

# San Miguel County

## Administrative Policy Manual

### SECTION 2 BOCC PUBLIC MEETING POLICIES

#### 2-1 BOCC PUBLIC MEETINGS AND NOTICE

##### PURPOSE

To ensure the appropriate public notice of Board of County Commissioners meetings that are required under Colorado law.

##### POLICY

Pursuant to state law the San Miguel County Board of Commissioners (BOCC) is authorized and required to conduct its official business in duly noticed meetings that are open to the public. All open meetings will be recorded and/or minutes taken.

The types of open meetings which may be held by the San Miguel County Board of Commissioners are:

##### Regular Meetings

Regular Meetings are generally held on Wednesdays. Matters considered by the BOCC during a Regular Meeting may include reports from department heads or elected officials, public hearings on specific issues, policy-making decisions, signing contracts or agreements, work sessions on specific issues, or approving expenditures or requests from county officials. A Regular Meeting shall be held after at least twenty-four (24) hours' notice as posted at the designated posting place, recorded, and have minutes taken.

##### Special Meetings

Special Meetings may be called by the Chair when circumstances warrant or upon the request of a member of the BOCC or County Manager. A Special Meeting shall be held after at least twenty-four (24) hours' notice as posted at the designated posting place, recorded, and have minutes taken.

##### Emergency Meetings

Emergency Meetings may be held without twenty-four (24) hours' notice when necessary for the immediate preservation of public property, health, peace, and safety and shall be conducted pursuant to procedures as adopted by the BOCC by Resolution #2018-26. An Emergency Meeting shall be recorded and have minutes taken. Any formal decision made by the BOCC at an Emergency Meeting shall be ratified at the next scheduled Regular Meeting.

##### Work Sessions

Work Sessions are generally held on Wednesdays. A work session is an informal, deliberative session between staff and members of the BOCC. Matters considered during these meetings may include receiving reports from County staff, discussion of County business, or day-to-day

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oversight of property or employee supervision. No formal, policy-making decisions may be made at a work session. A work session shall be held after at least twenty-four (24) hours' notice as posted at the designated posting place, recorded, and minutes will not be taken.

The BOCC shall annually designate posting places for BOCC open meeting notices.

The official designated posting place for all BOCC notices will be online <https://www.sanmiguelcountyco.gov/liveagenda>.

BOCC Staff shall post the regular meeting agenda at the designated posting place and on the County's official website at least two working days before the regular meeting but no less than 24 hours prior to the meeting. The posted meeting agenda is subject to change before the meeting or at the meeting.

BOCC staff shall also post the BOCC Calendar listing meetings that may be attended by one or more of the Commissioners at the designated County's official website. Changes to the BOCC Calendar may occur and shall be updated accordingly and uniformity in accepting written documents and scheduling agenda items for Board of County Commissioners meetings.

## 2-2 SCHEDULING BOCC AGENDA ITEMS POLICY

### PURPOSE

To ensure consistency and uniformity in accepting written documents and scheduling agenda items for Board of County Commissioners meetings.

### POLICY

The Board of County Commissioners (BOCC) conducts its official county business at regularly scheduled meetings open to the public. The agenda is the official guide from which the BOCC conducts its meetings. In order to make intelligent and informed decisions, it is essential for the BOCC to have sufficient time prior to a meeting to become informed about and to review written materials pertaining to items scheduled on an agenda.

1. Agenda items requiring BOCC approval will be received in the BOCC Office with all supporting documents and written information, if any, at least seven (7) days in advance of that meeting at which they will be considered. The deadline is 4:45 p.m. on Wednesday preceding the regular Wednesday meeting.
2. All county staff must include a written memo providing pertinent information for each agenda item submitted. No memo is required for monthly department reports.
3. All contracts and agreements should be reviewed by the County Attorney's Office prior to submittal for BOCC approval.
4. Public hearings (agenda items that require formal published notice) shall be scheduled to provide adequate legal notice before the public hearing.
5. Applicants shall submit all land use items directly to the Planning Department. Planning staff will coordinate with the Clerk to the Board to schedule those land use items requiring BOCC review.

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6. Exceptions to the submittal deadlines will be referred to the County Manager and Board Chair and may not be granted unless an emergency can be clearly demonstrated.
7. An elected official, department head or member of the public may request a matter within the jurisdiction of the BOCC be placed on an agenda of a regular meeting. The request must be in writing and be submitted to the BOCC office with any supporting documents at least seven (7) days before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be scheduled to a later meeting in order to allow sufficient time for consideration and research of the issue.
8. The BOCC Chair and County Manager shall decide whether a request is within the subject matter jurisdiction of the BOCC. Items not within the subject matter jurisdiction of the BOCC may not be placed on the agenda.
  - a) In addition, the BOCC Chair and County Manager will determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.
  - b) The BOCC Chair and County Manager shall also decide whether an agenda item is appropriate for discussion in an open or closed session in accordance with Colorado Open Meetings Law and whether the item should be an action, discussion (i.e. staff direction, update, presentation, information) or consent agenda item.
9. BOCC meeting agendas and written materials pertaining to agenda items are available prior to BOCC regular meetings on the County's official website or in the BOCC office upon request.

## 2-3 BOCC PUBLIC MEETING AND PUBLIC HEARING POLICY

### PURPOSE

To establish rules to govern the transaction of Board of County Commissioners' business, specifically and including guidelines for the conduct of public meetings and public hearings.

### POLICY

1. Pursuant to Colorado law the Board of County Commissioners (BOCC) is authorized and required to conduct its official business in duly noticed regular and special meetings open to the public. It must also hold and conduct duly noticed public hearings in accordance with the requirements of Colorado law and duly enacted County rules and regulations.
2. Section 30-10-302, Colorado Revised Statutes specifically provides that "the board of county commissioners shall meet in open session and all persons conducting themselves in an orderly manner may attend meetings. The board may establish rules to govern the transactions of its business."
3. To ensure its public meetings are conducted in an orderly manner and comply with applicable constitutional and statutory requirements, the BOCC established rules and regulations to govern the transaction of its business. The *Public Meeting and Hearing*

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*Guidelines* shall remain in full force and effect unless amended, repealed, and/or superseded by the BOCC.

4. The Clerk to the BOCC is authorized and directed to make copies of the *Public Meeting and Hearing Guidelines* available for members of the public, county officials and staff, and to publish such adopted copy on the County's official website.

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#### Board of County Commissioners Public Meeting / Hearing Guidelines

- I. **BOCC Chair calls Meeting/Hearing to order and notes attendance.**
  - A. Chair identifies purpose/subject matter of meeting/hearing as stated in meeting notice.
  - B. Chair sets forth rules/protocol for meeting/hearing. Chair announces any changes to rules/protocol applicable to specific meetings/hearings.
    - 1) Members of the public who address the Board shall first sign in. When speaking they should come forward and identify themselves for the record, stating their name and place of residence.
    - 2) The chair may set time limits on speakers. Any time limits on presentation and/or speakers should be announced in advance.
    - 3) Participants are to be advised of any limitations on cross-examination of witnesses. All cross-examination by the applicant/public shall be addressed to the Chair. The Board may limit direct or cross-examination which it determines to be producing cumulative or repetitive evidence, or in order to protect witnesses from harassment or embarrassment.
- II. **Staff Report presentation**
  - A. Proposed exhibits, as described in the staff prepared Exhibit List, shall be entered into the record. The staff has discretion on reading the Exhibit List into the record.
  - B. Staff summarizes the application, its report, and supporting documentation, to be submitted into the record.
  - C. BOCC puts questions to staff regarding its report.
  - D. Outside agency staff/officials introduced. Outside agency/staff officials are given an opportunity to present any comments/reports they may have on the application and may be subject to questioning from BOCC.
  - E. Staff introduces the applicant and applicant's representatives.
- III. **Applicant's presentation**
  - A. Applicant to be advised not to repeat staff presentation, and any time limitations. The purpose of the presentation is to supplement staff reports and address

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issues not covered by staff or to respond to issues and/or concerns raised by staff reports. The applicant may enter additional exhibits not previously made part of the record.

- B. The applicant may put questions to staff regarding its report, the applicant may respond to any comments/reports from outside agency staff/officials, as well as respond to public comments in the hearing record.
- C. BOCC puts questions to applicants regarding the application and presentation.

### IV. **Public input**

- A. Remind the audience of any applicable time limits or restrictions on testimony. Representatives of organized groups may be asked to speak first. Attorneys or other agents are requested to identify on whose behalf they are appearing.
- B. Members of the public may address the BOCC on an application; may present written or oral evidence/testimony not previously entered into the record; are advised to refrain from cumulative or repetitive evidence/ testimony.
- C. Members of the public, when recognized by the Chair, may put questions to BOCC, staff, and applicants, regarding their presentations, the application, staff reports, and public comment in the record. BOCC may place limits on cross-examination. Questions by the public of the applicant and/or other agencies/county staff should be made through the Chair.
- D. Persons engaging in disruptive behavior during the course of a public meeting/hearing, including, but not limited to, making offensive statements, engaging in offensive conduct, continuing to speak when the chair has not recognized them, or who engage in harassment or embarrassment of persons present, including arguing with or badgering of witnesses and/or members of the BOCC, may be ruled out of order by the Chair, and, if they persist in such conduct, may be ordered by the Chair to leave the meeting. In which event such persons may be forcibly removed should they fail or refuse to voluntarily leave the meeting. The Chair may suspend/recess the public meeting/hearing until the disruption ceases. The Chair determines the good of the order at a public meeting.

### V. **Close/adjourn the public hearing/meeting**

- A. Upon completion of testimony, presentation of evidence, by staff, any outside agency staff/officials, the applicant, and members of the public, Chair announces that the hearing is closed to receipt of further evidence, except as otherwise specified, e.g. to receive further written evidence or legal argument.
- B. If the record is incomplete, the BOCC shall continue the public meeting/hearing to a date, time, and place announced at the conclusion of the hearing/meeting, for the purpose of receiving further evidence and rendering its decision.

### VI. **BOCC decision**

- A. When the record is complete, all evidence that staff, applicants, or members of the public desire to submit have been received, Chair should announce that the public hearing/meeting record is closed. BOCC should proceed to deliberate and render its decision or it may take the matter under advisement to an announced

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date, time, and place, at which it will publicly deliberate and render its decision. Should BOCC request additional information/documentation from staff/applicant during deliberations, the meeting/hearing record should be reopened, with notice to interested parties.

- B. If BOCC's decision is to be reflected in a written resolution, the applicant and members of the public should be so advised at the time the oral decision is rendered. If a written resolution is to serve as the final and binding BOCC decision, the Chair should so advise.

### 2-4 SOCIAL MEDIA POLICY

#### PURPOSE

San Miguel County operates and maintains social media sites to provide citizens, businesses, and visitors with information about County and community programs, services, projects, issues, events, and activities. This information is intended to offer quick, convenient, and easy access for those wishing to learn about San Miguel County. The Board of County Commissioners strives to represent the County appropriately, consistently, and positively on the internet. To aid in meeting the goals of the County, the purpose of this policy is to establish procedures for creating and maintaining a social media and online community presence which is in accord with policies and directives established by the County government.

#### POLICY

1. The information posted on County social media platforms is provided as a public service. San Miguel County assumes no liability for any inaccuracies the platform may contain nor does the County assume any liability for the content, comments, or advertisements posted on a platform by external individuals, agencies, or companies.
2. External content and/or comments included on County social media platforms do not imply endorsement by San Miguel County.
3. San Miguel County reserves the right to remove any content that is deemed in violation of our Social Media Content Policy or any applicable laws.
4. The content on County social media platforms, including all public comments, is subject to public disclosure under the Colorado Open Records Act.

### SOCIAL MEDIA CONTENT POLICY

#### PURPOSE

Every day people discuss, debate and engage San Miguel County in many online conversations. The County welcomes comments, recognizes the vital importance of participating in these conversations and is committed to participating and listening in meaningful

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ways. The dialog on County social media platforms is a moderated online discussion which is similar to a public meeting of the Board of County Commissioners. Because we must abide by certain standards to serve all constituents in a civil and respectful manner, all comments must comply with the guidelines listed below or may be subject to deletion.

### POLICY

This policy addresses official County social media sites maintained by County employees. Certain types of posts or comments are not considered protected forms of speech and may be subject to removal.

These include posts with:

1. Posts for any unlawful purposes, for promotion or illegal activities, or posts that violate any federal, state, or local law shall be prohibited;
2. No profanity or obscene language may be used;
3. No content or links to content of a pornographic nature will be allowed;
4. We encourage free speech and defend everyone's right to express their point of view, but we do not permit hate speech (speech that attacks or demeans a person or group based on age, race, sex, color, religion, national origin, disability, sexual orientation, or any other status protected by federal, state, or local law);
5. Disclosure of social security numbers, credit card numbers, the email address of another person, or any other identifying personal information that could potentially be used to perpetrate identification fraud is prohibited;
6. Any disclosure of personal addresses, telephone numbers, or other personally identifying information which could be used in the furtherance of a criminal act against another;
7. No unauthorized posts related to commercial speech will be allowed (i.e. no solicitations of commerce)
8. Post with links that are suspected of containing a virus will be removed from the application immediately;
9. Individuals posting comments should be aware that all comments posted on this application are subject to the Colorado Open Records Act.

All commenters who post to any San Miguel County social media applications are bound by the applications' respective usage agreements pertaining to user rights and responsibilities. Any user who repeatedly posts comments that violate these guidelines may be subject to having their ability to post on the webpage blocked.

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### 2-5 PUBLIC COMMENT POLICY

#### PURPOSE

This policy aims to encourage and direct public participation in open meetings and increase the public's access to elected officials, department heads, and staff.

#### POLICY

The County encourages public participation in open meetings through various avenues. The County welcomes public comments, healthy debate, and the expression of diverse opinions in a respectful manner.

- a. The County attempts to have multiple avenues that public members may use to participate in open meetings. This includes commenting in person, virtually, or by submitting written comments beforehand to be included in the record.

Written Comment is accepted via U.S.P.S. mail, telephone, email, or in person.  
San Miguel County Board of Commissioners  
PO Box 1170  
333 West Colorado Ave., 3<sup>rd</sup> floor  
Telluride, CO 81435  
970-728-3844  
[bocc@sanmiguelcountyco.gov](mailto:bocc@sanmiguelcountyco.gov)

If available, verbal public comment is accepted in person at the open meeting or virtually through an online platform.

- b. For comments on items on the agenda, the Chairperson will open the meeting to the Public after each agenda item is presented. Once public comment is closed, members of the public will not be able to speak further on that item. The Chair, at their discretion, may limit the duration.
- c. Written comments must be received by Monday at 4:00 pm (prior to the meeting). If public comments are not received by the deadline, they will be attached to the agenda as part of the packet after the meeting. If time allows, staff will forward the late-arriving written comments to the Commissioners prior to the meeting. Comments received less than 24 hours before the meeting may not be forwarded. Late Public Comments will be identified as a late backup with a subject line. Mail/emails not directed to the BOCC will not be included in meeting minutes.
- d. All Public Comments must abide by the County Social Policy under Section 2-4. (Refer to the section above).
- e. All Public comments are considered public record and will be treated as so.
- f. All Public Comment received must have the name of the person submitting the comment.



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Example of format for Comment Letters:

Name (required) \_\_\_\_\_

Contact Information (Optional) \_\_\_\_\_

Subject \_\_\_\_\_

Comment (raise concerns/inform you of new information/provide supporting evidence) regarding:

**Individual Commissioners receiving Public Comment** – shall respond that they have received the public comment; this will be treated as Public Comment and forwarded to the Chair and other commissioners, if appropriate. Depending on the topic, Commissioners may not be able to respond to individuals regarding substantive matters raised in the correspondence. Instead, it will be addressed in the public meeting.

**Planning Department** – Public Comment regarding any Planning application will become the record of the Planning Department. Any submissions regarding a planning issue will be referred to and presented to the Board as appropriate and become part of the Public Record. For items being heard by the County Planning Commission, direct written comments to:

Department of Planning  
P.O. Box 548  
333 West Colorado Ave, 3rd floor  
Telluride, CO. 81435  
[planning@sanmiguelcountyco.gov](mailto:planning@sanmiguelcountyco.gov)