

FRUITA CITY COUNCIL HANDBOOK

2024



FRUITA
COLORADO

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WELCOME



WELCOME FROM THE CITY MANAGER

Congratulations, and welcome to Team Fruita! Thank you for taking an active role in serving our community. The Fruita community is awesome, and working for the City is an honor, even with its challenges. As elected officials, you have the responsibility and opportunity to provide important leadership that can have lasting impacts on the community.

The following is a classic quote from a thought leader in the industry, Dr. John Nalbandian:

"Experienced elected officials understand that public policy making is not about discovering right answers. It is more accurately described as forging alliances and compromises among advocates of different, often conflicting values with the goal of building and maintaining a sense of community."

This handbook will provide you with an overview of the important areas you need to understand to be highly effective in your elected roles. Of course, please ask me any questions you have as you read through the handbook and as we begin the onboarding process.

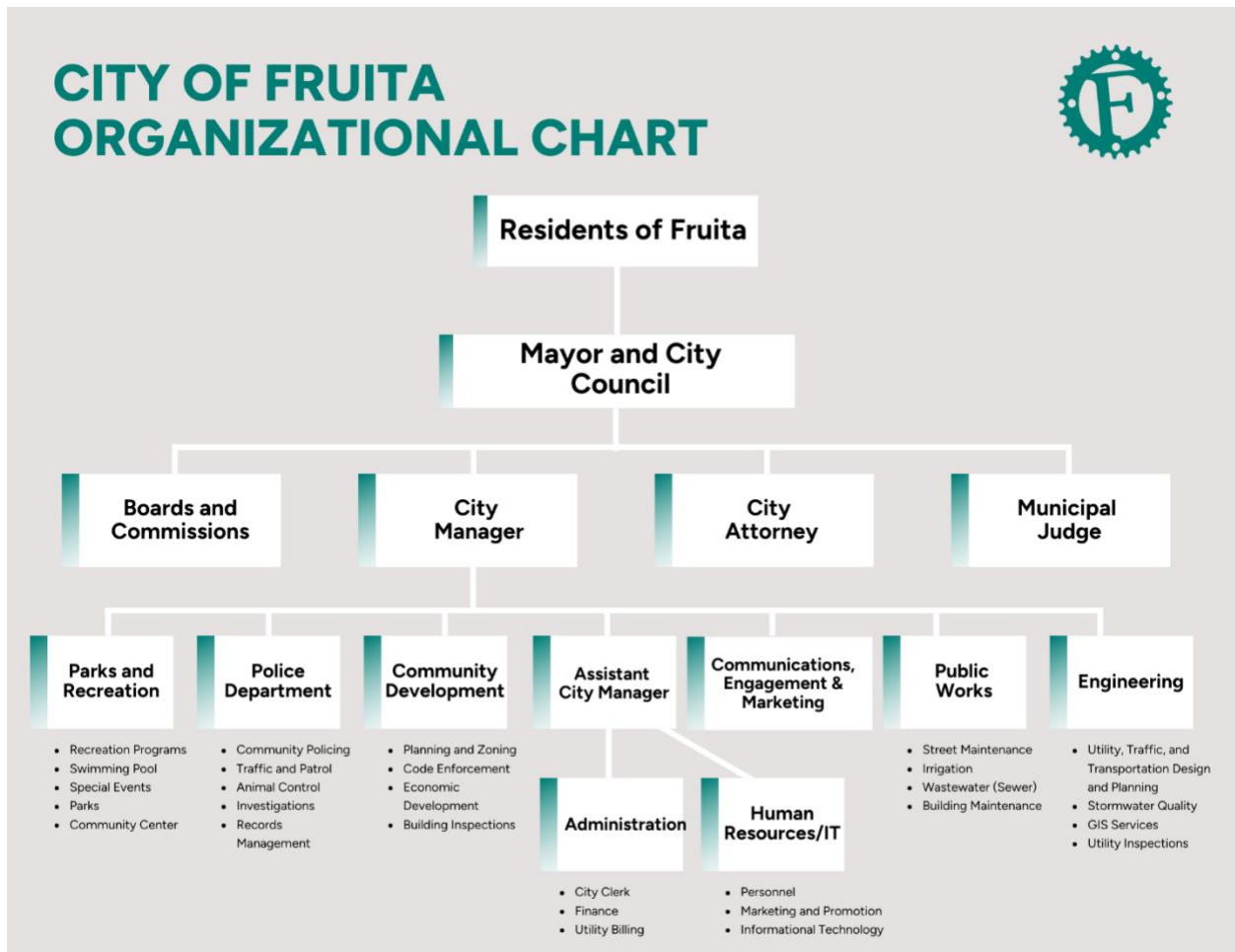
Fruita's Form of Government and the City Charter

Fruita is a home-rule municipality. Article XX, Section 6 of the Colorado Constitution grants municipalities home rule authority to create or amend Charters to govern local and municipal matters. As a home rule municipality, the City possesses "all the powers possible for the City to have under the Constitution and the laws of this State." Under a home rule form of government, matters of "local concern" are controlled by local citizens through the [City's Charter](#), and ordinances rather than through the General Assembly and the state statutes. This provides the citizens of Fruita freedom from the need for state legislation in matters of local concern. Thus, home-rule municipalities have absolute authority over issues solely of local concern, and a home-rule municipality is not inferior to the General Assembly with respect to local and municipal matters that fall within this authority.

The Charter is the City's primary governing document—our City's Constitution. It is the set of rules and principles that dictate how the City is operated. The Charter requires the Council-Manager form of government. The Charter can be found online at fruita.org/citycouncil.

Like most home-rule cities in Colorado, Fruita's Charter establishes that the City Manager is the City's Chief Administrative Officer, and the Council is responsible for policymaking. The Council determines end results related to the overall vision and goals of the City, and the City Manager oversees operations and leads the professional staff to implement and figure out how to get the City there.

The Council-Manager form of government is nationally recognized as the most effective form of local government, creating a healthy balance of professional expertise and elected representation of the citizens of the City. Nearly two-thirds of Moody's AAA bond-rated cities operate this form of government. In addition to the City Manager, the City Council also appoints the City Attorney and Municipal Court Judge. By Charter, the Manager, the Attorney, and the Judge are the only employees who report to the City Council. All other employees report to and receive direction from the City Manager. [Find more information and helpful videos on this form of government online.](#)



City Goals and Values

"In building greatness, there is no single defining action, no grand program, no one killer innovation, no solitary lucky break, no miracle moment. Rather, the process resembles relentlessly pushing a giant, heavy flywheel in one direction, turn upon turn, building momentum until a point of breakthrough and beyond." –Jim Collins, Good to Great and the Social Sectors

Fruita is fortunate to have leadership that realizes the importance of setting a specific vision and consistently aligning resources, time, and efforts to achieve these goals.

The year of 2019 was filled with community engagement to update the [City's Comprehensive Plan: Fruita in Motion](#), with more than 4,000 community members engaging. The plan was approved by City Council on February 4, 2020. This plan is a 10+ year plan that defines community values, goals, and action items. Subsequently, the City has worked to update all master plans to achieve the comprehensive plan's values, vision, and goals. These include the [Fruita Land Use Code \(LUC\)](#), [Parks, Health, Recreation, Open Space & Trails \(PHROST\) Master Plan](#), and [Multi-modal Circulation Plan](#) that has been approved since the comprehensive plan was adopted. In 2022, the City updated the 2-4 year [Fruita Strategic Plan](#), which is updated every two years following the municipal election. This plan outlines City Council's priorities staff will work to achieve over the next 2-4 years in addition to core service delivery. The strategic plan breaks down all long-term planning documents and outlines achievable goals to focus on the next 2-4 years, with updates every two years. The Strategic Plan also serves as a guide for City Council and staff in the creation of the Annual City Budget adopted by ordinance every December.

Read the full planning documents with the links outlined below.

- [Fruita Strategic Plan](#)
- [Fruita in Motion Comprehensive Plan](#)
- [Master Plans](#)
- [Community Survey \(conducted every four years\)](#)

The next few pages include the Fruita vision, values, strategic priority areas, and internal staff behaviors/values.

Annual Budget

It is the City Manager's responsibility to develop a budget and submit it to the Council for consideration. Budget preparation (staff's part) usually starts mid-summer. The annual budget document may be the most important document the Council adopts each

year. This document essentially becomes the year's work plan and sets priorities for the community. The budget is our opportunity to tie our resources to community priorities.

Once the budget is adopted by the Council for the upcoming year, then it becomes the City Manager's job to manage and implement it. The 2024 Annual Budget is available for review online at fruita.org/budget. If you would prefer, paper versions are available.

Community Values – Created through community input from the Comprehensive Plan

Fruita is an exceptional community. Throughout the comprehensive plan process, residents expressed how much they love living in Fruita, its small-town character, and their desire to preserve the community's most desirable qualities into the future. This plan starts by declaring what makes Fruita special. In turn, these community values are the foundation of the plan—shaping the plan vision, goals, policies, and actions. The following list represents what Fruita residents value about their community.

- Fruita is a place where you run into neighbors, friends, and acquaintances at local stores and restaurants, parks, and the community center.
- Fruita is a place where children, adults, and the elderly feel safe walking and biking to schools, parks, or downtown.
- Family-friendly events and festivals are well-attended and gather the community.
- Fruita is a community where people are invested and constantly work to make the community better.
- Fruita residents appreciate the stunning natural beauty surrounding the city.
- Fruita has incredible access to outdoor recreation. This access supports local businesses and fosters an active, healthy community that inspires visitors to come play like a local.
- Fruita is funky and has a vibrant downtown filled with small businesses.
- Farming is a part of Fruita, from the agricultural lands surrounding the city, to the farmers market that takes place downtown.
- Fruita is innovative and openminded—the government and its residents are willing to try new things.
- Fruita takes a community-first approach—the City prioritizes residents in making decisions.
- Fruita provides quality services efficiently to its residents and businesses. Fruita is a distinct community— geographically separate from others in the Grand Valley.
- Fruita is committed to a land use pattern and supporting policies that promote access to housing across the income spectrum of its residents.

Fruita Vision – Influenced by the Community Values

"The City of Fruita values quality of place. It's an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that's responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation."

Fruita City Council Leading Goals



The City of Fruita strives to align all resources, time and efforts to positively impact the **Quality of Place, Economic Health, and Lifestyle** of the community built upon providing high-quality core services.

WHY FRUITA? The City of Fruita focuses on three strategic outcomes built upon a base of providing quality core services.

Quality of Place (QP) The City of Fruita is a community where residents and visitors love where they are. The City strives to be a bike and pedestrian-friendly community by providing a system of sidewalks, trails, and bike lanes that connect our parks, schools, neighborhoods, civic facilities, and commercial areas. We value safe neighborhoods, our geographic natural resources and landscapes, top-tier education and healthcare, and we collaborate to provide quality essential infrastructure and services. We are an inclusive community of doers who enjoy active and healthy lifestyles.

Economic Health (EH) The City of Fruita strives to be financially sustainable by enabling a stable economy and supporting a diversity of businesses that offer well-paying jobs that attract educated employees. The City works to be fiscally responsible and continuously seeks ways to allocate resources to services and projects that have the highest impact on the City's priorities. We are the innovative leader for economic development in the Grand Valley.

Lifestyle (L) The City of Fruita fosters a fun and funky ambiance by celebrating the local arts, farm and ranching history, unique leisure opportunities, and family-friendly events and activities. As a city, we encourage a diversity of cultural opportunities, businesses,

and recreational activities. We continue to improve and enhance recreational offerings from traditional to outdoor adventure sports and youth to adult activities. We are a family-friendly community with diverse cultural opportunities, businesses, and recreational amenities where visitors feel like locals and locals play like visitors.

Fruita City Staff Core Values

City of Fruita staff strive to emulate these core behaviors in everything we do to show gratitude for public trust, build trust, and maintain trust with the public, our partner agencies, and with one another.

We are Fruita. We are...

Fun – This is such a critical behavior that impacts everything we do. If we are not having fun, we must ask why and recalculate and adjust. We must love what we do and where we work, live and play. We are positive and put forth focused effort to have a positive attitude. We are smiling. We are friendly. We enjoy serving the public and working together. We care about the experience those who interact with us internally and externally have.

Respectful – We are empathetic. We take an active interest in each other, residents, businesses, and visitors. We listen. We talk one at a time. We compliment and build up others. We are tough on issues and easy on people. We recognize the role of the City Council, Board and Commission Members, residents, supervisors, coworkers, and customers. We are kind. We treat people with dignity. We embrace diversity and make every effort to think collectively.

United – We are a team. We focus on purpose and work together to achieve our goals. We communicate effectively with each other. We seek consensus, agree to disagree, and move forward for the greater good. We support each other. We value partnerships that help us achieve our goals. We remember we are public stewards and serve. We are inclusive. We create synergy by recognizing our strengths and weaknesses and succeeding as a team.

Innovative – Simplicity is our key to innovation. We consider and explore alternatives to the way we've always done it. We are open to new ideas. We welcome calculated risk-taking and learning from our mistakes. We seek continuous improvement and welcome constructive feedback. We ask why and why not. We work to continually improve.

Transparent – We operate as an open book. We create, over communicate, and reinforce clarity in our work. We are trustworthy. We assume a positive intent from others. We work with integrity. We seek ways to increase transparency internally and externally.

Authentic – We are unique. We are real. We are different. We are special. We are optimistic. We are exceptional and proud. We are comfortable being different. We are open-minded. We are honest. We embrace and value family. We live what we speak. We create clear expectations and work hard to manage those expectations.

WHAT TO EXPECT



WHAT TO EXPECT – YOUR ROLE

Your First Week – Helpful Check List

Your first week as an elected official may seem overwhelming. However, I'm here to help you along the way. It is important for you to do the following tasks in your first week to help you understand your role and set you up for success. Again, please reach out to me if you have any questions.

- Read through the entire handbook.
- Read the City Charter.
- Set-Up Your iPad – Instructions are below.
- Read and understand the First Meeting Expectations below.

iPad Instructions

Accessing and Setting Up the iPad:

1. Apple ID and iCloud Setup:

Staff will set up an Apple ID for the iPad either using your Fruita.org email address or a general email address for the City of Fruita. A credit card will be associated with the Apple ID that can be used to purchase apps necessary for the position. If you do purchase an application, please email the receipt to jcupp@fruita.org. iCloud helps sync data across devices. Enable or disable iCloud services based on your preferences.

2. Security and Settings:

It is recommended that you set up Touch ID or Face ID for added security, along with two factor authentication when accessing email. Review and adjust settings like Display & Brightness, Sounds, Notifications, etc., in the Settings app according to your preferences.

3. Using the iPad:

- Home Screen Navigation:
Tap on apps/icons to open them. Swipe left or right to access different screens.

To return to the home screen at any time, press the Home button (if available) or swipe up from the bottom of the screen.

- **Multitasking and Switching Between Apps:**
To switch between recently used apps, swipe up from the bottom and pause in the middle of the screen (for iPads with Home button) or swipe up from the bottom and swipe horizontally on the screen (for newer iPads without Home button). Drag your finger left or right to switch between open apps. Tap an app to open it.
- **Downloading Apps:**
Open the App Store app. Search for apps using the search bar or explore categories. Tap on an app to view details and tap "Get" or the price button to download and install it. Authenticate if required.

4. Email Setup:

- Open the Mail app.
- Staff will set up each newly elected Council members email if requested. If you would like to add it yourself, add your email account(s) by tapping "Accounts" or "Add Account" and following the prompts. You will have two emails, a general Fruita.org email address and a Fruita Housing Authority email. Staff will help set up both emails for you. If you ever need a password reset, you can contact staff or call the City of Fruita's IT Company Provelocity/Iron Edge at 970-255-0103. You can also submit a help desk ticket at their website for a call to be returned to you. The City of Fruita uses Microsoft Outlook as a email provider, and that app can also be installed if preferred.

Using Productivity Apps:

1. Productivity Apps:

The iPads come with pre-installed productivity apps like Pages, Numbers, and Keynote. Additionally, your Fruita.org email comes with a licensed version of the Microsoft Office Suite. Use these apps to create documents, spreadsheets, or presentations. They have intuitive interfaces similar to their desktop counterparts. Adobe Acrobat will be installed to help reading PDFs (Council packets, other items).

2. Getting Help:

Staff can help with iPad questions, or you can reach out to Provelocity/Iron Edge at 970-986-4502 and 970-255-0103.

3. General Tips:

- Explore the Settings app thoroughly to personalize your iPad experience.
- Regularly update your iPad's software for security and performance enhancements by going to Settings > General > Software Update.
- Always ensure to keep your iPad secure by using strong passwords, enabling two-factor authentication, and being cautious with personal information online.

First Meeting Expectations

The third Tuesday in April at 7 p.m. is when newly-elected Mayor and City Council members are officially sworn in and act in their first City Council meeting. When the meeting begins, you will be seated in the audience and the outgoing City Council will begin the meeting and take care of all "old business" on the agenda prior to a short celebration of outgoing Council members. Following this celebration, the new Council members will take their marked seat at the dais, which was organized by the City Clerk via a randomized drawing. Each Council member will then be officially sworn in by the City Clerk. The Mayor will then lead the Council through the remainder of the agenda and the City Council is expected to act on all matters before them following the City Council Norms of Conduct and Rules of Procedure found later in this document.

Your First 90 Days

Embarking on your City Council journey is an exciting commitment, and the initial 90 days are crucial for acclimatizing to this new role. Even if you've served on boards before, City Council membership introduces a unique learning curve. Expectations often differ from reality, requiring a thoughtful adjustment period.

As you delve into your council packets, brace yourself for encountering numerous new terms and concepts. The first 90 days will be marked by a series of significant "firsts": the first legislative sessions, quasi-judicial hearings, participation in a commission, and the first moments when community members approach you with concerns. The challenge might feel akin to attempting to drink from a fire hydrant, but rest assured, this initial intensity is a normal phase that becomes more manageable over time.

Remember, asking questions is not just okay; it's encouraged. If something is unclear to you, chances are others share your uncertainty. This collaborative approach is fundamental; after all, City Council work is a team effort.

Mistakes are an inevitable part of the learning process. Whether procedural, in communication, or in understanding concepts, every council member has been there. Embrace these experiences as opportunities for growth. Making mistakes is acceptable; what matters is owning them and learning from them.

While the present council is not bound by the decisions of its predecessors, understanding the historical context is essential. Past decisions were made with a significant dedication to the well-being of our community. If you find yourself at odds or questioning a previous policy or council decision, invest time in understanding the reasoning. Ask questions of your fellow Council members and the City Manager to better understand the policy or decision to help facilitate conversations moving forward.

In your first 90 days, leverage the support of your fellow council members, the City Manager, and the City Attorney. They are invaluable resources ready to assist you in familiarizing yourself, navigating challenges, and collectively contributing to the enhancement of Fruita as a community.

Your Role as an Elected Official

Time Commitment

It is important for you to understand the time commitment of being an elected official. You will have the time commitment of monthly meetings (~ 3 meetings per month), being a staff liaison on a board or commission (~ 1-2 meetings per month), being a commissioner on the Fruita Housing Authority, attending community events (ribbon cuttings, Fruita City Council ice cream social, events Council is invited to, etc.), reading City Council meeting agendas and packets before each meeting, meeting with residents or partners, and answering resident questions if they reach out to you via phone or email. Time commitments can vary each month, but it is helpful for you to have a general understanding so you can plan ahead of time.

- City Council Meetings – Fruita City Council meets every first and third Tuesday of the month at 7:00 p.m. City Council also has a monthly workshop meeting on the third Tuesday of each month at 6:30 p.m. Meeting times can vary depending on the agenda items, but typically meetings will last between 2-3 hours.
- Board and Commission Meetings – The City of Fruita has many boards and commissions made up of volunteers and serve a specific purpose to support the City Council. Each City Council member serves as a Council Liaison to one – two boards. Boards typically meet one time per month for an hour.
- Community Events – We are lucky to live in a community full of community activities. Fruita City Council gets invited to various community events throughout the year. These can be ribbon cuttings, community engagement opportunities, luncheons, and more.
- Resident Q&A – We pride ourselves on being available to the community. Residents may reach out to you in person, through email or phone, with concerns, requests, and questions. If you do not know the answer, please feel free to reach out to me or send the resident my way for communications.

Fruita Housing Authority

The Fruita Housing Authority was established in 2023. The purpose of the authority is to assist the City of Fruita in meeting its goals of housing for all those who want to live in Fruita and to maintain various types of housing within the City, in the following ways:

By fostering and coordinating cooperation with partners within and outside of the City of Fruita to create affordable housing through tax abatement programming (for instance through low-income housing tax credit financing ("LIHTC") projects).

The Mayor, by ex officio, is the Chair of the Board. The Mayor Pro Tem, by ex officio, is the Vice Chair of the Board. Lastly, City Councilmembers, by ex officio, are the Commissioners of the Board. The Fruita Housing Authority does not meet regularly but meetings are scheduled in advance to ensure public notice. The Chair shall preside at all meetings of the Authority, sign contracts if authorized by Resolution, deeds, and other instruments of the Authority, with attestation by the Secretary. The City Clerk or Deputy City Clerk, as available, shall serve as Secretary. The Secretary shall sign the Minutes for every meeting of the Board. The Treasurer shall be the City Finance Director. The Vice Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. The City Manager or his designee shall serve as the Director of the Authority. The Housing Authority Director shall submit the Authority's budget to City Council. The Board may, at its discretion, hire other employees who may also be employees of the City of Fruita.

To learn more about the Fruita Housing Authority and review the bylaws, visit fruita.org/fha.

Position Appointments

As a collective group, the Fruita City Council has the authority to appoint the City Manager, Municipal Judge, and City Attorney. More information on the professional experience, education, and credentialing of the current appointees will be reviewed during orientation.

City Council Benefits

A few benefits come with being an elected official with the City of Fruita, and we want to ensure you are aware of all of them.

- **Monthly Stipend** – City Councilmembers receive \$300 per month, Mayor Pro-Tem receives \$350 per month, and the Mayor receives \$475 per month.
- **Fruita Community Center Pass** – You have the option to receive a free monthly membership to the Fruita Community Center. If you are interested in this, please reach out to Jennifer Cupp at jcupp@fruita.org to get signed up. The value of this pass will be taxed on your paycheck.
- **iPad** – All City Council members receive an iPad for them to use. The main purpose for the iPad is so you can review meeting packets easily and access your Fruita email account. Council members use their iPad during City Council meetings to reference the meeting agenda packet provided the Friday prior to the meeting.
- **Professional Development and Travel** – Occasionally, Council members will participate in trainings or conferences, or other official travel representing the City. Most of the time this is pre-planned time and should be coordinated

through the City Manager's Office Administrative Assistant, Jennifer Cupp, who can make this easy on you and arrange for reservations and process appropriate per diem funding to cover approved expenses. Per diem amounts are set by the state standard and requires no need to turn in receipts. This means prior to your travel you will receive a check for the per diem amount of money for qualifying meals and mileage reimbursement. You may spend more or less on your own with no additional reimbursement and no receipts are required to be submitted. When a set fee for a function is required, it is best to work through the City Manager's Office Administrative Assistant, Jennifer Cupp, to take care of the payment ahead of time. If this is not possible, please submit a receipt for allowable reimbursements to the same.

- **Colorado Municipal League (CML) Membership** - The Colorado Municipal League (CML) is an organization that all but two of the state's municipalities belong to. For most of the year, it acts as a clearinghouse for municipal information and provides a great deal of training for elected officials and staff. During the Legislative Session, CML acts as our representative in the legislature, basically as our lobbyist. Over the years they have proven to be very effective lobbyists for municipal issues. The Council is encouraged to attend the conferences, meetings, and training sessions this organization offers. A great way to stay up to speed with CML is to join their e-mail list. Simply send an e-mail to Jennifer Cupp at jcupp@fruita.org and she can sign you up to receive plenty of CML information.

Norms of Conduct

Purpose

The purpose of the norms of conduct is to clarify guidelines agreed to by the City Council that define the Norms of Conduct the City Council and Mayor will abide to perform the duties and roles of their office most effectively. The guidelines are organized with the following sections: **(1)** Parameters & Realities and **(2)** additional Norms of Conduct. The Appendix contains **(3)** summaries of values found in other documents, **(4)** a word cloud of inputted values from the Norms of Conduct Workshop on June 28, 2022, and **(5)** The slides from the CIRSA training with notes in red font from the facilitator Tami Tanoue, Executive Director of CIRSA, the City's Risk and Liability Insurance Carrier, Colorado Intergovernmental Risk Sharing Agency.

Parameters & Realities

Certain Parameters and Realities exist that the City Council has agreed to, which are listed below.

- The Council's decisions are based on majority rule and effective Councils respect the will of the majority following productive discussion.

- As individuals, you have different learning styles and approaches, and you may not all be at the same spot on the “learning curve” of any given issue.
- Although the totality of your experience, background, and perspectives may have been key to your seeking/winning office, your role in office is as ultimate generalists setting policy and providing direction for professional staff to provide recommendations on and ultimately implement.
- Municipal government is nonpartisan.

Additional Norms of Conduct

In the spirit of values found in the City Charter, the Fruita in Motion Comprehensive Plan, Code of Ethics, City Council Handbook, and organizational Core Values, the following guidelines make up the City Council Norms of Conduct, in addition to the Parameters & Realities. These are organized by the organizational Core Values below.

Fun –

- We will seek to “keep it positive.”
- Any form of humor will be in the best interest of the group, not at the expense of any member or offensive in any way to another.

Respectful –

- We will respect the Mayor’s “traffic direction” role.
- We will praise in public, criticize in private.
- We will be tough on the issues, but not on each other.
- We will respect one another and the staff, our limited time resources, our varying learning styles.
- We will respect equality of power in our discussions by not interrupting and by listening intentionally.
- We will respect the chain of command with the understanding that this respect must flow both ways.
- We will not make assumptions about one another’s views – we will seek to understand and clarify differences of opinion.

United –

- We will look for points of compromise.
- We will speak with one voice after a decision has been reached, respect the will of the majority, and continue to be constructive even if we were a dissenting vote/voice.
- We seek to understand one another’s viewpoints, especially when there isn’t agreement.

- We will ensure everyone has the opportunity to have a say, uninterrupted, before debate commences.
- We will listen to understand, and not just listen to respond.
- We will wait to commit to a position until after we've had the opportunity to hear others' views.

Innovative –

- We are open to changing our own perspective.
- We will ask questions and encourage questions.
- We will maintain a sense of flexibility.

Transparent –

- We honor transparency as a core value.
- We believe in equality of power – information – time.
- We understand the importance of perception management, given that our roles carry actual as well as perceived powers.

Authentic -

- We will arrive with the best intentions and presume best intentions of others.
- We will manage our tone and body language when communicating.

APPENDIX - Values Summary from Other Documents

Charter:

- "We, not I" – Council powers; but also respect for Mayoral role.
- Highest ethical standards – removal for ethics violations.
- Transparency – open meetings, limited executive sessions.
- Inclusive – diverse viewpoints - array of boards and commissions.
- Respecting governance/administration "lanes" – "no interference" provisions.

Fruita in Motion Comprehensive Plan:

- Friendly, neighborly, fun
- Collaborative, open-minded
- Inclusive, diverse

Code of Ethics:

- Courtesy, fairness, impartiality, equality under the law
- Public interest over private interest

Council handbook:

- Collective action and teamwork.
- Consider others' viewpoints, disagree respectfully.
- Respect and "speak with one voice" once the collective action is taken.
- Collaboration, search for shared points of agreement.
- Seek differing viewpoints, be comfortable in debate.
- Collective action and teamwork.
- Consider others' viewpoints, disagree respectfully.
- Respect and "speak with one voice" once the collective action is taken.
- Collaboration, search for shared points of agreement, respect majority rule.
- Pursue the best solutions, not individual agendas.
- Provide/receive information in equal manner, operate from same "base" of information.
- Positive and welcoming.

Core Values

- Fun – caring – positive approach and attitude.
- Respectful – tough on issues, easy on people.
- United as a team – work purposefully together – agree to disagree and move forward.
- Innovative – constructive feedback, continuous improvement.
- Transparent – trustworthy – assume positive intentions.
- Authentic – embrace differences – open minded—honest.

Word Cloud of Inputted Values from the Council Workshop on Norms of Conduct, June 28, 2023



COMMUNICATIONS



COMMUNICATION

As a Council member, you will likely be approached about a variety of issues and hear plenty of speculation and rumors. I simply ask that you remember there are usually at least two sides to every story. If you hear, or are informed of issues that concern you, please let me know and I can make sure the issues are addressed or at least that your questions are answered. As City Manager, I work for the entire Council as a group. It is my job and responsibility to keep the entire Council well informed. I work with the professional staff to provide timely, accurate and objective information to the Council. Please, never hesitate to let me know if you need information on an issue, or if I can be of assistance.

Rules of Thumb

To keep lines of communication open, there are a few rules of thumb that the Council and staff have found to be effective.

- As City Manager, I work for the entire City Council as one body. A key responsibility of mine is to assist Council members, so please don't hesitate to ask me for assistance. I am here to help and make your job easier.
- Striving to make sure all City Council members are equally informed, when staff distributes information, most of the time we will give it to all Council members. Occasionally, I may ask the Mayor for guidance, or if the information is very specific to one Council member or a typical question we may receive from any resident, I may just give it to the Councilor who asked. However, mostly I strive to provide all elected officials with answers equally so that everyone is operating with the same information. We believe all elected officials having the same information is crucial to keeping the lines of communication open, effective, and fair.
- More often than not, Council members direct all inquiries to the City Manager, and I make sure to coordinate with staff on responses. Council members should also be mindful of communication with staff in connection with land use matters. As more fully described below, certain land use matters are subject to quasi-judicial review by Council, and it would be inappropriate for Council to ask questions of the Planning & Development staff, the answers to which applicants do not have a full opportunity to respond or are otherwise made part of the public record. Individual Council members are certainly welcome to contact individual Department Directors to gain information on specific topics. I do ask that you copy me as the City Manager on the correspondence or give me a heads-up first. However, elected officials need to be careful not to make demands or assign work to any Department Directors or City staff. This would be a violation of the City Charter. The rule of thumb I ask the Department Directors

to go by is this: If a Council member asks for information or makes a request to the Director that the Director would follow through with for the general public, then do it for the Council member. If the request/inquiry from the Council member is not something the Department Director would do for everyone, the Department Director should direct the Council member to the City Manager to address.

- The Colorado Open Meetings Law requires that “All meetings of a quorum, or three or more members of a local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken, are declared to be public meetings open to the public at all times.” (C.R.S. § 24-6-402(2)(b)). As such, it is important to avoid inadvertently creating a public meeting which has not yet been properly posted and open to the public whether in person or electronically, such as via email or social media. To avoid this, when we provide email updates to City Council (which are public records) we email as a blind copy to avoid the accidental reply all, which can lead to an inadvertent open meetings law violation. If not a blind copy, you may see a clarification “**Do Not Reply All**” and encourage any questions to be directed to me individually and Council discussions to only occur in noticed public meetings. The City Clerk will publicly post all meetings on the City’s designated online calendar when there is a possibility of three or more members of Council attending a meeting or event, and as a Council, you must not conduct any public business outside of a properly posted public meeting. Meetings may include electronic communication and are interpreted as “any kind of gathering convened to discuss public business in person, by telephone, or by other means of communication.” C.R.S. § 24-6-402(1)(b). Public meetings do not include a chance meeting of a quorum of three or more members or social gathering of a quorum of three or more members provided that public business is not the central purpose; however, be aware public perception may not view such an encounter favorably.
- Finally, and probably most importantly, Council members need to remember that as City Manager, I work for the City Council as a body, not seven individual elected officials. To be effective, the Council needs to act as a single governing body, not as seven individuals with seven different agendas. Because of that, I (or any staff) cannot always simply “do” what one Council member wants done. To be fair to the Council as a whole and to do my job well, staff need to do what the majority of the Council directs, and not try to meet the needs of individual Council members. For this reason, at Council meetings you will often hear staff clarify our understanding of Council direction during a Council meeting.

To be clear, this is not to say you can’t ask specific questions of me, get clarification, or ask for assistance. That is my job, so please let me know how I may assist; however, for big issues, I will require direction from the majority of the Council.

Following these rules of thumb will hopefully keep the lines of responsibility relatively clear between my responsibility as City Manager to manage the operations of the City and Council's responsibility to set policy for the City.

Weekly Information Updates

Each week, I provide Council with an Information Update. A link is automatically sent to Council members via email when the update is posted to the website. The link is also emailed to all people who have subscribed to receive this notice and the media. In this update, I provide a summary of information I feel is important for the Council to know in between Council meetings. In addition, I provide links to news stories relating to Fruita, a weekly Frequently Asked Question (FAQ), as well as upcoming events. Please feel free to share any of this information freely with the public. Should you ever want more information regarding any issue you see in these Info Updates, please let me know.

While I will put forth a great deal of effort to ensure the Council is up to speed on City happenings, I would appreciate it if you would keep me informed of issues you are hearing about or issues that are on your mind. With so much going on, it will occasionally be the case that I am not aware of something in the community, so it does help me to know what you are hearing.

One-on-One Meetings

I welcome opportunities to meet one-on-one, whether in person or via phone as often as needed with each Council member. For most, this tends to be as needed, but regularly. Some prefer a reoccurring, scheduled meeting. I will strive to meet your need and schedule.

Constituency Requests

As a Council member, community members will frequently let you know what they believe needs to be done or projects the City should be undertaking. These issues can be as simple as filling a pothole or as complicated as building a facility. If you are unfamiliar with the issues regarding the request, you should always feel welcome to have the resident contact me or any other staff member directly. Alternatively, feel free to let me know of the issue and I can get a hold of the resident and speak to you both about it. I can also provide you with the information needed if you would prefer to respond directly. Unless you know all the facts of the situation, it is generally not a good idea to tell the person you will get something fixed (especially in enforcement issues). There may be policies, laws, or other factors at play. When you have constituency requests, please let me know and I will be more than happy to help. It is completely fine to take the request and promise a response by a staff member or yourself (however you prefer) as soon as possible.

I do my best to keep the Council updated on the variety of issues occurring with the City. When you are asked a question to which you don't know the answer, it is absolutely okay to tell the constituent, "I don't know the answer, but I can find out and get back to you." Most people legitimately don't expect you to know everything, so it is very appropriate to simply tell someone you will look into it and get back to them.

Email Accounts and iPads

Each City Council member is issued a City email account. The email address is your first initial and last name@fruita.org (no spaces i.e. kkreie@fruita.org). The City will provide each Council member with an iPad set up to receive this email account, and to be used for other Council-related business such as during City Council meetings to access the Council packet. If you need a particular application for Council purposes, please work through the City Manager's Office Administrative Assistant to have this purchased and set up. It is fine to use the iPad for personal reasons that do not cost the City any additional fees. If you already have a personal iPad or similar device that you would prefer to use, staff can set it up to receive your City email account or similarly with your smart phone.

It is critical that when you are sending or receiving emails related to City matters that you use this account and save all records. Almost every email you write as a Council member is a public document and is open to the public for review. It does not matter whether the email is sent from your City account or a personal or business account. As such, to maintain the privacy of your personal or business email accounts, you should not write or receive publicly related emails from your private accounts. If you do send City-related emails from a personal or business account, such accounts may become subject to public records requests. By strictly using your City email account, it keeps a very clear line between private and official emails. We know it is a pain to maintain several accounts, but when public records are requested, you will be happy you made the distinction. Due to Colorado Open Meeting laws, it is important that Council not utilize email to have group discussion as these may be deemed open meetings requiring public notice. We utilize a policy that you may receive an update via email sent to all of City Council, but do not "reply all" and instead communicate directly with me. We can schedule any needed discussion on an upcoming Council meeting agenda abiding by the state law.

Media Relations

We have a Communications & Engagement Manager who coordinates all media requests and arranges for the right City spokesperson, so the best response to a media request is to refer to Ciara DePinto, Communications and Engagement Manager, cdepinto@fruita.org, or (970) 858-3663.

As a Council member, you will likely be approached by members of the media for comments on various matters. It is important to remember that any comments you make should reflect the overall views of the Council. Also, it is important to remember that even if you are being contacted by the media for something not related to Council, you can never really take your Council hat off and they will likely refer to you as Council Member _____ whether you like it or not. If the Council has not taken a position, at a very minimum, you should state that you are speaking as an individual and not on behalf of the Council.

It is a common practice for reporters to ask Council members their individual opinions of various issues. The reporter will then have those independent opinions cumulatively published. Similarly, expressing individual stances on social media should be clarified as a personal view if no official action of the Council has been taken. When other Council members or staff learn of everyone's various opinions in the media or social media, rather than through a discussion at a meeting, it typically is a less effective method with which to legislate. If possible, it is generally better to share your opinion with fellow Council members at a meeting, rather than through the various media.

Good advice for dealing with the media is to never go "off the record." Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word, but you are never truly "off the record." One bad experience can be catastrophic. Be sure to use your words carefully. Finally, if you don't feel you have adequate information to discuss an issue, please don't feel as though you are required to comment. You can always simply let the reporter know that you will need to look into the issue. Of course, you should feel free to have the media call me as well.

Social Media for Elected Officials

While elected officials and City Council-appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, policies, directives, rules, or regulations.

The City's image as a professional organization is critical to maintaining the respect of its constituents. Although the City recognizes that elected and appointed officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups, or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues, or concerns.

If an elected or appointed official conducts any City business or communication as an official from a personal account, professional account, or an account created for a

board/committee/commission, officials should assume that City related communications will be considered a public record.

Professional and Personal Conduct Standards

- All officials are expected and required to conduct themselves in a manner consistent with the City's policies and standards of conduct.
- It is anticipated that from time to time, officials will have access to information that is considered privileged or confidential. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Officials must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information.
- Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Officials should not post or share information known to be false about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.
- Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the City Council, a City board or committee, the City Administration, or any City department.
- Officials are expressly prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. Officials are also prohibited from using professional social media accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.
- Officials are prohibited from deleting posts and related comments regarding any City-related matters to avoid violating Public Records Law.
- Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Open Meetings Law if enough other public officials engage on the post, resulting in a quorum. If this occurs, the online conversation should immediately cease with no further posts by the officials and the City Clerk should be notified accordingly.
- Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.

City of Fruita General Social Media Policy

City of Fruita Social Media Terms of Use and Comment Policy

This policy is for all the City of Fruita's (and its department's) social media accounts.

City of Fruita Social Media Terms of Use and Comment Policy

The City of Fruita welcomes you to participate on this page and encourages you to interact with us often and to comment about the content you find here.

This page is created as a limited public forum to allow users the ability to discuss issues directly related to the City of Fruita government. We do not discriminate against any views, but the City of Fruita does reserve the right to delete or hide the following and block anyone who posts such content:

- Comments that are clearly off-subject or are not topically related to the scope or context of the original post;
- Hate speech directed at race, color, ancestry, gender, sexual orientation, national origin, ethnicity, age, religion, or mental or physical disability;
- Obscene, profane, pornographic, or explicit language or content;
- Photographic and/or video threats;
- Personal attacks or defamatory statements;
- Content that is threatening, harassing, or discriminatory;
- Promotion or endorsement of services and products;
- Content that incites or promotes violence or illegal activity;
- Content that jeopardizes an ongoing investigation;
- Commercial advertisements or solicitations of funds content;
- Content containing personal information including but not limited to email-addresses, telephone numbers, mailing addresses, or identification numbers;
- Multiple successive off-topic posts by a single user or repetitive posts copied and pasted by multiple users or spam.

The City will not edit or alter any posts made on its social media sites; however, the City reserves the right to remove any content, including comments, deemed in violation of this social media policy or any applicable law or that does not promote civil discussion.

The City's use of social media websites is provided as a public service. The City of Fruita disclaims liability for ads, links, videos, promoted content or comments accessible from any external web page. The responsibility for external content or comments rests with the organizations or individuals providing them. Any inclusion of external content or comments does not imply endorsement by the City. Any person accepting the use of any City websites and City-affiliated social media accounts thereby acknowledges and accepts these Terms of Use and Comment Policy.

CITY COUNCIL MEETINGS



FRUITA
COLORADO



CITY COUNCIL MEETINGS

Regular (business) meetings of the City Council are held on the first and third Tuesday of each month beginning at 7:00 p.m. These are the meetings where Council provides direction to staff and pass motions, resolutions, and ordinances. These proceedings are generally governed by (a modified) Roberts Rules of order. The Deputy City Clerk takes official minutes of the meeting and prepares a vocal recording of the meeting. These minutes are typically placed on the next meeting's agenda for Council to review and approve. We also provide a virtual option for people to view live and post the video recording of the meeting on the City's YouTube channel.

Council workshops are scheduled on the fourth Tuesday of each month at 6:30 p.m. Workshops are informal meetings of the Council where decisions cannot be made, but direction can be given to staff in preparation for future City Council meetings. Summarized minutes are also taken and approved by Council. At these meetings, we attempt to go over upcoming issues, dive deeper into issues, and hold general informational discussions.

Council Meeting Agendas

The City Manager and Deputy City Clerk prepare a formal agenda, legally post the meeting to the public and provide a Council packet the Friday prior to the meeting for the Council to review and use to prepare for the meeting. If a Council member would like to have an item placed on a Council meeting or workshop agenda, Council members often raise the consideration to the rest of the Council during the Reports and Actions agenda item of a Council meeting, and we ensure it makes the appropriate agenda. For nearly all items placed on the agenda, staff attempts to put together a cover sheet that provides background on the item, any fiscal impacts, the item's relationship to goals and objectives, and a recommendation from staff on how to proceed. We do our best to base these recommendations on objective information and our professional opinions, not necessarily on the political realities the Council may need to consider.

Council meetings are conducted by the Mayor. In the Mayor's absence, the Mayor Pro-Tem conducts the meeting. By Charter, the Council sets the rules and procedures for the Council meetings. Currently, meetings begin with a moment of silence and Pledge of Allegiance that the Mayor invites the audience to participate in if they so choose. The next item is a Call to Order by the Mayor and Roll Call conducted by the Deputy City Clerk. The Council then acts to adopt or amend the agenda. The rest of the meeting has the following sections in the same order.

Proclamations and Presentations

It is common for Council to receive requests from the public, various organizations, and others to consider a proclamation which recognizes a day, event, or cause.

These items are placed near the beginning of the agenda so that they may be read by the Mayor or a Council member, the requesting representatives are given an opportunity for

brief comments, a photo with the Council and typically come to the dais to shake the hands of Council members. Council typically gives the group the opportunity to leave if they do not choose to sit through the remainder of the meeting. Council has established a process for people to request that Council consider a proclamation, which is found on the City's website and the Clerk places requests on the subsequent Council Workshop for Council to direct whether to place on a formal meeting's agenda.

Similarly, presentations by various groups that would like to inform Council or make a request of Council are placed in this section of the agenda; however, Council does not typically respond on the spot, but may direct staff to research items raised and provide a future update for Council consideration.

Public Participation

The Council has included an agenda item at each meeting to allow public comment on issues that otherwise do not appear on the agenda. This has proven to be an effective tool to allow the public to share whatever is on their mind to the Council. Comments are generally limited to three minutes per the agenda.

When controversial topics, complaints or other similar issues are brought up, it is usually best to acknowledge the person has been heard but avoid on-the-spot addressing the issue at the meeting, or even quizzing or debating the person bringing up the point. It is usually effective to listen to the complete issue, and then, if warranted, direct staff and/or Council members to meet with the individual to address the issue. This allows for quick action on the issue and allows equal time to other scheduled items on the agenda.

Along these same lines, when people make comments during public hearings, it is also usually not a good idea to interrogate the person making the statement or let them interrogate the Council. Those sections of the meeting are there for people to speak their mind, not hold a debate forum. It is the Mayor's job to keep these issues under control, but the Council may certainly assist.

Consent Agenda

Rather than Council needing to discuss every single item individually at each meeting, routine or simple items that are straight forward, previously covered in other Council meetings, and/or easily described in the cover sheet are placed on the Consent Agenda. Council may then act on all items in one action or pull select items to be considered separately. The public may also request that Council pull an item for single discussion.

The Consent Agenda contains the following description: *These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. These items will be approved by a single motion of the Council. Members of the Council may ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council* ³⁵ *may vote no on specific items without asking that they be removed from the consent section for*

full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

Public Hearings

Public hearings are held to obtain input from the public on various items. Public hearings are either Legislative in nature or Quasi-Judicial in nature. Each is described as follows:

- **LEGISLATIVE** – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the City. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature in or outside of a meeting.
- **ORDINANCES – SECOND READING.** After introduction of an Ordinance (First Reading and typically on the Consent Agenda), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the Ordinance, and the hearing is opened to the public for comment. After comments from the public, the Mayor will close the hearing to the public and bring the Ordinance back to the City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the Ordinance is approved, it will become effective 30 days after adoption.
- **QUASI-JUDICIAL** – Quasi-judicial public hearings are held when the City Council is acting in a judicial or Judge-like manner and a person with a legitimate interest is entitled to an impartial decision made based on information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings to assure all parties legal and required due process. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. Even if the subject of the discussion is not related to the matter being considered, the Council member should disclose such to the public during the public hearing and be subject to perception regarding such a discussion. Ex-parte communication must be disclosed and may require the Council member to recuse themselves from the hearing and could bring legal liability to the City and even the individual Council member. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:
 1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
 2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all the main points of the project.

3. Public Input (limit of 3 minutes per person) - Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council - After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion - A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote - The City Council will then vote on the motion.

Administrative Agenda

Staff updates and recommendations to Council that do not require public hearing are placed on this section of the agenda.

City Manager's Report

This section of the agenda provides a time for the City Manager to provide general updates and reminders to Council.

Council Reports and Actions

This item provides a time for the Council and Mayor to provide general, brief updates to each other. Occasionally, Council requests specific items for the Council to take action on and discuss that may not require a public hearing. These items are then placed on this section of the agenda accompanied by a cover sheet.

Actions of the City Council

The City Council formally acts in four ways through: **(1)** ordinances, **(2)** resolutions, **(3)** motions, and **(4)** proclamations.

- **Ordinances** are laws; therefore, all legislative enactments or other actions specified in the Charter or the Code must be in ordinance form. For example, actions required to be done by ordinance are: (a) adoption or amendment of a code, (b) setting fines or penalties, (c) conveying or leasing City property for more than a year and (d) approving franchise agreements.
- **Resolutions** are for more policy-oriented issues. They are not legislative but do provide clear direction to staff and the public. Resolutions are official actions, but do not require the same level of formality as an ordinance. Resolutions are typically used for: (a) budget transfers and appropriations, (b) setting fees, (c) accepting annexation petitions and (d) adopting policies and procedures.

- **Motions** are used to provide clear direction to the City Staff.
- **Proclamations** are ceremonial actions used to declare special events or recognize someone for their achievement. They are generally one of the first actions taken on the agenda.

Quasi-Judicial Capacity vs. Legislative Capacity

(See the 2022 and 2023 Refresher Council Trainings by the City Attorney & City Manager linked below)

The Council acts in a legislative (policy making) manner through the adoption of ordinances, resolutions, and the formulation of policy. In such instances, the Council obviously expects input from the electorate and there should be free communication with members of the public concerning such legislative matters. This is the keystone to representative government.

However, often the Council is required to act in a quasi-judicial capacity. Land use hearings and liquor licenses are the most common examples. When acting as a quasi-judicial body, the Council is really acting in much the same capacity as a Judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record.

CITY COUNCIL MEETING RULES OF PROCEDURE

Purpose

The purpose of these guidelines is to establish a record approved by City Council to meet its Charter obligation and make its own rules and order of business. For Council Procedures, see the Fruita City Charter, Article II, The City Council 2.07 – 2.14. For Council meeting order of operations, please see the official City Council meeting agenda for the specific meeting.

Terminology

Certain words and phrases are used throughout to refer to actions or persons involved in a meeting. Some of these words and phrases are capitalized to remind the reader that the word or phrase has a specifically defined meaning.

- **Amendment (or to Amend)** - An amendment is a motion to change, to add words to, or to omit words from a pending motion. The amendment is usually intended to clarify or improve the wording of the original motion and must be germane to that motion.
- **Body** – The City Council, which is the formally constituted organization commissioned with the obligation and duty to act on behalf of the City of Fruita by ordinance, resolution, or motion.
- **Chairperson** – The Mayor is elected to preside over Council meetings.
- **Floor** – The privilege or right to speak to the body.
- **Member** – The City Councilors elected to hold office as a recognized participant of the body.
- **Motion** – A formal proposal seeking specific action by the body typically preceded by the words “I move that ...” or “I make a motion that” Motions are generally introduced by voice but may be presented to the body in writing.
- **Moving Party** – The Member presenting a motion or point for action by the body.
- **Second** – An oral declaration by a Member to express that a motion offered to the body should receive debate or discussion.

General Guidelines

Certain guidelines are incorporated into the *Rules of Order*. Each of these guidelines are subject to rejection or modification by the Council.

These Guidelines are clarified below:

- **The Mayor Serves as the Parliamentarian.**

During a meeting, decisions regarding the proper application of the *Rules* will be required. For example, a determination will need to be made during a meeting that a particular motion is, or is not, Out of Order (*i.e.*, appropriate for presentation under the *Rules*). "Parliamentarian" is the customary term used to identify the person with a solid understanding of the meeting rules and who is commissioned to render decisions on the applicable and proper procedure. The Mayor serves as the Parliamentarian.

Per the City Charter, the Mayor has the following powers and duties pertaining to Council meetings:

- Preside over Council meetings;
- Call special meetings;
- Subject to Council review and approval, appoint members of boards and commissions;
- Recommend ordinances, resolutions, and motions;
- Vote in the event of a tie vote of the Council;
- Be recognized as the political head of the city government;
- Approve or disapprove ordinances in accordance with Colorado Revised Statutes and any amendments, revisions and renumbering of that statute; and
- Other powers and duties as designated by the City Council.

- **Abstaining from Voting is not Permitted.**

Members agree to perform the duties of the position unless prevented by law.¹ A member may wish to "abstain" (*i.e.*, not declare a formal vote or position) due to a myriad of reasons which may include a simple desire to avoid being placed on the record in support or opposition of a proposition. Such an abstention for personal reason or convenience constitutes a neglect of the duty freely accepted by the elected or appointed member to represent the body and the public and, therefore, is not permitted by these *Rules of Order*.

- **A Conflict-of-Interest Mandates Recusal from Voting.**

When a member faces a lawfully recognized conflict of interest, the member shall recuse² themselves from all participation in the matter and shall not vote.

Moreover, the conflicted member shall not be permitted to influence the body by ⁴⁰

participation in the consideration, deliberation, or debate on the matter and may not seek to influence individual members outside of the public meeting or the hearing. Mandating that a member recuse themselves from advocating and voting on a matter due to a conflict of interest is lawfully permitted and a member has no personal constitutional right to participate or vote where a conflict exists.³

What constitutes a conflict of interest is difficult to summarize. The body's attorney should always be consulted in advance of the meeting regarding a potential conflict of interest. In nearly all situations, the determination of a legally recognized conflict of interest will involve an evaluation of the particular facts surrounding the conflict, the form of decision pending before the body, and the potential for a vote to be entered notwithstanding a conflict of interest.

Recusal from participation due to a conflict of interest should be offered before the body *prior to* or at the *initial opening* of the matter on the agenda. The conflicted member, following declaration of recusal, shall leave the dais of the body and take a seat outside the meeting room for the entire consideration of the matter.

- **A Motion is Not a Prerequisite to Discussion or Debate on a Matter.**

Oftentimes, discussion on a problem or proposition sets the basis or background that will lead to an appropriately stated motion. The basis or background more often enables the motion to be tailored to the viewpoints and comments offered during discussion offered prior to any motion. It is not infrequent that a hastily stated motion is later withdrawn or modified following discussion. As a result, efficiency is achieved by permitting motions to be made at an appropriate time which may be before, during, or following robust discussion or deliberation on a matter. Once a motion and a second are on the floor, the Mayor will offer the opportunity for final discussion prior to a vote of the body. This provides a clear record for the public and an opportunity for members to clearly state their positions, if desired.

¹ See *A Conflict-of-Interest Mandates Recusal from Voting*, below. ² Recusal is not the equivalent to abstention. Abstention is "the withholding of a vote;" whereas recusal is "the [removal] of oneself as judge or policy maker in a particular matter, especially because of a conflict of interest." Black's Law Dictionary (8th Ed. 2004). Abstention, if allowed, permits the member to participate in the proceeding and, prior to the vote, to make a declaration that the member will not vote for reasons often unstated, and which can include personal preference, indifference, lack of information, or possibly a perceived conflict of interest. In contrast, recusal precludes the member from participation in any aspect of the matter because to participate or to vote would subject the member or the member's organization to liability. ³ *Nevada Commission on Ethics v. Carrigan*, 564 U.S. 117 (2011)

General Rules Governing the Meeting

Quorum Required. Per the City Charter, four members of Council shall constitute a quorum for the transaction of business at all meetings where a quorum is required. In the absence of a quorum, the Mayor, Mayor Pro Tem, or City Manager may announce that the meeting is continued due to lack of a quorum and such announcement may include the date, time, and place at which the meeting will be re-convened. In the event any meeting is adjourned to a later date, the City Manager shall prepare and cause to be delivered to each member of Council timely notice setting forth the date and hour to which such meeting has been continued. Any announcement of a continuation without a public announcement of the date, time, and place of the continued meeting shall require the issuance of new notice for any public hearings or other matters that require notice.

No Interruptions or Side Discussions. To maintain a clear recorded meeting record, only one person shall speak at any one time. Interrupting a person who has the floor or engaging in side-discussions while another person has the floor is out of order.

Second Required for Debate. While discussion may begin prior to a motion, all motions must receive a second before debate or discussion may begin on a particular motion. A second does not connote approval of the motion but only that the Member offering the second supports fuller discussion of the motion. The Member who makes the motion can amend or withdrawal a motion prior to a second.

Vote Requirement. A majority vote of the quorum is required for any motion unless a different requirement is set by applicable law.

Aye or Nay Vote Required. A vote of aye or nay (or another form of affirmative or negative declaration such as “yes” or “no”) shall be taken upon motions. Every Member, when present, must vote aye or nay unless:

- The Member is excused by the Chairperson due to the Member’s declaration of a conflict of interest at the introduction of the agenda item or immediately upon discovery of a legally recognized conflict of interest; or
- The Member is excused by the Chairperson because the member is without sufficient information upon which to enable an informed vote due to an absence at a prior meeting, e.g., the member did not attend the meeting for which meeting minutes are moved for approval.

Explanation of a Vote. If they desire, a member can explain why they are voting a certain way after a motion has been made and seconded and the chairperson has called for additional discussion.

BOARDS & COMMISSIONS



BOARDS AND COMMISSIONS/OUTSIDE ORGANIZATIONS

The City has several Boards and Commissions the Council appoints to advise it on the operations of the community. One Council member sits on each as a liaison to the City Council. A staff member is also assigned as a liaison to each City board and commission. While staff assists these boards and commissions in operating, the boards and commissions' roles are to be advisory to the Council. It is up to the Council how to best utilize these citizen volunteers.

The City belongs to several outside organizations. In your role on Council, you may represent the City as a member of some organizations or as a board member. When attending these meetings, it is important to remember that while you are attending these meetings as a representative of the City Council, you cannot speak on behalf of the Council (unless of course you have clear direction from the Council). A common statement made by elected officials attending these meetings is something like, "I am only one member of the Council and can't speak on its behalf, but this is what I think....." The key issue is understanding your role as a liaison to the rest of the Council.

Boards and Commission Policy

The purpose of the Board and Commission Policy is to provide general guidance and some uniformity for the various boards and commission of the City of Fruita. Policies include general provisions, appointment of board members, staff responsibilities and council liaison roles. Read the entire policy at fruita.org/bc.



LIABILITY



LIABILITY ISSUES

Cities are continually faced with liability issues. To help mitigate this fact, cities purchase general liability insurance and have some protection under the governmental immunity act and common law immunity. As a Council member, you are considered an agent of the City and are generally afforded the protections listed above, as long as you are working within the scope of your responsibilities.

There are certain situations in which Council members may not be covered under the governmental immunity act or common law immunity. Council members may not be covered from liability and could be held personally responsible if an act or omission resulting in claim did not occur during the performance of your municipal duties or if the act is viewed as "willful or wanton" conduct. Willful and wanton conduct can be described as conduct "purposefully committed which the actor must have realized as dangerous, done heedlessly, and recklessly, without regard to consequences, or of the rights and safety of other."

To be safe, be sure to only take action that is appropriate to your role as a Council member. The City is a member of CIRSA who administers our liability insurance and provides a wealth of assistance and direction to numerous Colorado cities. [CIRSA also provide resources directly to elected officials.](#)

FINAL THOUGHTS



FINAL THOUGHTS

The City of Fruita provides several core services including the provision of irrigation water, stormwater management, wastewater collections and treatment, street maintenance, park maintenance, police services, animal control, recreation programs, parks management, planning services, code enforcement, special events management, open space protection, transit service, solid waste pick-up and many more. We do this well and in 2021 were recognized in the top 10 percent of the country regarding resident satisfaction ratings in our community survey. Our service area and population tend to grow, and costs inevitably increase. We focus heavily on being more efficient and effective with the City resources. It is important we know who we are as a community, where we are heading and why—then we tie our efforts and resources to achieving just that.

Fruita thrives because in general, people are positive, welcoming, and love where they live. Ironically, this is not all too common among thousands of communities across the country. Fruita does not need more critics, but doers, co-creators who get involved with a positive focus. Team Fruita is not cliché but proven, as we are viewed across the valley as the forward-thinking community that gets things done, that leads the way, that is the fun, cool, unique, and funky place that people choose to be. We are most fortunate to live and serve in a community with such a high level of quality people and place. We are a safe community, where our children can walk to school. We are a friendly, welcoming community where newcomers and old timers can easily get involved, where tourists feel like locals. We are a community first and prioritize policy and decisions to reflect those community values. Fruita is surrounded by some of the most amazing outdoor recreational opportunities within minutes and without traffic. We are a unique community with amazing small businesses and arts and culture. We have so much to enjoy and much potential. Remembering this and why we do what we do, you will love serving and we will have a fun time doing it while seeing tangible positive results.

As a City Council member, it is your job to set the tone and the vision for our community. Your position is truly one of leadership. It is a difficult job—one that very few people outside the position understand, but it also provides great opportunities for accomplishment. You will occasionally be faced with a crowd of people at a Council meeting that do or do not want something to occur. In these situations, try to remember that your job is to lead and make good decisions for the entire community, not only to react to the will of the crowd of people before you. Try and remember, if 100 people showed up to a public hearing (which would be a lot of people) they would still be representing less than 1 percent of the residents of Fruita. As a Council member, one of your hardest jobs will be to base your decisions on the overall good of 100 percent of the community, not just those standing before you. This is a lot easier said than done.

ADDITIONAL RESOURCES



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Other Training Documents to Review

- [Fruita City Charter](#)
- [2022 Fruita City Council Orientation Training](#)
- [2023 Fruita City Council Refresher Training](#)
- [Fruita Ethics Ordinance](#)

Leadership Resources

- [How Great Leaders Inspire Action \(Start with Why\) by Simon Sinek Overview](#)
- [Decisive by Chip & Dan Heath WRAP Process](#)
- [Good To Great and the Social Sectors by Jim Collins Book Review](#)
- [Great by Choice by Jim Collins Book Review](#)
- [The Five Dysfunctions of a Team Model](#)
- [The Advantage: Organizational Health Model](#)
- [A Whole New Mind by Dan Pink Discussion Guide](#)
- [ICMA Code of Ethics](#)

Reference Material for Elected Officials

- [Council-Manager Form Brochure](#)
- [Governing Body and Staff Relations](#)
- [Handling Citizen Conflicts at Governing Body](#)
- [CIRSA Ethics Liability Best Practices](#)
- [CML Elected Official's Starter Kit](#)
- [CML Colorado Municipal Candidate Guide](#)