882	1,765	3,189	4,244	3,473	2,648	2,278	2,767
FVC	22,209	17,051	16,329	18,710	17,322	18,193	19,342	18,254	22,615	18,505	17,813	16,463
Total	33,477	24,250	23,470	31,436	26,576	27,837	30,785	33,511	33,495	32,071	29,491	31,141
2019 TOTAL \$357,541												
<u>2020</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)	Jun Tax (Aug)	Jul Tax (Sep)	Aug Tax (Oct)	Sep Tax (Nov)	Oct Tax (Dec)
Colorado	13,681	26,315	17,643	17,656	35,308	15,430	26,397	16,737	6,319	-6,382	-436	16,721
Remote	16,404	6,953	6,093	7,135	4,827	4,614	3,551	3,996	4,061	4,478	6,356	6,202
FVC	19,300	15,748	14,843	18,289	13,248	17,539	18,327	19,117	20,894	19,077	15,822	15,153
Total	49,384	49,016	38,579	43,081	53,383	37,583	48,275	39,850	31,273	17,174	21,742	38,077
2020 TOTAL \$467,416												
<u>2021</u>	Nov Tax (Jan)	Dec Tax (Feb)	Jan Tax (Mar)	Feb Tax (Apr)	Mar Tax (May)	Apr Tax (Jun)	May Tax (Jul)					
Colorado	19,943	17,025	16,719	20,044	15,559	21,199	20,286					
Remote	4,914	3,977	4,283	5,609	12,796	13,014	13,231					
FVC	19,477	15,331	14,358	15,508	16,878	20,269	19,098					
	44,334	36,333	35,360	41,161	45,233	54,482	52,615					
2021 YTD TOTAL \$309,518												

SUMMARY OF GATE EXPENDITURES TO DATE

Contractor	Contract Cost	Paid in 2019	Paid in 2020	Paid to date 2021	Amount Remaining
SEH	\$ 12,753.50	\$ (9,914.75)	\$ (76.00)	\$ (3,416.18)	\$ (653.43)
Terracare	\$ 86,245.12		\$ (28,748.00)	\$ (57,497.12)	\$ -
DGO	\$ 66,712.98			\$ (59,399.90)	\$ 7,313.08
IREA	\$ 10,902.00		\$ (10,902.00)		\$ -
City of Centennial	\$ -	\$ -	\$ -	\$ (565.00)	\$ -
TOTAL	\$ 176,613.60	\$ (9,914.75)	\$ (39,726.00)	\$ (120,878.20)	\$ 6,659.65



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: August 19, 2021

RE: Revision to the Rules of Procedure for the Town of Foxfield, Colorado

DISCUSSION:

On September 17, 2020, the Board approved Resolution 2020-05 adopting Rules of Procedure for the Town of Foxfield. At the last Board meeting a change to the meeting agendas was suggested to add additional public comment after Board discussion of any item that is being voted on. Attached is a redlined version of the Rules of Procedure indicating this change in the section titled "*Meetings*", #3(b). If the Board agrees with this change, staff will bring a Resolution to the next meeting for this revision to the Rules of Procedure.

ATTACHMENT:

Exhibit A: Revised Rules of Procedures for the Town of Foxfield

Town of Foxfield
BOARD OF TRUSTEES
RULES OF PROCEDURE
September 17, 2020

Authority

These Rules of Procedure are adopted by the Town of Foxfield Board of Trustees pursuant to Section 2-2-10 of the Town of Foxfield Municipal Code. Deviations from these Rules that do not violate any law may be permitted at the discretion of the Mayor. In the event of a conflict between these Rules of Procedure and any provision of the Foxfield Municipal Code, as the same may be amended from time to time, the provisions of the Foxfield Municipal Code shall control.

Roles and Responsibilities

Refer to the Town of Foxfield Municipal Code Chapter 2, Article 2.

Meetings

- 1) The Board of Trustees consists of the Mayor and six Board members. Four members of the Board constitute a quorum.
- 2) An organizational meeting shall be held at the first Board meeting following certification of election results after each regular Town election. At this meeting elected Board members and the Mayor-elect shall assume the duties of office; the newly elected Mayor and Board members shall take their oath of office; and the Mayor Pro Tem shall be selected by the Board.
- 3) Regular Meetings
 - a. Regular meetings of the Board shall be scheduled for the first and third Thursday of each month with the following exceptions:
 - In July only one meeting shall be held on the third Thursday of the month.
 - In December only one meeting shall be held on the second Thursday of the month.
 - The first Thursday of each month may be a study session.

Regular meetings may be rescheduled or cancelled at the discretion of the Mayor, provided that the Board shall meet at least once each month. All meetings will be held at the South Metro Fire Protection District Station #42, 7320 South Parker Road, or at such other venue as Board shall select and provide notice thereof in accordance with applicable law. All meetings will begin at 6:30 p.m. unless otherwise noted on the agenda.

b. The order of business at regular meetings shall be as follows unless adjusted by the Mayor.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Board Members
4. Audience Participation for items not on the Agenda
5. Consent Agenda
6. For Discussion
 - Presentation
 - Audience comments
 - Board discussion
7. For Possible Action
 - Presentation
 - Audience comments
 - Board discussion
 - Audience comments
8. Reports
 - a. Mayor
 - b. Members of Town Board
 - c. Town Administrator and Staff
 - d. Town Attorney
9. Future Agenda Items
10. Adjournment

c. The Mayor may adjust the order of business and allow scheduled presentations at a time and in a manner most convenient for the public, staff, and Board.

- 4) Special meetings of the Board shall be called by the Town Clerk on the oral request of the Mayor, or of any two members of the Board, on at least 24 hours' advance written or telephonic notice to each member of the Board.
- 5) The purpose of a study session shall be to hear, study, and discuss matters in a forum that allows for more attention to the matter than a regular meeting. Study sessions shall be open to the public, but audience participation will not necessarily be taken. No business shall be transacted, and no formal action shall be taken at a study session. However, the Board may by consensus provide Town staff with direction concerning agenda-related items. When possible, study sessions shall be held on the first Thursday of the month.
- 6) Executive Sessions
 - a. Executive sessions may only be held at a regular or special meeting and shall comply with the provisions of C.R.S. § 24-6-402.

- b. A motion to move into executive session from a regular or special meeting shall set forth the matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. The motion shall include specific citation to the provision of C.R.S. § 24-6-402 authorizing the executive session. The motion shall be approved by a 2/3 majority of the Board members present on roll call.
- c. The Board shall make no final policy decision, nor shall it adopt or approve any resolution, rule, ordinance, regulation, or formal action at any session closed to the general public.
- d. Discussions that occur during executive session, except attorney-client privileged communications as identified in C.R.S. § 24-6-402(d.5)(II)(A), shall be recorded by making an audio recording that shall be retained for 90 days after the date of the executive session.
- e. All persons present shall preserve the confidentiality of the matters discussed in executive session.

7) Agendas and Council Packet

- a. The agenda shall be maintained by the Town Clerk and may be modified by the Town Administrator or Mayor. Any Board member may submit to the Town Clerk items for the agenda, which shall be included on the agenda for the next scheduled meeting if provided to the Town Clerk at least 24 hours prior to distribution of the Council packets. Agendas shall be posted at the location designated by the Board for notices of meetings at least 24 hours prior to any regular or special meeting. The agenda shall also be made available to the public through the Town website.
- b. The Board meeting packet shall generally be provided to Board members no later than the Friday preceding any regularly scheduled meeting. Supporting information not available the Friday before the meeting may be provided to the Board at the meeting. The Board packet shall be made available to the public through the Town website or by request made to the Town Clerk.

8) The Mayor, Mayor Pro Tem, or other designated Board member in their absence, shall serve as the presiding officer in the conduct of meetings. In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Board shall designate another of its members to serve as Acting Mayor during such absence or disability. Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all powers granted to Board members by the Municipal Code. References to the Mayor's powers and duties during a Board meeting in these Rules shall apply to the presiding officer at the meeting.

9) General Discussion

- a. Each member of the Board shall be afforded an opportunity to speak on the matter under discussion before moving on to another topic of discussion. The Mayor may set a time limit on any such discussion by members of the Board.
- b. Board members shall not be permitted to explain their vote during a roll call. Such explanation is permitted during the discussion of the question or motion.

10) Audience Participation

- a. Any person may speak to the Board on any matter during the Audience Participation period at the beginning of each regular and special meeting. The Town Clerk shall provide an audience participation sign-up form before each regular meeting. Immediately prior to the audience participation portion of the meeting, the Town Clerk shall hand the sign-up form to the Mayor. The Mayor shall call those signed up to speak before the Board in the order they have signed up.
- b. Audience participation shall be limited to 4 minutes per speaker.
- c. The Mayor may restrict cumulative or redundant presentations.
- d. Those attending Board meetings shall refrain from disruptive, vulgar, or abusive language, applause, heckling or other actions that interfere with the orderly function of the Board. The Mayor may take any reasonable steps to maintain the order and dignity of the Board meetings.

11) Public Hearings

- a. Public hearings will be held as required by the Municipal Code. The Mayor will open each hearing and allow any person in attendance to address the issue subject to the rules contained in Section 11 concerning audience participation. The purpose of any Public Hearing shall be to: (1) allow applicants an opportunity to present evidence in support of their application; (2) ensure compliance with due process principles; and (3) provide everyone an opportunity to present their views and recommendations on the issue that is the subject of the hearing.
- b. The Mayor and Board members shall not debate or challenge the position of any speaker but may question a speaker to fully understand their position. The Mayor and Board shall reserve their comments on public testimony until the issue is before the Board for discussion.
- c. Written communications submitted directly to Town staff or Trustees must be submitted at least 24 hours in advance of the public hearing to ensure inclusion in the record. Written comments or postings related to a public hearing that are submitted on the Town's social media, such as Nextdoor, shall not be considered part of the record, unless specifically included in the record via staff report or by acknowledgement of the Board. All written materials submitted to the Town Clerk or the Board at the public hearing shall be considered part of the record.

12) Method of Voting

- a. On motions that do not require a roll call of votes, the Mayor shall ask that all those in favor of the motion signify by saying yes. Those members in favor shall give said sign. The Mayor shall then ask that all those opposed signify by saying no. Those members opposed shall give said sign. The Mayor shall signify if the motion passes or fails. The Town Clerk shall record the results of the motion in the minutes of the meeting.
- b. On motions that require a roll call of votes, the Mayor shall ask the Town Clerk for a roll call. The Town Clerk shall perform the roll call and record each member's vote in the minutes. The Mayor shall signify if the motion passes or fails.

13) Conflict of Interest

If a member of the Board has a personal, financial or other conflict of interest, or appearance thereof that would affect public confidence in any matter to be voted upon or otherwise officially considered, deemed by the affected Board member to require recusal, then a brief statement of such disclosure shall be presented prior to any consideration of the matter by the Board, and then not participate in any discussion or vote of the matter.

14) Minutes

Record of proceedings shall be taken by the Town Clerk in the form of written minutes as well as audio recording. Written minutes will be prepared by the Town Clerk and be presented for the Board's approval at the next regular or special meeting. Following approval, the written minutes will be made available to the public on the Town website.

Ordinances

- 1) Any legislative action by the Board shall be by adoption of an ordinance. All other matters may be decided by adoption of a motion or resolution as the Board deems appropriate.
- 2) The Mayor, any Board member, or the Town Administrator may request that a proposed ordinance be placed on the agenda. A proposed ordinance may be introduced by any member of the Board. Where feasible, the person proposing the ordinance may present the proposed text together with a written or oral explanation for the purpose and content of the proposed ordinance at a regularly scheduled meeting for discussion before first consideration.
- 3) Any ordinance that has been first discussed shall then be placed on the agenda of the next regular or special Board meeting for final consideration. The proposed ordinance must be completed in written form and a copy provided to each Board member. If a public hearing is required, then said ordinance shall be placed on the agenda of the next regular or special meeting after the required publication is accomplished.

- 4) If an Emergency ordinance is deemed necessary, it shall go into effect immediately without the 30-day waiting period.

Conflicts of Interest and Ethics

- 1) Disclosure of personal interest in nonvoting matters
All Board members shall disclose any personal interest they have relative to any matter brought before the Board that would lead a reasonable person to infer that it affects their exercise of discretion. In addition, the Board member may, to the extent allowed by law, ordinance or policy, recuse himself/herself from involvement in the matter.
- 2) Acceptance of gratuities, etc.
A Board member may not accept, directly or indirectly, any money, gift, gratuity or other consideration or favor of any kind from anyone other than the Town:
 - a. For the performance of an act, or refraining from performance of an act, that he/she would be expected to perform, or refrain from performing, in the regular course of his duties; or
 - b. That might reasonably be interpreted as an attempt to influence his/her action, or reward him/her for past action, in executing Town business.
- 3) Use of information
 - a. A Board member may not disclose, except as authorized by law, any information obtained in his/her official capacity that is made confidential by the Town code, state or federal law.
 - b. A Board member may not use or disclose information obtained in his/her official capacity with the intent to result in financial gain for himself/herself or any other person or entity.
- 4) Use of Town time, facilities, etc.
 - a. A Board member may not use or authorize the use of Town time, facilities, equipment or supplies for private gain or advantage to himself/herself.
 - b. A Board member may not use or authorize the use of Town time, facilities, equipment or supplies for private gain or advantage to any private person or entity, except as authorized by a legitimate contract or lease that is determined by the governing body to be in the best interests of the Town.
- 5) Use of position or authority
 - a. A Board member may not make or attempt to make private purchases, for cash or otherwise, in the name of the Town.

- b. A Board member may not use or attempt to use his/her position to secure any privilege or exemption for himself/herself or others that is not authorized by general law, ordinance, or Town policy.

6) Ethics

Any reports of a possible ethics violations may be reviewed by an outside agency or investigator at the discretion of a majority of the Board of Trustees.

Attendance and Absences

- 1) The Board must have a quorum to do business. Therefore, governance of the Town requires that all members of the Board attend meetings to fulfill their obligation to the citizens of Foxfield by fully participating in the process of government. Additionally, each member of the Board has an obligation to his or her fellow members to be informed and attend Board meetings.
- 2) If it is necessary for a Trustee to be absent from a regular meeting of the Board, the Trustee shall notify the Mayor and Town Clerk prior to the meeting.
- 3) If it is necessary for the Mayor to be absent from a regular meeting of the Board, the Mayor shall notify the Town Clerk prior to the meeting.

Finances

- 1) Each individual elected to the offices of Mayor and the Board of Trustees shall receive compensation at a rate of one hundred (\$100.00) per month, less taxes.
- 2) The Town shall pay or reimburse the Mayor and Board members for necessary bona fide expenses incurred in service on behalf of the Town if authorized, itemized and maintained as a matter of public record. The Town will pay or reimburse the Mayor and Board members for travel expenses and mileage allowance according to the IRS mileage reimbursement rate.
- 3) The Town will not pay or reimburse the Mayor or Board members for any costs associated with a member's spouse attending any related function.

Electronic Mail and Social Media

- 1) Electronic communications such as email shared among the Board may constitute a meeting for which open meetings and open records requirements may apply. The Town

of Foxfield Use and Retention Policies and Procedures for Electronic Mail included as Appendix A to these Rules shall provide a guide to elected officials.

- 2) No business of the Board shall be discussed by individual Board members on social media.

Amendment of Rules

- 1) Any additions hereto or modifications or amendments hereof shall be submitted in writing at a regular meeting and shall be acted upon no sooner than at the next meeting of the Board as an agenda item. This requirement may be waived only upon the unanimous affirmative-recorded vote of all members of the Board.

Robert's Rules of Order

- 1) To the extent helpful, relevant, and not inconsistent with these Rules, Robert's Rules of Order Newly Revised shall apply.

APPENDIX A

Town of Foxfield

Use and Retention Policies and Procedures for Electronic Mail

September 27, 2010

The use of e-mail communications has implications under both the Colorado Open Meetings Law, Section 24-6-401, et seq., and the Colorado Open Records Act (CORA), Section 24-72-201, et seq. The policies and procedures need to ensure that the practices of elected officials comply with the statutory requirements of both of these laws.

Electronic Mail (E-mail) – An electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Mail received or sent, in any format, contains a variety of information, or content, and each e-mail should be managed in a way that appropriate for its content. Treat each e-mail as if it were received in a paper format through the mail. The Board’s e-mail likely will fall into two general categories:

- **Enduring Long-Term Value** – Documentation or correspondence with enduring and long term administrative, policy, legal, fiscal, historical, or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the municipality or the community; and other similar records and documentation. These documents have a permanent retention period.
- **Routine Value** – Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, informational or statistical value. Includes routine letters or memoranda sent and received, reading or chronological files that are kept solely for convenience and contain duplicates of memos or letters that are also filed elsewhere, routine requests for information, transmittal document, etc. These documents have a retention period of one year plus the current year.
- **Transitory Value** – General documentation of extremely short-term value, including advertisements, drafts and worksheets, desk notes, copies of materials circulated for informational “read only” purposes, other records with preliminary or short-term informational value. These documents can be destroyed once they are read.

Use of Email Communications by Public Officials

- E-mail communications between three or more elected officials concerning public business and/or pending legislation are declared to be a public meeting and are prohibited.



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Randi Gallivan, Town Clerk

DATE: August 19, 2021

RE: Social Media / Mass Communications

DISCUSSION

The Board has asked for information from other small municipalities regarding their social media policies and usage. From a small, unscientific poll, it appears some towns have a Facebook account, and some have Twitter accounts. Some larger towns have both as well as Instagram.

The most common postings are publicizing events or pictures of the event. They also post important notifications such as road work and road closures.

Most towns do not allow comments on their social media posts. Social media is used for information only, not as a forum for discussion. A few clerks commented they only post when necessary and the posts are also on their websites.

A few Facebook examples:

<https://www.facebook.com/plattevillegov.org>

<https://www.facebook.com/townofkeenesburg>

Mass Communication Software

There are many software programs for sending out email or text notifications.

HubSpot – this software requires a new website through HubSpot to send notifications and a professional package in order to post on social media. There are 3 different packages offered by HubSpot. Based on what staff has heard from the Board, we would need to purchase the second tier which is \$9,600/year.

TextMyGov – ‘Smart’ texting with subscribers. Keywords elicit links to the Town website with auto responses. The Town can send text alerts and notifications. The Town may need to purchase a Town cell phone.

Voyent Alert – Annual subscription pricing beginning at \$1,800 for notifications distributed across all channels. To allow recipient response requires a premium package with per user/per use fees.

Everbridge – Sends emergency alerts to subscribers.

NEXT STEPS

The Board will need to decide how to handle the management of any social media other than the agency Nextdoor account. The discussion will need to include which platforms the Town wants to use and whether or not comments will be allowed.

For mass communications, the Board will need to decide if an additional program is needed to supplement Nextdoor, any other social media platforms that are added and the email notifications currently in use.



MEMORANDUM

TO: Mayor Jones and Members of the Board
FROM: Karen Proctor, Town Administrator
DATE: August 19, 2021
RE: Open Space Clean Up

DISCUSSION:

Following are some items for discussion:

Landscaping-

The Board requested a discussion regarding cleanup of the Open Space. Staff has asked for a cost estimate from Terracare to thin out the dead brush but have not yet received this information.

Would the Board like to schedule a resident clean-up day at the Open Space to cut down a few of the large dead trees and pull out some of the downed limbs? Would the Town like to provide a dumpster for the debris? When would you like to schedule this event? Who would like to coordinate this event?

Graffiti-

Would the Board like to contact Regis and Grandview Art Departments for each to paint a tunnel wall with an urban graffiti theme? Or have residents submit their artwork for a reserved block to paint?

Trustee Finch knows someone who may be interested in painting a mural in the tunnel at no cost to the Town.

Is there a specific timeline for when we would want the mural painted? Is there a specific color scheme or theme for the mural? Would like Town like to pay for the paint and supplies?