



BOARD OF TRUSTEES
August 19, 2025
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Agenda

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09>

Passcode: 726078

Or One tap mobile :

US: +17207072699,,84871162393# or +17193594580,84871162393#

Webinar ID: 848 7116 2393

A. ITEMS

1. Continuation of Board of Trustees By-Laws Discussion

- Presentation: Dan Sapienza, Town Attorney

2. Library Board Policies

- Presentation: Ross LaGenèse, Library Director

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

Board of Trustees Meeting

Date: August 19, 2025
Subject: Continuation of Board of Trustees By-Laws Discussion

- **Presentation: Dan Sapienza, Town Attorney**

BACKGROUND / DISCUSSION

August 19, 2025 Work Session

For the August 19, 2025 work session, the Town Attorney has prepared a revised draft of the Board of Trustees Bylaws, reflecting input and direction from prior discussions. During the session, staff will present the proposed updates, respond to outstanding questions raised at the last meeting, and seek guidance on next steps.

The draft included in the packet is a redlined version showing changes from previous discussion drafts. It is primarily intended to reflect the consensus reached during the April 15, 2025 work session. Notable substantive revisions include a new procedure for proclamations (shifting from Board debate and vote to Mayoral approval) and two alternative versions of the confidentiality provision.

In response to significant interest expressed following the last meeting, these alternative confidentiality sections are provided to support further discussion. They are intended as options for consideration and do not represent an exhaustive list of possible approaches. In addition, a new provision relating to whistleblower protection was included at the request of Trustee Tietz.

The following information in this memo was provided previously:

Introduction

On August 27, 2024, the Board of Trustees adopted Ordinance No. 09-2024 and Resolution No. 41-2024, amending the Wellington Town Code to remove the requirement that meetings be conducted under Robert's Rules of Order. In place of Robert's Rules, the Board adopted Bob's Rules, a set of rules of order developed and published by the Colorado Municipal League. This shift was aimed at streamlining board procedures and aligning the Town's governance model with best practices.

The next step in this effort to modernize the Board's governance structure is the proposed adoption of formal Bylaws. Bylaws serve as a comprehensive set of written policies governing the Board's purpose, structure, leadership, and internal operations. By clearly defining rules and expectations, the Bylaws promote consistency, transparency, and efficiency in Board operations.

Development of the Bylaws

The draft Bylaws were prepared by the Town Attorney in coordination with the Town Administrator and Town Clerk. The draft reflects the Board's prior discussions and existing Board practices while incorporating new provisions aimed at increasing efficiency and procedural clarity. While many provisions align with current practices, some sections introduce new concepts.

Summary of Bylaws

1. **Purpose and Scope of Bylaws:** Establishes the foundational rules and overarching scope of the Board's operations, ensuring alignment with applicable laws.
2. **Structure of the Board:** Defines the composition of the Board, roles of the Mayor, Mayor Pro Tem, and Trustees, and the general organizational structure.
3. **Agenda and Board Packet Preparation:** Outlines procedures for preparing meeting agendas and Board packets, including submission timelines and requirements for agenda items.
4. **Meetings:** Details the types of meetings (regular, special, work sessions, and virtual), meeting schedules, and procedures for public notice.
5. **Quorum and Attendance:** Specifies quorum requirements for meetings and attendance expectations for Board members, including rules for virtual attendance.
6. **Order of Business:** Establishes the typical order of business for Board meetings.
7. **Public Participation:** Defines procedures for public comment during Board meetings, including guidelines for decorum and limits on disruptive conduct.
8. **Voting:** Outlines voting procedures for Trustees, including roll call votes, abstentions, and procedures for tie votes.
9. **Executive Sessions:** Provides the process for entering executive sessions, confidentiality obligations, and voting procedures to initiate such sessions.
10. **Ordinances and Resolutions:** Describes procedures for the introduction, review, and passage of ordinances and resolutions.
11. **Proclamations:** Defines the process for issuing proclamations on behalf of the Town.
12. **Public Hearings:** Sets procedures for public hearings conducted by the Board.
13. **Confidentiality:** Establishes confidentiality rules for Trustees.

Interaction with Bob's Rules of Order

For additional guidance on how these Bylaws integrate with Bob's Rules of Order, Trustees may refer to the section titled "Integration with Bylaws" in Bob's Rules. While this document is not included here, it is available upon request from Town staff.

The Bylaws supplement Bob's Rules by providing specific procedural guidance unique to the Town of Wellington's needs. Bob's Rules offer a general framework, while the Bylaws tailor that framework to address the specific roles, responsibilities, and processes applicable to this Board.

Next Steps

At this Work Session, the Board will then have the opportunity to discuss and ask questions.

STAFF RECOMMENDATION

N/A

ATTACHMENTS

1. 2025.08.11 Draft By-laws CLEAN
2. 2025.08.11 Draft By-laws REDLINE

Bylaws of the Board of Trustees
Town of Wellington, Colorado
Draft August 2025

1) Purpose and Scope of Bylaws.

- a) These bylaws establish the rules, responsibilities, and procedures governing the Town of Wellington Board of Trustees, ensuring efficient operations, transparency, and adherence to applicable laws and policies.
- b) These bylaws are not intended to override or conflict with any federal, state, or local laws. If any part of these bylaws is found to be inconsistent with such laws, that part will no longer be valid.

2) Structure of the Board. The Board of Trustees is the legislative body of the Town of Wellington and is comprised of the Mayor and six Trustees, one of whom is chosen by the Board as Mayor Pro Tem.

- a) **Mayor's Duties.** The Mayor presides over all meetings of the Board of Trustees as chair and performs duties required of the Mayor by statute or ordinance, or by the Rules or Order adopted by the Board of Trustees.
 - i) The Mayor will, at the designated date and time, call the Board of Trustees to order and, upon determining that there is a quorum, proceed with business.
- b) **Mayor Pro Tem.** In the absence or inability of the Mayor to serve, the Mayor Pro Tem presides and has all powers and duties of the Mayor.
- c) **Members' Duties.**
 - i) Trustees should be on time for all meetings and promptly return from any recess or break.
 - ii) Each Trustee is responsible for thoroughly reviewing the agenda and all material within the Board Packet prior to each meeting.
 - iii) Trustees should contact the Town Administrator within a reasonable time prior to the meeting with any questions identified in their review of the Agenda and Board Packet, so staff may be prepared to respond. Questions and comments received after 10:00am the day before the meeting may not be able to be addressed by the the time of the meeting, depending on the nature of the question or comment.

3) Agenda and Board Packet Preparation.

- a) **Meeting Agendas.** All meeting agendas are prepared by the Town Administrator at the direction of the Mayor.
 - i) **Order Setting.** The Mayor may set the order of the agenda.
 - ii) **Publication of Agenda.** Board agendas will be posted to the Town website and at such place as is designated by the Board of Trustees by Resolution each year at least twenty-four (24) hours before the meeting.
 - (1) As standard procedure, agenda items will not be added or deleted after the agenda has been published, but such may occur with the consent of the Mayor and in accordance with applicable laws such as open meetings notice requirements.
 - iii) **Agenda Items Requested by Trustees.**
 - (1) At any regular meeting, at least two Trustees may request that an item be added to the agenda for a future meeting.
 - (2) Items requested in this manner will be scheduled for a meeting occurring no sooner than three weeks from the date of the request, unless a majority of the Trustees present determine that the item requires more urgent placement.
 - (3) Materials for inclusion in the Board Packet must be submitted to the Town Administrator no later than two (2) weeks prior to a business meeting or work session.
 - (4) If the preparation of the agenda item is expected to require significant staff time, as determined by the Town Administrator, the item must be approved by a majority of the Trustees present before being added to the agenda.

4) Meetings

- a) **Regular Meetings.** Regular meetings are the forum for formal Board of Trustees action and an opportunity for public input and comment.
 - i) The Mayor may cancel or reschedule any regular meeting with at least 48 hours' notice to Trustees, except that at least one (1) regular meeting will be held per month.
- b) **Work Sessions.** Work sessions provide the Board of Trustees an opportunity to explore and discuss in detail matters that have been placed on the work session agenda.
 - i) No formal action may be taken at work sessions.

- ii) Members of the public, speakers, or other persons (not including Town staff or consultants) at work sessions will be allowed to address the Board of Trustees only with the approval of the Mayor or their designee.

c) **Special Meetings.** Special meetings may be either business meetings or work sessions and are called as necessity arises.

- i) The Town Administrator may call a special meeting on the request of the Mayor or any three (3) members of the Board of Trustees. No business may be conducted at a special meeting except that specifically provided for in the notice.

d) **Virtual Meetings.** Virtual Meetings may be either business meetings or work sessions and may only be held when meeting in person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the Town.

- i) Virtual Meetings may only be held in compliance with Wellington Municipal Code Section 2-2-85.

5) Quorum and Attendance

a) **Quorum.** A quorum is a majority of the members of the Board of Trustees in office at the time for the transaction of business.

- i) Except in cases of all-virtual meetings held pursuant to the Municipal Code, virtual attendance by Trustees does not count toward quorum. For example, if there are no vacancies in office and only three Trustees are present in person, with one Trustee attending virtually, quorum does not exist.

b) **Attendance at Board of Trustees Meetings.**

- i) It is the responsibility of each Board member to contact the Town Clerk, Town Administrator, or Mayor as soon as it is known that the member will not attend a meeting of the Board of Trustees.
- ii) Excessive absences, as determined by the Board of Trustees, may be considered cause for removal by the Board of Trustees pursuant to the Wellington Municipal Code. The Board of Trustees agrees that three unexcused absences in a 12-month period constitute excessive absences.
- iii) Virtual attendance by Trustees is allowed but should be minimized to the extent possible. Virtual attendees may participate in debate and may vote on legislative matters. No virtual attendee may participate in or vote on any quasi-judicial matter, including, but not limited to, land use matters and liquor licensing authority matters.

6) Order of Business.

- a) **Modification of Order of Business.** Unless an objection is raised by a Trustee, the Mayor may proceed out of order. In case of objection, the agenda's order will not be changed unless approved by a majority of Board of Trustees present. A Trustee may move to consider an item out of order, with the approval of a majority of Trustees.
- b) **Business Meetings.** The Board of Trustees will generally consider business in the following order:
 - i) Call to Order
 - (1) Pledge of Allegiance
 - (2) Roll Call
 - (3) Amendments to the Agenda
 - (4) Conflicts of Interest
 - ii) Community Participation
 - (1) Proclamations, Recognitions, Awards
 - (2) Public Comment on non-agenda items
 - iii) Presentations (non-action items)
 - iv) Consent Agenda. Prior to the motion to approve the Consent Agenda, a Board member may request removal of an item on the Consent Agenda to the regular agenda. Except with approval of a majority of Trustees, items removed will be considered after all other items under Action Items on the agenda.
 - v) Action Items. (Ordinances, Resolutions, Town projects, Town policies, Contracts, etc.)
 - (1) Introduction by staff.
 - (2) Questions from Trustees
 - (3) Public Comment
 - (4) Discussion
 - (5) Motion
 - (6) Discussion
 - (7) Vote
 - vi) Reports

- (1) Town Attorney Report
- (2) Town Administrator Report
- (3) Board Report. Trustees should limit discussion during Reports to a brief review of the matter.
- (4) Staff reports
- vii) Adjournment
- c) **Work Sessions.** After the call to order, Board of Trustees will generally consider business in the following order:
 - i) Work Session Agenda Items
 - ii) Adjournment
- d) **Extension of Time.** At 10:00 p.m., if the regular meeting of the Board of Trustees has not adjourned, the Board of Trustees will follow these procedures:
 - i) All agenda items not previously considered will be continued to an hour and day set by the Board of Trustees; or
 - ii) The Board of Trustees may extend proceedings by majority vote for up to thirty-minutes at a time.
- 7) **Public Participation.** Regular Board meetings and work sessions are open to the public. At regular Board meetings, provision is made for public comment so interested individuals may present their views directly to the Board of Trustees
 - a) **Non-Agenda Items.** Members of the public will have the opportunity to comment on any matter not on an agenda at the beginning of any regular business meeting and on particular agenda items prior to board action.
 - b) **Action Items.** At regular and special Board meetings, provision is made for public comment on all Action Items so interested individuals may present their views directly to the Board of Trustees prior to any vote.
 - c) **Process for Public Comment.** All individuals desiring to address the Board of Trustees on any agenda item or other business must provide their name and address (or neighborhood) before offering their comments, either in writing or orally.
 - i) All individuals must observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room.

- ii) Comments should be addressed to the board not other members of the public or staff.
 - iii) Trustees and staff will not respond to Public Comments or questions. Following the public comment period, if a Trustee or staff member believes that a response is necessary, they may request the floor to respond at that time.
- d) **Removal for Disorderly Conduct.** In the event any person(s) interrupts the business of the Town Board of Trustees or causes a disorder, the Mayor may require such person to cease such behavior and/or leave the Board of Trustees meeting room. Should such person fail to comply, the Mayor may request law enforcement be summoned to remove such person or persons.
- e) **Public Comment Received Prior to Meeting.** Communications from the public to the Board received at 4p.m. preceding a 6:30pm meeting will be provided to the Trustees electronically in advance of the corresponding meeting. In addition, such items will be published following the meeting in an packet addendum or amendment.
- 8) **Voting.** Every Trustee, including the Mayor, must vote unless: a) the matter concerns the Trustee's own conduct; or b) the Trustee has a conflict of interest, which, by applicable law, requires Trustee to abstain from voting. In those instances, the Trustee may not participate in the discussion of the issue.
 - a) **Roll Call Votes.** Votes on ordinances, resolutions, and for the appropriation of funds are taken by roll call vote, where each board member individually indicates their vote either in favor of or in opposition to the item. All votes are announced by the Mayor with the assistance of the Town Clerk.
 - i) Roll call votes are recorded in the minutes and indicate the names of the Board members who voted in favor and in opposition.
 - ii) For passage, a majority of all Trustees present must vote in the affirmative, unless another proportion is necessary by these bylaws, the Rules of Order, or law.
 - iii) In case of a tie vote on any motion, the motion will be considered defeated.
 - b) **Voting by Consent.** Procedural items and other motions not indicated above may be considered with the consent of Trustees, where the Mayor requests consent of the members and the item is adopted unless there is an objection. If a member objects, the matter will be considered by roll call vote. For example, a vote on a motion to adjourn may be by consent.
 - c) **Continuance Before Vote.** In the case of a Quasi-Judicial matter where the applicant is present but fewer than all Trustees are present, the Mayor may,

prior to calling for a vote, ask such person whether the applicant wishes to continue the matter until all Trustees are present. The decision of the applicant is determinative. In the event the applicant is not present, Trustees present may decide whether to proceed on the item.

9) Executive Sessions. Executive sessions are held in accordance with state statute at either a regular or special meeting.

- a) **No Action.** No formal action can occur at an executive session.
- b) **Motion.** The motion to enter into an executive session must describe as specifically as possible the subject of the executive session so long as such description does not disclose any information that would potentially harm the public interest.
- c) **Roll Call.** Voting on a motion to enter into an executive session will be by Roll Call vote, requiring an affirmative vote of two-thirds (2/3) of all members.

10) Ordinances and Resolutions

- a) **Introduction.** The text of all ordinances and resolutions, except emergency ordinances, will be provided to the Board of Trustees at least twenty-four (24) hours prior to the meeting at which the ordinance or resolution is to be considered. Emergency ordinances may be provided to the Board of Trustees in the meeting.
- b) **Review.** All proposed ordinances and resolutions must be reviewed by the Town Administrator and the Town Attorney prior to their being provided to the Board.

11) Proclamations. The Town may consider requests to proclaim certain events, causes, or achievements when such proclamations positively impact the community and convey an affirmative message to Town residents. Proclamations which are political, religious, or controversial in nature, or that would not likely enjoy a high level of community interest and support, are discouraged. Proclamations are official Town documents and may be issued for purposes including, but not limited to, public awareness, education, civic and cultural celebrations.

- a)
- b) **Proclamation Approval.** The Mayor will have sole discretion to approve any Mayoral Proclamation.
- c) **Requesting a Proclamation.** Proclamations may be requested by Members of the Board of Trustees, Individual community members, local community

organizations, town staff, and regional/national organizations with a direct connection to the Town. Such request must include local contact information for the requestor and the complete text of the requested proclamation.

12) Public Hearings. This section applies to all Town Boards conducting public hearings, including the Board of Trustees, the Planning Commission, and the Board of Adjustment.

a) Hearing Procedures. The meeting will be chaired by the Mayor or board chairperson and conducted in accordance with the procedures set forth in the Town of Wellington Land Use Code. Such hearings will usually follow the following procedures:

- i) Conflicts of Interest
- ii) Disclosure of Ex Parte Communications
- iii) Staff Introduction
- iv) Applicant Presentation/Introduction (If any)
- v) General Questions from Board/Commission
- vi) Open Public Hearing
 - (1) Three Minutes per Person (additional time may be granted upon request)
 - (2) Close Public Hearing
- vii) Applicant Rebuttal (if any)
- viii) Staff Closing Comments
- ix) Deliberation by the Board/Commission
- x) Motion and Vote

b) Testimony and Debate.

- i) The Mayor/Chairperson has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
- ii) When the number of persons wishing to speak may unduly prolong the hearing, the Mayor/Chairperson may impose a time limit upon each speaker.
- iii) The Mayor/Chairperson will require all such persons to promise and agree that all statements and evidence they present will be the truth.
- iv) Any person speaking may be questioned by a member of the board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.

- v) All testimony in support, or opposition, or questions must be directed through the Mayor/Chairperson, who will direct the appropriate person to respond.
 - c) **Burden of Proof.** The property owner, applicant or proponent or representative(s) of the project/issue before the board, must present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the Town staff.
 - d) **Rebuttal.** The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.
 - e) **Continuance.** If final action is not to be taken at the same time as the public hearing, the Mayor/Chairperson will advise the audience/public when the matter will be considered.
 - f) **Partial Absence.** If a board member is absent during any portion of a public hearing, he/she will not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing.
 - g) **Virtual Participation.** Except as part of a virtual meeting held with proper notice to the applicant, no board member may vote on a quasi-judicial matter via remote participation.
- 13) **[ALTERNATE A, 6-30-2025 Draft] Confidentiality.** No member of the Board of Trustees shall disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.
- a) **Waiver of Privilege or Confidentiality.** A decision to waive confidentiality or waive a privilege, such as the attorney-client privilege, may only be made by Board of Trustees acting as a whole.
 - b) Any Trustee who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of Trustee's authority and will be subject to any consequential liability for such act.
- [NOTE: This Alternate A is nearly identical to previous drafts, but edited for clarity. The intent was to not change the substance of the draft, only the form.]***
- 14) **[ALTERNATE B, 6-30-2025 Draft] Confidentiality and Privileged Information.**
- a) **Duty of Confidentiality.** All members of the Board of Trustees are strictly prohibited from disclosing confidential or privileged information, including any of the following:

- i) Any communication or document designated as confidential by the Town;
- ii) Any discussion or materials presented in executive session; or
- iii) Any information protected by attorney-client privilege between the Town and its legal counsel.

b) Authorization for Disclosure.

- i) Unless required by court order, a Trustee may only disclose privileged or confidential information to any outside party only with the prior authorization of a majority of the Board of Trustees.
- ii) Any unilateral disclosure or waiver of privilege by an individual Trustee is strictly prohibited and shall be considered outside the scope of that Trustee's authority.

c) Consequences for Breach. A breach of confidentiality or unauthorized disclosure shall be considered a serious violation of Board policy and a breach of the public trust. If a Trustee is found to have violated this provision, the Board may take one or more of the following actions:

- i) **Formal Censure** by the Board of Trustees;
- ii) **Request for Resignation** of the offending Trustee;
- iii) **Initiation of Removal Proceedings** pursuant to the procedures authorized by the Wellington Municipal Code and other applicable laws; and
- iv) **Civil liability**, if the disclosure results in legal or financial harm to the Town, including waiver of privilege, disclosure of sensitive data, or compromise of ongoing legal matters.

[NOTE: This Alternate B was drafted at the request of Trustee Moyer during follow-up from her comments at the April 15, 2025 board work session. In particular, it was requested to draft language that included more specificity.]

15) [NEW PROVISION PROPOSAL, 8-11-2025 DRAFT] WHISTLEBLOWER PROTECTION

- a) Trustees may, in good faith, report concerns to appropriate oversight or enforcement authorities if they reasonably believe those concerns involve:
 - i) A violation of federal, state, or local law or regulation;
 - ii) Gross mismanagement, misuse of public funds, fraud, or abuse of authority; or
 - iii) A substantial and specific danger to public health or safety.

- b) Such reports must be made through lawful and appropriate channels, which may include the Town Attorney (unless a conflict exists), the District Attorney, the Colorado Attorney General, the State Auditor, or a court of competent jurisdiction.
- c) Trustees shall not be subject to censure or other adverse action under this policy for making a protected disclosure under this section. Retaliation against a Trustee for making such a good faith report is prohibited.
[NOTE: This new provision proposal was drafted at the request of Trustee Tietz during follow-up from comments made at the April 15, 2025 board work session.]

Bylaws of the Board of Trustees
Town of Wellington, Colorado
Draft August 2025

~~1)~~ Purpose and Scope of Bylaws.

~~1)~~

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5) Quorum and Attendance

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6) Order of Business.

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 - ii) The Board of Trustees may extend proceedings by majority vote for up to thirty-minutes at a time.
- 7) **Public Participation.** Regular Board meetings and work sessions are open to the public. At regular Board meetings, provision is made for public comment so interested individuals may present their views directly to the Board of Trustees
- a) **Non-Agenda Items.** Members of the public will have the opportunity to comment on any matter not on an agenda at the beginning of any regular business meeting and on particular agenda items prior to board action.
 - b) **Action Items.** At regular and special Board meetings, provision is made for public comment on all Action Items so interested individuals may present their views directly to the Board of Trustees prior to any vote.
 - c) **Process for Public Comment.** All individuals desiring to address the Board of Trustees on any agenda item or other business must provide their name and address (or neighborhood) before offering their comments, either in writing or orally.
 - i) All individuals must observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room.

- ii) Comments should be addressed to the board not other members of the public or staff.
 - iii) Trustees and staff will not respond to Public Comments or questions. Following the public comment period, if a Trustee or staff member believes that a response is necessary, they may request the floor to respond at that time.
 - d) **Removal for Disorderly Conduct.** In the event any person(s) interrupts the business of the Town Board of Trustees or causes a disorder, the Mayor may require such person to cease such behavior and/or leave the Board of Trustees meeting room. Should such person fail to comply, the Mayor may request law enforcement be summoned to remove such person or persons.
 - e) **Public Comment Received Prior to Meeting.** Communications from the public to the Board received at 4p.m. preceding a 6:30pm meeting will be provided to the Trustees electronically in advance of the corresponding meeting. In addition, such items will be published following the meeting in an packet addendum or amendment.
- 8) **Voting.** Every Trustee, including the Mayor, must vote unless: a) the matter concerns the Trustee's own conduct; or b) the Trustee has a conflict of interest, which, by applicable law, requires Trustee to abstain from voting. In those instances, the Trustee may not participate in the discussion of the issue.
- a) **Roll Call Votes.** Votes on ordinances, resolutions, and for the appropriation of funds are taken by roll call vote, where each board member individually indicates their vote either in favor of or in opposition to the item. All votes are announced by the Mayor with the assistance of the Town Clerk.
 - i) Roll call votes are recorded in the minutes and indicate the names of the Board members who voted in favor and in opposition.
 - ii) For passage, a majority of all Trustees present must vote in the affirmative, unless another proportion is necessary by these bylaws, the Rules of Order, or law.
 - iii) In case of a tie vote on any motion, the motion will be considered defeated.
 - b) **Voting by Consent.** Procedural items and other motions not indicated above may be considered with the consent of Trustees, where the Mayor requests consent of the members and the item is adopted unless there is an objection. If a member objects, the matter will be considered by roll call vote. For example, a vote on a motion to adjourn may be by consent.
 - c) **Continuance Before Vote.** In the case of a Quasi-Judicial matter where the applicant is present but fewer than all Trustees are present, the Mayor may,

prior to calling for a vote, ask such person whether the applicant wishes to continue the matter until all Trustees are present. The decision of the applicant is determinative. In the event the applicant is not present, Trustees present may decide whether to proceed on the item.

9) Executive Sessions. Executive sessions are held in accordance with state statute at either a regular or special meeting.

- a) **No Action.** No formal action can occur at an executive session.
- b) **Motion.** The motion to enter into an executive session must describe as specifically as possible the subject of the executive session so long as such description does not disclose any information that would potentially harm the public interest.
- c) **Roll Call.** Voting on a motion to enter into an executive session will be by Roll Call vote, requiring an affirmative vote of two-thirds (2/3) of all members.

10) Ordinances and Resolutions

- a) **Introduction.** The text of all ordinances and resolutions, except emergency ordinances, will be provided to the Board of Trustees at least twenty-four (24) hours prior to the meeting at which the ordinance or resolution is to be considered. Emergency ordinances may be provided to the Board of Trustees in the meeting.
- b) **Review.** All proposed ordinances and resolutions must be reviewed by the Town Administrator and the Town Attorney prior to their being provided to the Board.

11) Proclamations. ~~Proclamations-The Town may consider requests to proclaim certain events, causes, or achievements when such proclamations positively impact the community and convey an affirmative message to Town residents. Proclamations which are political, religious, or controversial in nature, or that would not likely enjoy a high level of community interest and support, are discouraged. Proclamations are official Town documents and may be issued for purposes including, but not limited to, public awareness, education, civic and cultural celebrations, from the Town are issued for ceremonial and recognition purposes to promote cultural, social, economic, or intellectual welfare of the community. The proclamation must align with the Town of Wellington's mission, vision and values. A proclamation is an official expression of the Town of Wellington's sentiments. A proclamation is not intended to serve as a forum for public expression.~~

- a) _

b) Proclamation Approval. The Mayor will have sole discretion to approve any Mayoral Proclamation.

c) Requesting a Proclamation. Proclamations may be requested by Members of the Board of Trustees, Individual community members, local community organizations, town staff, and regional/national organizations with a direct connection to the Town. Such request must include local contact information for the requestor and the complete text of the requested proclamation.

a) ~~Proclamation Topics.~~ Topics of Proclamations are limited to:

~~i) Promotion of public awareness of an issue relevant to the community;~~

~~ii) Support for an art, charitable or cultural celebration within the community;~~

~~iii) Recognition of an understanding accomplishment or contribution of individual or group within the Town;~~

~~iv) Support for a nationally recognized event or activity relevant to the Town; and~~

~~v) To bring public attention to an issue or opportunity important for the community overall.~~

b) ~~Proclamations will NOT be issued for:~~

~~i) Matters of Town policy;~~

~~ii) Campaigns, acknowledgements, or events contrary to City adopted laws, policies, or strategic plan;~~

~~iii) Matters of politics, religion or individual conviction;~~

~~iv) A cause that may be subject to strongly divergent views or significant differences of opinions within the Town;~~

~~v) An advertisement or commercial promotion; or~~

~~vi) Multiple proclamations for the same organization or subject matter.~~

c) ~~Requesting a Proclamation.~~ Proclamations may be requested by Members of the Board of Trustees, Individual community members, local community organizations, town staff and regional/national organizations with a direct connection to the Town. Such request must include local contact

information for the requestor and the complete text of the requested proclamation.

- ~~d) **Process to Request a Proclamation.** Eligible parties may submit a proclamation request by e-mail to the Town Clerk or by filling out the form on the Town Clerk's Website.~~
- ~~e) **Proclamation Timeframe.** Proclamation requests should be submitted at least three (3) weeks before the start of the day/week/month being recognized. Every attempt will be made to ensure that proclamations are issued just before or at the very beginning of the time period being recognized.~~
- ~~f) **Proclamation Review Process.** Proclamations will be reviewed as follows:
 - ~~i) The Town Clerk will maintain a listing of annual proclamations;~~
 - ~~ii) The Board of Trustees may provide approval at the beginning of each year (in January), based on past proclamations, a list of 5-10 proclamations for the coming year;~~
 - ~~iii) Proclamation requests pursuant to this policy may be made throughout the year;~~
 - ~~iv) Requests will be reviewed by the Town Clerk's Office to ensure that all submission requirements are met; and~~
 - ~~v) If the submission requirements are met, but if the proposed proclamation has not been preapproved by the Board, the proclamation must be consented to by each member of the Board of Trustees.~~~~
- ~~g) **Trustee Review and Consent Process.** Proposed proclamations that are not pre-approved are to be provided to Trustees via email.
 - ~~i) Trustees will respond to the Town Clerk with a statement of whether they consent to the proclamation or not. Not reason must be given for the Trustee's decision and the decisions should be sent exclusively to the Town Clerk via email.~~
 - ~~ii) The Town Clerk will send the draft of the proclamation first to the Mayor only. If the mayor does not consent to the proclamation, it will~~~~

~~not move forward. If the mayor consents, it will be sent to the remaining Trustees for review.~~

~~h) **Changes to Proposed Proclamations.** If at any stage of the proclamation request and approval process the text of the proposed proclamation is changed for any reason, the proclamation review must be restarted. For example, if during Trustee review a change is required, the draft must then be approved by the original requestor, reviewed by the Town Clerk, sent to the Mayor, and if consented to by the Mayor, sent to all Trustees for review.~~

12) Public Hearings. This ~~section applies~~section applies to all Town Boards conducting public hearings, including the Board of Trustees, the Planning Commission, and the Board of ~~Zoning~~ Adjustment.

a) Hearing Procedures. The meeting will be chaired by the Mayor or board chairperson ~~and conducted~~and conducted in accordance with the procedures set forth in the Town of Wellington Land Use Code. Such hearings will usually follow the following procedures:

- i) Conflicts of Interest
- ii) Disclosure of Ex Parte Communications
- iii) Staff Introduction
- iv) Applicant Presentation/Introduction (If any)
- v) General Questions from Board/Commission
- vi) Open Public Hearing
 - (1) Three Minutes per Person (additional time may be granted upon request)
 - (2) Close Public Hearing
- vii) Applicant Rebuttal (if any)
- viii) Staff Closing Comments
- ix) Deliberation by the Board/Commission
- x) Motion and Vote

b) Testimony and Debate.

- i) The Mayor/Chairperson has the authority to limit debate to a reasonable length of time to maintain reasonable equality of time for all positions on an issue.
- ii) When the number of persons wishing to speak may unduly prolong the hearing, the Mayor/Chairperson may impose a time limit upon each speaker.

- iii) The Mayor/Chairperson will require all such persons to promise and agree that all statements and evidence they present will be the truth.
 - iv) Any person speaking may be questioned by a member of the board or, where appropriate, by members of Town staff, or an attorney or representative of one in opposition to such person.
 - v) All testimony in support, or opposition, or questions must be directed through the Mayor/Chairperson, who will direct the appropriate person to respond.
- c) **Burden of Proof.** The property owner, applicant or proponent or representative(s) of the project/issue before the board, must present evidence and describe the nature of the request. The burden of presenting the case for the proponent of the project/issue is upon such proponent or its representative, not the Town staff.
 - d) **Rebuttal.** The property owner, applicant or proponent or representative(s) of the project/issue will be afforded an opportunity for brief rebuttal statements/evidence following public input.
 - e) **Continuance.** If final action is not to be taken at the same time as the public hearing, the Mayor/Chairperson will advise the audience/public when the matter will be considered.
 - f) **Partial Absence.** If a board member is absent during any portion of a public hearing, he/she will not be eligible to vote on the matter unless he/she has listened to and reviewed the entire record of the hearing.
 - g) **Virtual Participation.** Except as part of a virtual meeting held with proper notice to the applicant, no board member may vote on a quasi-judicial matter via remote participation.

~~13)-[ALTERNATE A, 6-30-2025 Draft] Confidentiality. No and Ethics~~

~~14) Confidentiality.~~ ~~It is a conflict of interest and a violation of this policy for any~~ member of the Board of Trustees ~~shall to~~ disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.

~~13).~~

- a) **~~Waiver of Privilege or Confidentiality.~~** A decision to ~~breach-waive~~ confidentiality, or ~~to~~-waive a privilege, such as the attorney-client privilege, may only be made by Board of Trustees acting as a whole, ~~whenever the confidentiality requirement or the privilege applies to the Town as a whole or to Board of Trustees as a whole.~~

- b) Any Trustee who individually breaches such confidentiality, or who purports to waive such a privilege will be considered to be acting outside the performance of Trustee's ~~authority, and~~ authority and will be subject to any consequential liability for such act.

[NOTE: This Alternate A is nearly identical to previous drafts, but edited for clarity. The intent was to not change the substance of the draft, only the form.]

14) [ALTERNATE B, 6-30-2025 Draft] Confidentiality and Privileged Information.

- a) **Duty of Confidentiality.** All members of the Board of Trustees are strictly prohibited from disclosing confidential or privileged information, including any of the following:
 - i) Any communication or document designated as confidential by the Town;
 - ii) Any discussion or materials presented in executive session; or
 - iii) Any information protected by attorney-client privilege between the Town and its legal counsel.
- b) **Authorization for Disclosure.**
 - i) Unless required by court order, a Trustee may only disclose privileged or confidential information to any outside party only with the prior authorization of a majority of the Board of Trustees.
 - ii) Any unilateral disclosure or waiver of privilege by an individual Trustee is strictly prohibited and shall be considered outside the scope of that Trustee's authority.
- c) **Consequences for Breach.** A breach of confidentiality or unauthorized disclosure shall be considered a serious violation of Board policy and a breach of the public trust. If a Trustee is found to have violated this provision, the Board may take one or more of the following actions:
 - i) **Formal Censure** by the Board of Trustees;
 - ii) **Request for Resignation** of the offending Trustee;
 - iii) **Initiation of Removal Proceedings** pursuant to the procedures authorized by the Wellington Municipal Code and other applicable laws; and
 - iv) **Civil liability**, if the disclosure results in legal or financial harm to the Town, including waiver of privilege, disclosure of sensitive data, or compromise of ongoing legal matters.

[NOTE: This Alternate B was drafted at the request of Trustee Moyer during follow-up from her comments at the April 15, 2025 board work session. In particular, it was requested to draft language that included more specificity.]

15) [NEW PROVISION PROPOSAL, 8-11-2025 DRAFT] WHISTLEBLOWER PROTECTION

- a) Trustees may, in good faith, report concerns to appropriate oversight or enforcement authorities if they reasonably believe those concerns involve:
 - i) A violation of federal, state, or local law or regulation;
 - ii) Gross mismanagement, misuse of public funds, fraud, or abuse of authority; or
 - iii) A substantial and specific danger to public health or safety.
- b) Such reports must be made through lawful and appropriate channels, which may include the Town Attorney (unless a conflict exists), the District Attorney, the Colorado Attorney General, the State Auditor, or a court of competent jurisdiction.
- c) Trustees shall not be subject to censure or other adverse action under this policy for making a protected disclosure under this section. Retaliation against a Trustee for making such a good faith report is prohibited.

[NOTE: This new provision proposal was drafted at the request of Trustee Tietz during follow-up from comments made at the April 15, 2025 board work session.]

i)

Board of Trustees Meeting

Date: August 19, 2025
Subject: Library Board Policies

- **Presentation: Ross LaGenèse, Library Director**

BACKGROUND / DISCUSSION

Recent changes to Colorado law require all public libraries to adopt both a Reconsideration Policy and a Data Privacy Policy. The Town of Wellington Public Library does not currently have these policies in place. Staff is seeking feedback from the Board during this work session and plan to present the proposed policies for formal consideration at the next regular meeting. The Data Privacy Policy must be adopted by the state-mandated deadline of September 1, 2025.

STAFF RECOMMENDATION

Staff is seeking feedback on the attached draft policies.

ATTACHMENTS

1. Reconsideration of Library Resources_Draft
2. Data collection_Draft

Town of Wellington Public Library Policy Reconsideration of Library Resources

Purpose

In pursuit of its mission, Wellington Public Library provides access to a wide range of resources, including print and digital materials for reading, viewing, listening, and research. The Library also creates and implements public programs, materials displays, and digital and social media content. Additionally, the Library coordinates limited public art exhibits. Library resources are accessible to all library users.

Policy

The Library bases its selection and creation of library resources on criteria provided in its policies, including its policy on material selection.

An individual concerned with the appropriateness of a Library resource may discuss their concerns with the Library Director or share questions, comments, and concerns in writing. In addition, if requirements provided in this policy and in Colorado Revised Statutes (CRS) 24-90-122 are met, an individual may submit a formal request for reconsideration of Library resources using the Request for Reconsideration form.

Request Eligibility

- Individuals who reside within the Town of Wellington are eligible to submit a request for reconsideration to the Library Director.
- Anonymous, incomplete, or ineligible requests will not receive a response and will be rejected.
- Resources that the Library has reviewed within the past five years in response to a formal reconsideration request are ineligible for reconsideration.
- A separate Request for Reconsideration Form must be submitted for each library material, resource, program, exhibit or display of concern.
- Request forms are available at Wellington Public Library. A request for a mailed form can be made by a resident of the Town of Wellington. Completed forms can be returned to the Library Director or mailed to:

Wellington Public Library
Attn: Library Director
3800 Wilson Avenue
PO BOX 1164
Wellington CO 80549

Request Review Process and Resolution

Upon receipt of a complete and eligible Request for Reconsideration Form from an individual residing within the Town of Wellington, the Library Director and two Town of Wellington staff members will review the request. The Library Director will contact the requestor to acknowledge receipt of the form. The committee will review and evaluate the resource using criteria from Library policies that pertain to the request.

Library resources, programs, exhibits, displays or library-created content under reconsideration will not be canceled, paused, removed, or modified during the review process.

After completing its evaluation, the committee will provide the Library Director with a written recommendation. The Library Director will then decide on a resolution based upon the committee's findings and recommendation.

The Director will send a written response to the requestor within 30 business days from the date the request was received.

The request and the Director's decision will be issued to the Wellington Public Library Board of Trustees and will become public record. The Library Director's decision regarding a reconsideration request is final.

Requests for Reconsideration and the Colorado Open Records Act

Written requests for reconsideration are subject to the Colorado Open Records Act. CRS 24-90-122(3)(II)(f) specifies that "A written request for reconsideration of a library resources is not a library user record as described in Section 24-90-119 (1). A written request for reconsideration is an open record under the 'Colorado Open Records Act' part 2 of Article 72 of this Title 24."

Town of Wellington Public Library Policy

Data Privacy and Immigration-Related Requests

Purpose

This policy ensures that the Wellington Public Library protects the privacy of its patrons and complies with Colorado law (SB25-276). It establishes clear rules for handling requests for information and access from federal immigration authorities.

Prohibition on Collection of Certain Information

Unless required by law or necessary for a government-funded program, the library does not ask for or record:

- Place of birth
- Immigration or citizenship status
- Passport, green card, or work authorization information

Information or Access Requests from Immigration Authorities

If a representative from a federal immigration agency requests patron information or access to library systems:

- Refer them to the Library Director immediately.
 - Staff should not respond to the request directly.
- The Library Director will require:
 - A federal subpoena, warrant, or court order signed by a federal judge or magistrate.
 - The name, agency, and badge number of the requesting officer.

No information or access will be provided without proper legal documents.

Informing Patrons

If permitted by law, the Library Director will notify the affected patron (or their parent/guardian) if immigration authorities request information or access related to them.

Training and Compliance

Staff will be trained to:

- Avoid collecting restricted information
- Respond appropriately to law enforcement requests
- Refer all immigration-related requests to the Library Director