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**CORTEZ CITY COUNCIL
WORKSESSION/SPECIAL MEETING
TUESDAY, JULY 26, 2022
5:30 p.m.**

CALL TO ORDER

- A. 5:30 p.m., Introduction of Noah Peterson, Engineering Intern
- B. 5:35 p.m., Presentation from Sam Light, CIRSA General Counsel
- C. 7:20 p.m., General Council Discussion
- D. For Your Information
 - a. Memo to Colorado Broadband Office Regarding Providing Service to Residents in Southwest Colorado

ADJOURNMENT of Worksession at 7:25 p.m.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

07/26/2022

Agenda Item: B.

MEMO TO: Honorable Mayor and City Council

FROM: Linda Smith, City Clerk

SUBJECT: 5:35 p.m., Presentation from Sam Light, CIRSA General Counsel

BACKGROUND

Please see attached information

Attachments

Powerpoint Presentation



Elected Officials Presentation

Presented by Sam Light, CIRSA General Counsel 7.26.22



SAFER TOGETHER

One: Commit to the Role of Public Official

- Being a public official means your role has changed:
 - Citizen → government official (24/7!)
 - Outsider → insider
 - Critic/proponent → representative-fiduciary-ambassador
- The role requires an understanding that in the eyes of the community, you are always a public official.

One: Commit to the Role of Public Official

•When you became a City official, you agreed to uphold and follow applicable laws, including the City's charter, ordinances, policies, etc. What does that commitment embody?

- A commitment to respect your role/responsibility in the City structure.
- A commitment to lawful conduct, including following the City's rules, procedures and criteria in making decisions.
- A commitment to ethical practices.
- A commitment to professional courtesy and respect for one another's divergent viewpoints and styles.

Two: Commit to Supporting the City Structure

- Another role for everyone within the organization is to recognize and honor their role—it is important that everyone “stay in their lane” to avoid risks of liability, including the risk of personal liability!
- You have protection from personal liability if you are “within the scope of employment” and not acting “willfully and wantonly.”
- Means everyone needs to know and respect their “job description.”
- Conduct that is “outside the scope” or “willful and wanton” can result in a loss of governmental immunity and create liability, including the potential of personal liability for you. Can also result in potential loss of insurance coverage.



SAFER
TOGETHER

Two: Commit to Supporting the City Structure

- Role discipline (and its positive impacts) requires recognition that the governing body is not “seven councils of one” but rather one council of seven...the VOICE OF THE COUNCIL.
- This commitment sometimes requires:
 - Setting aside a personal interest or agenda when there is lack of support.
 - Accepting “the Council has spoken” though one may have preferred a different outcome.
 - Patience in terms of waiting until a matter is “ripe” for council’s discussion and decision. A corresponding risk to having the power to decide is that others may look to hold you accountable for “making promises” or “assuring outcomes.”

Three: Honor Transparency

- Commit to the “openness” and other requirements of the Open Meetings Law (OML).
 - The “openness” clause of the OML applies to 3 or more or a quorum, whichever is less.
 - Requires discussion/action on public business to take place at a meeting open to the public.
 - A “meeting” includes any gathering to discuss public business, in person, by phone, or electronically (e-mail, etc.).



Social Media

Escondido Mayor Sued for Blocking Profile on Facebook

Mayor Sam Abed is one of dozens of politicians found to be blocking profiles on their social media accounts, according to records obtained by NBC 7 investigators

Anti-fracking activist sues outgoing Lafayette Mayor Christine Berg over alleged First Amendment violation



Federal Court: Public Officials Cannot Block Social Media Users Because of Their Criticism



Should the First Amendment apply to Facebook? It's complicated.

Colorado fire chief resigns after social media comment about George Floyd protesters

Durham man charged with harassing and cyberstalking Raleigh City Council member

Can Elected Officials Censor Their Critics on Social Media?



Glenwood Springs mayor deletes official Facebook page following threats

Auburn mayor resigns after posting controversial comments on Facebook



**SAFER
TOGETHER**

Four: Commit to Ethical Conduct

- Ethical scandals don't happen all that often and they can be exciting to read about—when they don't involve us!
- Become familiar with ethics rules applicable to your public service. Make them your “best friend” in resolving ethics issues. Some key areas:
 - Conflicts of Interest: Disclose, recuse, don't vote, and don't influence others.
 - Don't disclose or use any confidential information for personal benefit.
 - Decline any gifts that seem to be connected to your service (and abide by gift rules).
 - Avoid situations that may create an appearance of impropriety.

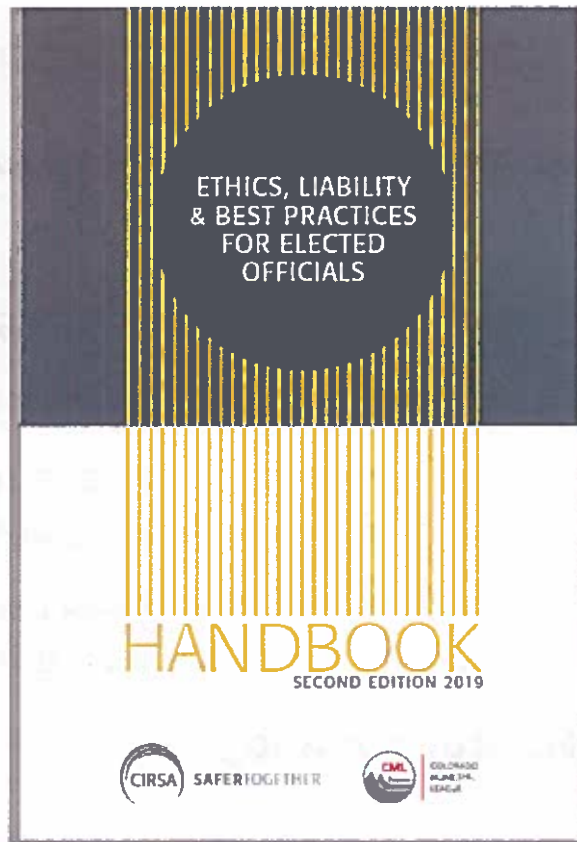
Five: Commit to Providing Due Process

- Much of the time you're acting as "legislators"—making policy and general rules that apply generally—or handling Council level business matters.
- But sometimes you make a decision affecting a specific applicant's property rights. For these "quasi-judicial" matters you are essentially acting as judges. In this role you have heightened responsibilities to provide "due process" and a failure to provide due process exposes you and the City to liability.
- So, be familiar with the due process "rules of engagement" that apply to quasi-judicial matters. They have a familiar source: "No person shall be...deprived of life, liberty, or property, without due process of law."
- See: <https://www.cirsa.org/wp-content/uploads/2020/05/Quasi-Judicial-Proceedings.mp4>

Six: Embrace Wise Leadership

- As a body, commit to a “no surprises” approach while dealing with one another and staff. Commit to meetings free of “gotcha” moments and “staff-bashing.”
- Deal effectively with discord. Every public body has disagreements but discord should not drive meetings, your agenda, or how you interact with the community, each other, or staff.
- Recognize that certain liability risks—in particular civil rights claims—can be exacerbated by “bad facts” that suggest (or are perceived to be based upon) retaliatory or reactive conduct. Use courtesy, tact, and diplomacy in interactions, especially in public settings.
- Recognize you set the tone for the whole organization...and always keep in mind that you are the stewards of the City’s best interests and assets.

Resources



CIRSA Elected Officials Handbook:
<https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>

CIRSA Executive Director Tami Tanoue's
Webinar on Ethics, Liability, and Best Practices
for Elected Officials:
<https://www.cirsa.org/wp-content/uploads/2020/05/Ethics-Liability-and-Best-Practices-Webinar-2020.mp4>

Other CIRSA elected and appointed officials' resources: <https://www.cirsa.org/safety-training/elected-officials/>.

Conclusion

Speaker Bio

Sam Light is General Counsel for the Colorado Intergovernmental Risk Sharing Agency (CIRSA). Previously Mr. Light was a partner with the Denver law firm of Light | Kelly, P.C., specializing in municipal and other public entity law, insurance law and defense of public entities and elected officials. Sam is a frequent speaker on municipal law and has practiced in Colorado since 1993.



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123 ROGER SMITH AVENUE
CORTEZ, CO 81321

07/26/2022

Agenda Item: D. a.

MEMO TO: Honorable Mayor and City Council

FROM: Drew Sanders, City Manager

SUBJECT: Memo to Colorado Broadband Office Regarding Providing Service to Residents in Southwest Colorado

Attachments

broadband memo



*City of Cortez
123 Roger Smith Ave.
Cortez, CO 81321*

July 13, 2022

Colorado Broadband Office
Governor's Office of Information Technology
601 East 18th Avenue
Suite 250
Denver, CO 80203

RE: Providing Service to residents in Southwest Colorado

To Whom it May Concern:

The City of Cortez is in support of a regional collaboration to apply the CBO's middle mile broadband and infrastructure program and capital projects fund to help provide safety and redundancy routes for the State, Region 9, the City of Cortez, and Montezuma County. This project would provide rural community members access to commerce, education, health care and behavioral health services sometimes not available to rural residents.

The following priorities have been identified to provide safe, redundant connectivity to the City of Cortez:

- Priority One Red: Cortez to Mancos: Starts at 2210 and follows 160 to the west end of Mancos where the sewer plant is located. There it can connect to SCAN fiber at the Mancos Town Hall and north of Mancos to the Tri-State Region. 184 to the Tri-State Line. Include extension to the La Plata County line.
- Priority Two Orange: Mancos to Dolores: Tri-State is there but this build needs to be prepped for more capacity. Wanting to create a county loop.

Due to transportation and cost of living, it is sometimes difficult for residents of Cortez and the surrounding area to be able to access higher education, healthcare and mental/behavioral health services. With more campuses offering remote learning opportunities and the recent advances in telehealth, reliable connectivity is more important than ever.

We look forward to a regional collaboration that will provide service to currently unserved and underserved residents and businesses, enhance economic development and increase access to critical services.

Sincerely,

Drew C. Sanders
City Manager
City of Cortez

CC: File