



Board of Trustees Handbook

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I. Mission of Buena Vista Town Government

The Town of Buena Vista provides high-quality, reliable services for the benefit of our citizens, guests, and employees while being good stewards of public resources and our natural setting.

II. Board Governance

- A. **Style:** The Board of Trustees will approach its task with a style that emphasizes outward vision rather than internal preoccupation, strategic leadership more than administrative detail, clear distinction of Board and Staff roles, collective rather than individual decisions, future rather than past or present, and proactive rather than reactive approach.
- B. **Ownership:** The Board connects its authority and accountability to the citizens and taxpayers of the Town of Buena Vista, seeing its task as a servant leader to and for them. The Board is entrusted to balance a desired future for all, as opposed to a select constituency.
- C. **Position:** The Board’s role is that of a commander, not an advisor, exercising this authority and appropriately empowering others, not creating adversaries. The Trustees, not Staff, bear full and direct responsibility for the process and products of governance, just as it bears accountability, authority, and performance expectations delegated to others.
- D. **Holism:** The Board of Trustees makes authoritative decisions toward management, its individual trustees, and committees only as an entire group. Board authority is a group authority rather than a summation of individual authorities.
- E. **Self-Enforcing:** The Board collectively adopts all policies and procedures outlined in this Handbook. Only the Board and individual Trustees are responsible for compliance individually and collectively.

III. Board Operating Principles

- A. Fairness:** To ensure an atmosphere of fairness, the Board agrees to listen to each other, citizens, and Staff on all sides of an issue. In addition, the Board will treat each other as equals and be fair with one another.
- B. Respect:** The Board understands that citizens' trust in them is critically important, with respect as the key to maintaining that trust. The Board agrees to take other's concerns seriously, respect each other's feelings, listen and understand the point from the other's perspective, and recognize that respect comes in many forms and will make every effort to show that respect.
- C. Honesty and Integrity:** The Board agrees to deal with each other honestly and with utmost integrity, commit to high standards of ethics, constructively settle conflicts, adhere to the oath of office, and abide by Article 29 of the Constitution of the State of Colorado regarding ethical behavior.
- D. Communication:** The Board strives for open and candid communication among citizens, Staff, and each other and commits to providing citizens with relevant, accurate, and timely information about decisions that affect the public.
- E. Accountability:** The Board exercises its authority with open meetings and access to public records, are positive advocates for the Town and are accessible to the citizens of Buena Vista.

IV. Board of Trustee Meeting Schedule and Procedure

- A. Regular Meetings of The Board of Trustees:** Regular meetings are conducted on the second and fourth Tuesday of the month, excluding holidays, and begin at 7:00 pm unless another day or time is set by prior approval of a majority of the Board.
- B. Work Sessions of The Board of Trustees:** Work Sessions are typically held before a regularly scheduled Board meeting, as needed, and begin at 6:00 pm. A Work Session aims for general discussion, review, and education of policy or operational issues. No formal actions or decisions are made at Work Sessions. However, the Board may direct appointed officials to prepare information for a discussion and possible decision at a regular Board of Trustees meeting.
- C. Quorum for the Board of Trustees:** Three (3) Board members and the Mayor, or four (4) Board members, shall constitute a quorum to do business at all Board of Trustees meetings.
- D. Training for Elected Officials / Ethics, Liability, and Best Practices:** Regular Board of Trustees meetings are conducted following guidelines for elected officials provided by Colorado Intergovernmental Risk Sharing Agency (CIRSA). As advised by Staff, the Mayor and Trustees are expected to attend and complete an introduction to municipal governance training provided by CIRSA, Colorado Municipal League (CML), or Department of Local Affairs (DOLA). This training is typically scheduled soon after each April Regular Election.
- E. Agenda:** The Town Clerk will prepare the agenda for any regular meeting of the Board in consultation with the Town Administrator and Staff.
- F. Placement of Work Session and Business Items on a Regular Meeting Agenda:**
 - A.** Topics for Work Sessions can be requested by the Board of Trustees or Town Administrator, with the permission of the Mayor. The Town Administrator selects items for placement on the draft and final agenda. Topics can be educational, presentations by Staff, or organizations with a specific topic of interest to the Town.
 - B.** Staff can request business item topics at any time before a regular meeting. The Board of Trustees can request topics during a regular meeting, Work Session or Trustee/Staff Interaction or submit them directly to the Town Administrator, as long as they are allowed by statute. The Town Administrator, taking into consideration requests from Staff, the Mayor and Trustees, selects items for placement on the draft and final agenda.
- G. Order of Business on Board of Trustee Meeting Agendas:** Agenda order is currently, and should typically be:
 - A.** Call to Order
 - B.** Roll Call
 - C.** Pledge of Allegiance
 - D.** Proclamations and/or Oaths of Office, if applicable
 - E.** Agenda Adoption

- F. Consent Agenda
 - Approval of the Minutes
- G. Public Comment - three (3) minute time limit. (for items not scheduled for public hearings)
- H. Staff Reports
- I. Business Items – Public Hearings before other business
- J. Trustee/Staff Interaction
- K. Executive session, if applicable
- L. Adjournment

H. Consent Agenda: The Consent Agenda allows the Board to approve several routine business items with one vote. Items presented by Staff at a work session may include a recommendation, if appropriate, that the item is included on the Consent Agenda for approval at a Regular Meeting. The Board shall determine those items to be included as consent items on the agenda for any regular meeting session. All consent items shall be voted on as a group. If a Board Member requests discussion or requests that any item(s) be removed from the consent items, such item(s) shall be acted upon after consideration of the remaining consent items by the Board. The individual items will then be considered for adoption.

Consent Agenda items may include, but are not limited to:

- A. Approval of the Minutes of prior meetings;
- B. Approval of contracts or awards of bids previously presented in a work session and/or approved by the Board of Trustees in the annual budget;
- C. Staff memorandums;
- D. Approval of administrative, organizational, or employment policies;
- E. Appointment of members to a board or commission.

The consent items will be listed as separate items on the Agenda for the Regular Meeting and have the following explanation for the general public: *“Approval of matters that are routine in nature that require review and or approval, e.g., minutes and reports. (Professional Services Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote).*

I. Public Hearings: Typical Order of a Public Hearing shall be as follows:

- A. Mayor/presiding officer opens the public hearing.
- B. Town Staff summarizes their report; explains what is requested; applies relevant Code provisions; makes recommendations; confirms proper notice of the public hearing.
- C. Applicant/Appellant presents its request and basis for same; possibly brings forward persons speaking in support of the application.
- D. There is opportunity for the Board to ask any clarifying questions of Staff or the applicant. This is a time for clarification only.
- E. Public Comment. Interested persons from the general public may speak, testify, and address the Board. (3-minute time limit)
- F. Applicant may offer a rebuttal and closing statement.
- G. Town Staff may offer a rebuttal, closing statement, and cross-examine any person who presented or testified.
- H. Board may question any party or any person who has offered comment at the hearing.
- I. Mayor closes public hearing.
- J. Preliminary Board Discussion. The Board reviews all testimony and evidence presented, applies appropriate Code provisions, and then objectively discusses and deliberates the requested application(s). The Board may ask additional questions of (or seek clarification or assistance from) the applicant, Town Staff, Attorney, and anyone else present. The Mayor may reopen the public hearing if there is to be additional testimony by the applicant. The Mayor must close the public hearing again before additional deliberation.
- K. Call for Motion. A Board member proposes a final decision on the application in the form of a motion, followed by a second, as desired.
- L. Deliberation. Board deliberates on the motion and makes any applicable amendments to the motion.
- M. Vote. A vote of all present Board members occurs on the final version of the motion. A roll call occurs

for contracts and expenditures of money.

- J. Trustee/Staff Interaction:** Items presented during a work session or public comment that require further discussion or a motion may be discussed during Trustee/Staff Interaction. The Mayor, Trustees, and Staff may choose to discuss various topics, including but not limited to department news, community events, and general observations.
- K. Executive Sessions:** The policy basis for executive sessions, which are not open to the public, recognizes that the public interest can best be served if certain specified matters are discussed privately. The purpose of an executive session is to deliberate, not to make final decisions. The Board shall take no formal action to adopt a proposed policy, position, resolution, rule, regulation, or ordinance in an executive session. Executive sessions will be held only for reasons allowed by Colorado Revised Statutes (CRS).

Procedure:

- A. Executive sessions may only be conducted during a regular or special meeting of the Board of Trustees.
 - B. The Board must first announce the topic of discussion to the public and include the specific citation to the Open Meetings Law (CRS section) that authorizes consideration of the topic in executive session.
 - C. A Trustee must make an official motion to go into Executive Session.
 - D. Two-thirds of the quorum present must vote affirmatively on the motion before the governing body can close the meeting to the public.
 - E. Discussions that occur in Executive Session must be electronically recorded. The recordings must be retained for at least ninety (90) days after the date of the session. If the Town Attorney present determines that all or a portion of the discussion constitutes a privileged attorney-client communication, no record or electronic recording is required to be kept of that part of the discussion.
- L. Annual Planning:** The Board will prepare and follow a yearly agenda plan that includes a complete re-exploration of goals, policies, and opportunities for continuous improvement in Board performance through Board education, enriched input, and deliberation. In addition, the Board will develop and review the Collective Vision Statement, Key Outcome Areas, and the Key Outcome Planning Goals.
 - A. The annual planning cycle starts with the Board's development of its agenda for the next year, concludes by April, and adopts key objectives in May so administrative planning and budgeting can be based on accomplishing a one-year segment of long-term goals.
 - B. The Board will identify its priorities for goals, objectives, and other issues to be resolved in the coming year and detect the necessary information to fulfill its role.
 - C. With the assistance of the Town Administrator, the Board will prepare a tentative agenda plan for the following year's meetings.
 - M. Filtering Questions:** The Board has established filtering questions to pass potential strategies, policies, etc., towards the collective vision for Buena Vista and strategic outcomes. Any requests, ideas, and initiatives that generally pass the Board's filtering questions, the Board could approve with a fair degree of certainty, acknowledging that the Board cannot account for every possible variable. The application of filtering questions in the approval process should consider monetary and staffing resources. The Board shall reference the Filtering Questions document as needed.

V. Open Meetings Law (OML) (Colorado Revised Statutes 24-6-401, et seq.)

- A. Meeting** means: any gathering convened to discuss public business, in person, by telephone, electronically, or other means of communication.
- B. Local public body** means: any board, committee, commission, authority, or another advisory, policymaking, rulemaking, or formally constituted body of the Town and any public or private entity to which the Town or an official thereof has delegated a governmental decision-making function but does not include persons on the administrative Staff of the local public body.
 - Note the exclusion in the foregoing definition for "administrative staff."
- C. What meetings are required to be "open to the public" at all times?**

All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed, or any formal action may be taken.
- D. Notice:** Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or

formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. A local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours before the holding of the meeting. The public place or places for posting such notice shall be designated annually. The posting shall include specific agenda information where possible.

- OML does not define “full and timely notice” but provides an example of notice by posting. The General Assembly recently authorized this posting to be on the public entity’s website.

- E. **Chance meetings and social gatherings:** The requirements of the OML do “not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.”
- F. **Open Meetings Law may apply to the following discussions:**
 - A. Emails
 - B. Virtual meeting chat box
 - C. Text messages. Messaging during a meeting: Trustee to Trustee could violate OML or Trustee to an applicant, or the public may violate other quasi-judicial provisions.

VI. Roles and Responsibilities

- A. **Responsibilities as Elected Officials:** The Board is responsible for their actions and will take responsibility for said actions. In addition, the Board addresses issues and responds to requests in a timely and open manner, gives equal weight to rights when making decisions, and grants appropriate authority to Staff when giving them responsibility. Finally, the Board will uphold to Constitution of the United States and State of Colorado and all laws and regulations of the Town of Buena Vista.
 - A. Meeting agendas and discussion content will be only those issues that belong to the Board to decide, not the Town Administrator.
 - B. Deliberation will be fair, open, orderly, thorough yet efficient, limited to time, and kept to the point.
- B. **Board Job Description:** The job of the Board of Trustees is to lead the Town government toward the desired performance and assume a good faith effort toward those objectives. **The products of the Board shall be:**
 - A. **Linkage:** As the Board of Trustees places a high value on open, participatory government, the Board will connect the Town government and the citizens of Buena Vista.
 - **Assessment of Needs:** The Board of Trustees will strive to identify the needs of the citizens as they relate to the Town of Buena Vista’s activities and scope of influence and shall translate such knowledge in the articulation of Board objectives and policies.
 - **Advocacy and Ambassadorship:** The Board of Trustees will act as citizens' representatives to the Town government and take steps to inform and clarify the citizens’ relationship to government, the organization’s focus on future results, and the presentation of accomplishments.
 - B. **Assurance:** The Board will produce assurance of the Town Administrator performance, Town Attorney performance, Town Treasurer performance, Town Clerk performance, and Municipal Judge.
 - C. **Adoptions:** The Board shall adopt resolutions, regulations, ordinances, and fee schedules. In addition, legislative positions, the audit, budget, boards and commissions, and statutorily mandated items.
- C. **Board Representation:** The Board provides leadership for the Town on behalf of the citizens of Buena Vista and acts in their best interest. The Board will remain knowledgeable of issues, research background information, attend regularly scheduled meetings, and be a resource for citizens’ concerns and input. Trustees serve as a conduit for information from citizens to the Town Administrator and the Mayor, find a balanced approach for addressing competing interests among constituent groups, and represent the Board on standing committees to monitor activities and policy implementation.
- D. **Board Contact:** Following a formal decision, the Board acts as a united body, not as individual trustees, acknowledging the Board's conclusion. Members of the Board should interact with media, governmental agencies, and the public or other bodies as an individual trustee and not as a representative of the majority of trustees unless an official position or legislative action has been established or authorized to do so. In addition, members of the Board will communicate to the Mayor and other trustees on items of importance from their respective committees and provide information necessary to keep other members aware of key town activities.

- E. Emergency Communication:** In times of community emergencies, the Board must speak with one voice, with trustees referring all requests for information to the Mayor or Mayor Pro Tem (if the Mayor is unavailable). The Mayor or Mayor Pro Tem shall speak for the Board to ensure messages are timely, accurate, and in concert with the incident response plan. The Mayor will coordinate all communication with the incident commander and Town Administrator.
- F. Mayor and Mayor Pro Tem Responsibility:** The Mayor's primary responsibility is to establish procedural integrity and representation of the Board and Town to outside parties (as delegated by the Board). The Mayor shall not act on behalf of the Town in any unilateral manner, except as approved by the Board. Additional Mayor and Mayor Pro Tem responsibilities, term details, and resident requirements are outlined in sections 2-22, 2-23, and 2-24 of the Buena Vista Municipal Code.
- G. Mayor Representation:** The Mayor will provide leadership for the Town of Buena Vista, serve as the primary representative of the Town in official and ceremonial functions, represent the Town in interaction with other government agencies, and serve as the Town spokesperson unless otherwise decided by the Board. The Mayor must also serve as Town Board liaison with the Town Administrator to promote the timely flow of information between the Board, Staff, and other governmental organizations. If the Mayor's work schedule allows, he or she can represent Town as a liaison on one advisory board of their choosing.
- H. Mayor Enactment:** In addition to items outlined in section 2-22 of the Buena Vista Municipal Code, the Mayor, in conjunction with the Board and Town Administrator, upholds the ordinances and laws of the Town, facilitates policies and procedures for the effective management of the Board, and establishes Town goals, promoting consensus and enhancing Board performance.
- I. Town Administrator's Role and Limitations:** The purpose of the office of the Town Administrator is to provide the centralization of administrative responsibilities of the Town, to be the administrative head of the Town government under the policy direction of the Mayor and Trustees, and to be responsible to them for the efficient conduct of said office.
 - A. The Town Administrator will operate with integrity, honesty and will uphold all Colorado laws and regulations established in the Buena Vista Municipal Code and behave following the ICMA Code of Ethics.
 - B. The Town Administrator's appointment, responsibilities, functions, and duties are outlined in section 2-47 and 2-48 of the Buena Vista Municipal Code.

VII. Board Commitment and Code of Conduct

- A. Loyalty:** Members of the Board of Trustees must represent unconflicted loyalty to the interest of the citizens of the entire Town. This accountability supersedes any conflicting loyalty to any advocacy or interest groups or membership on other boards or Staff. This accountability also supersedes the personal interest of any board member acting as an individual consumer of the town government's services. In addition, the Board of Trustees will operate fully aware of its obligation to constituents and will do the following:
 - A. Be committed to policy-making principles, role clarification, speaking with one voice, and self-policing any tendency to stray from governance adopted Board policies.
 - B. Individual Board members will thoroughly prepare for meetings.
 - C. Regularly attend Board meetings in person. Remote attendance is acceptable with certain conditions per the "Remote Meetings Policy". The Board will allow excused absence for personal reasons such as travel or emergencies.
 - D. Continue Board development, including orientation of new members in the Board's governance process, participation in relevant continuing education, and periodic Board discussion of process improvement.
- B. Laws:** Members of the Board of Trustees will act following the Colorado Revised Statutes and the Town of Buena Vista Municipal Code related to the Board's responsibilities and authorities.
- C. Initiation of Policy:** The Board of Trustees is the primary initiator of policy and is receptive to policy initiatives from citizens and Staff.
- D. Conflicts of Interest:**
 - A. A member of the Board of Trustees, who, in their sole opinion, believes they have a conflict of interest,

or for any other reason believes they cannot make a fair and impartial decision in a legislative or quasi-judicial decision, will recuse themselves from the discussion and decision. Any recusal will be made in public prior to any Board discussion of the issue, and the member must provide the reason for recusal.

- B. Members of the Board of Trustees must avoid fiduciary conflict of interest, ex-parte communication involving quasi-judicial matters, and nepotism conflicts.
 - C. A member of the Board shall not use public resources not available to the public in general, such as Town Staff time, equipment, supplies, or facilities for private gain or personal purposes. Any trustee may choose to abstain from voting on any question at their sole discretion. If there is no conflict of interest or reason for recusal, the Trustee may participate fully in board discussion of the issue yet abstain from voting, should they so choose.
- E. Conflicting Board Opinion:**
- A. A member of the Board of Trustees who votes in the minority is free to express his/her dissent but will respect the process of the legitimacy of the majority decision.
 - B. All town trustees will respect the legitimacy of the opinion and reason of the other trustees when and after making board decisions.
 - C. Members of the Board will agree not to hold grudges or bring disagreements from past actions into future decisions.
- F. Individual Authority:** Individual Board members can represent the Board on Town matters when delegated those responsibilities by the Board. Members of the Board of Trustees may not attempt to exercise individual authority over the Town government *except as explicitly outlined in Board policies or authorized by the Board in a public meeting*, including but not limited to:
- A. Board of Trustees' interaction with the Town Administrator or with Staff must recognize the lack of authority of any individual Board member or group of Board members.
 - B. Individual Board members' interaction with the public, press or other entities must recognize the same limitation.
 - C. Individual Board members will not formally evaluate the performance of the Town Administrator, his or her Staff or the Town Attorney, Town Clerk, Town Treasurer, or Municipal Judge.
 - D. Individual members of the Board of Trustees may not intentionally coerce or intimidate Town employees or interfere with Town employees' duties or authority.
- G. Committees and Advisory Boards:**
- A. The Board may establish committees to advise the Board in carrying out its responsibilities. Other than those statutorily required, all committees appointed by the Board exist so that Board decisions will be made from an informed position and be made in a public forum consistent with Board policy.
 - B. The Board may appoint an individual trustee to serve as the official liaison of the Board to community groups not officially designated by the Board.
 - C. Advisory boards will be assigned to reinforce the wholeness of the Board's job and never to interfere with delegation from the Board to the Town Administrator. The purpose of advisory boards shall be to provide more in-depth discussion and information on the specific areas assigned to the respective boards and to provide recommendations to the Board of Trustees.

VIII. Board and Staff Communication:

Governance of a Town relies on the clear, honest, cooperative efforts of elected officials, who set policy, and Town Staff, who implement and administer the Board's policies. Therefore, every effort should be made to be civil, professional and show mutual respect for the contributions made by each individual for the good of the community.

- A. Communication with Trustees:** The Town Administrator serves as the point of contact between the Trustees and Town Staff.
- B. General Communication with Town Staff:** Questions and requests for information from Staff shall be directed to the Town Administrator, who will give proper guidance and coordinate with the appropriate Staff member.
- C. Policy or Program Modifications:** Requests to research and analyze the viability of new or modified legislation, policy, or programming should be presented as a request at a Board meeting, where it shall be decided whether the request is something that merits an investment of Staff time.

- D. **Whistleblowers.** If a Board member is approached by an employee with concerns that there is an illegal or unethical activity, including the alleged violation of Town policy, the Board member shall direct that complaint to the Mayor. The Mayor will provide the information to the correct appointed official for investigation. If the complaint is made against an appointed official, the Mayor shall determine what action will be taken. Where the Mayor desires legal advice, he or she should use the Town Attorney. If the complaint is against the Town Attorney, he or she has the authority to obtain outside legal counsel to assist with investigation and advice.
- E. **Evaluations.** The Board will assess the Town Administrator, Town Clerk and Town Treasurer's performance annually. The previous year's evaluation will occur by the first official Board meeting in January and more frequently as determined by the Board.
 - A. **Quarterly Monitoring:** To ensure that the Town Administrator implements the short and long-term objectives set forth by the Board, quarterly monitoring of outcomes may be necessary. If needed, monitoring will occur during the second meeting in January, April, July, and October.

IX. Legislative v. Quasi-Judicial Proceedings

Applying constitutional due process (fair hearing) requirements, state and federal courts have characterized certain governmental entity decisions as legislative and others as quasi-judicial. It is essential to understand the differences between the two because the courts require that particular procedures be followed for quasi-judicial matters.

- A. **Legislative:** Legislative matters are matters of general concern or applicability throughout a municipality. In the legislative role, the Board of Trustees reviews, recommends, creates, and amends regulations on a town-wide basis. Legislative matters are frequently referred to as "policy making."

Examples: Resolutions or Ordinances with a broad application, amending Municipal Code, establishing fiscal policy and budget goals.

Approach: The Board of Trustees may freely discuss legislative matters with the general public outside of a public meeting.

- B. **Quasi-Judicial:** Quasi-Judicial matters have a narrower application. Unlike legislative issues, the Board does not set a new policy in a quasi-judicial proceeding. Instead, it *applies* policy established in existing law to specific facts gathered at the hearing to arrive at its decision on the case presented.

Examples: special use permits, zoning variances, subdivision plat approvals, liquor license issuance, nuisance abatement.

Approach: In quasi-judicial hearings, the Board of Trustees acts similarly to a judge and must make an objective decision based upon the evidence presented at the hearing and the current law and applicable legal standard. Trustees may not discuss any such matter outside of a properly noticed public hearing.

Because these proceedings impact the property rights of one individual, entity, or small group of individuals, fairness and due process must be ensured. Everyone with an interest in the case and all members of the decision-making body must hear the same evidence, at the same time, from the same sources. The applicant, appellant, or property owner deserves the opportunity for a fair, impartial hearing before unbiased decision-makers, each of whom has benefited from the same input and testimony.

Board Impartiality May be Affected By:

- A. **Pre-judgement or bias.** An individual Board member's desires, personal preferences, or prejudices must not be a factor for consideration or enter into their decision-making. A Board member must not have their mind made up before the hearing and must remove themselves from the process if they have advocated one way or another on a quasi-judicial matter. Each member participating in the hearing must have the ability to decide the case fairly, impartially, and based solely on the evidence and testimony presented at the hearing.
- B. **Conflicts of Interest.** As described earlier in this Handbook.
- C. **Ex-Parte Communications.** Ex-Parte communication refers to information received "outside of the record," whether verbal, written, electronic, or graphic. Ex-parte communications are also defined as communication between a Board member and one party, outside of the other parties to the case, or other affected individuals.

Because of the legal constraints of this process, Board members may not discuss quasi-judicial issues outside of a hearing. The Board must refrain from listening to opinions outside of the public hearing and not form opinions until the hearing. The Board also should not research the issue outside of the hearing. Should a member of the public, or the applicant, attempt to share opinions or discuss the issue, the Board explains that they cannot engage in ex-parte communication because it is a quasi-judicial matter. Board members may direct the individual to provide written comments to Town Staff, which will be included in the public record, and considered by all Board at the proper time.

Courts generally hold that such communications are improper and may provide legal grounds for overturning a Board's decision. These rules promote impartial decisions by ensuring disclosure of all evidence and arguments presented to the Board in its deliberation and decision. These rules also give everyone a fair chance to respond to all information that may affect the decision.