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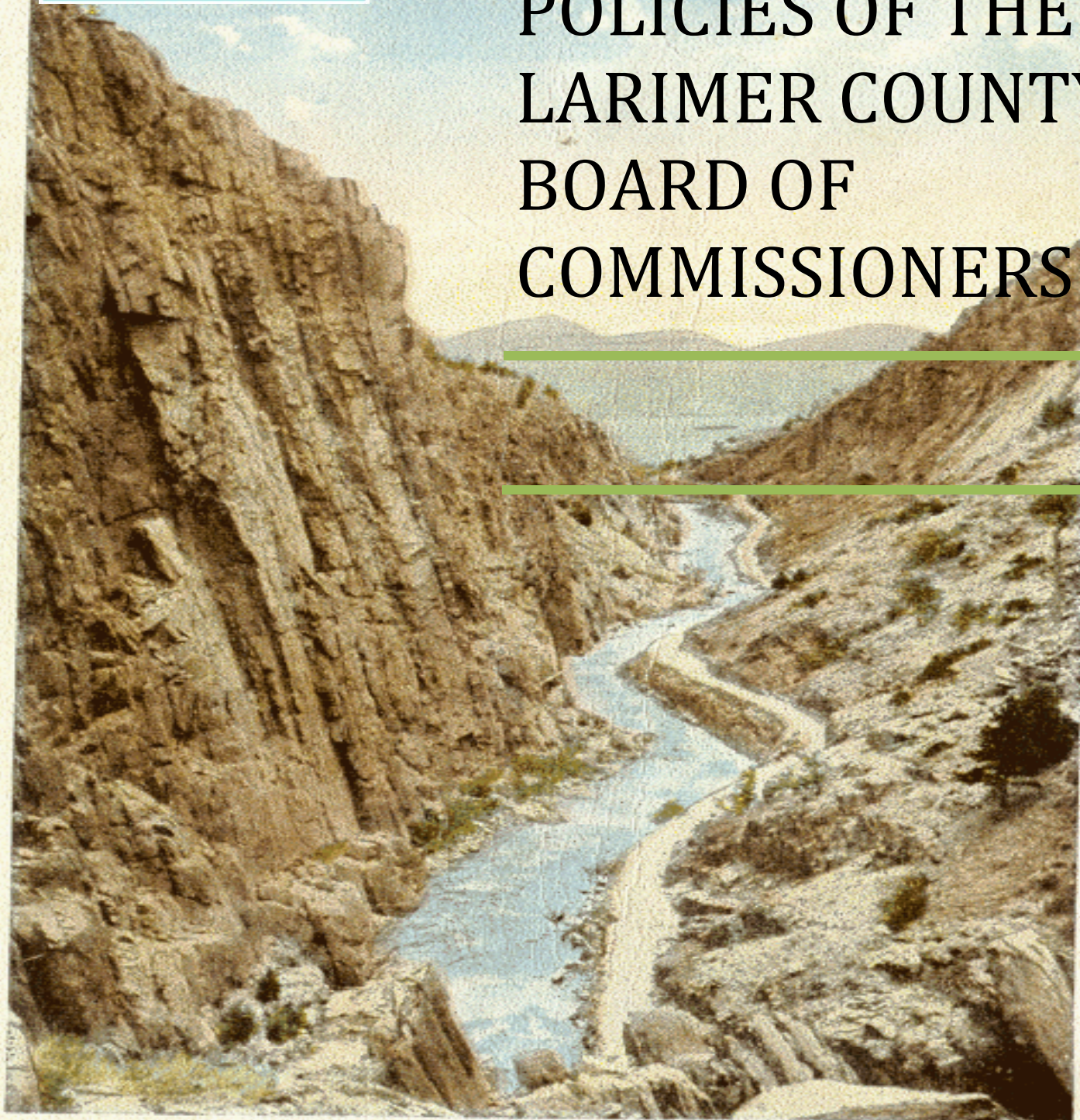


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# GOVERNING POLICIES OF THE LARIMER COUNTY BOARD OF COMMISSIONERS

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LOVELAND AND FORT COLLINS ROAD, ESTES PARK, COLO.

Adopted August 14, 2001  
Rev Oct 2009  
Rev May 2011

## **Introduction**

These Governing Policies, as adopted by the Board of County Commissioners, incorporate four categories of policy. The first category is the Governance Process, which clarifies the board's own job and rules, how they work together and how the Board relates to the citizens of Larimer County. Category two is Board/ Staff Linkages which outlines the delegation and accountability through the County Manager. The third Category is Executive Limitations which describes the prudence and ethics, and limitations of the authority and responsibilities of the County Manager in his/her role as the Chief Appointed Official for the board directing the staff of the Board of County Commissioners . The first three all work together to efficiently and effectively implement the fourth Category, which is the vision, direction, and policy of the Board of County Commissioners. These describe what benefits will occur, for which people, at what cost.

These policies apply to the Board of County Commissioners and the staff and departments reporting to the Board of County Commissioners only. Nothing in these policies is intended or inferred to apply to the other constitutional elected officials of Larimer County, or their staff.

# LARIMER COUNTY BOARD OF COUNTY COMMISSIONERS GOVERNING POLICIES MANUAL

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**POLICY TYPE: GOVERNANCE PROCESS**

**POLICY 1.0**

**POLICY TITLE: *GOVERNANCE COMMITMENT***

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Within the authority granted to it by Colorado Revised Statutes and in recognition of the authority granted to other County elected officials by Colorado Revised Statutes, the purpose of the Larimer County Board of County Commissioners (the "Board"), on behalf of the citizens of Larimer County, is to see to it that the Larimer County government 1) achieves appropriate results for appropriate persons at an appropriate cost and 2) avoids unacceptable actions and situations.

- 1.1 The Board of County Commissioners will approach its task with a style which emphasizes outward vision rather than an 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 proactively rather than reactively.
- 1.2 The operating principles and commitments of the Board of County Commissioners, as it relates to the working relationship between the commissioners, other elected officials, staff and citizens of Larimer County, are to emphasize fairness; responsibilities as elected officials; respect; honesty and integrity; and communication.
- 1.3 The job of the Board of County Commissioners is to make contributions which lead the County Government toward the desired performance and to assure that it occurs. The Board's specific contributions are unique to its trusteeship role and *necessary* for proper governance and management.
- 1.4 The responsibility of the Chair is, primarily, the procedural integrity of the Board's work and, secondarily, representation of the Board of County Commissioners to outside parties as delegated by the Board.
- 1.5 The Board expects of its members ethical and businesslike conduct.
- 1.6 The Board of County Commissioners may establish boards and commissions to advise the Board in carrying out its responsibilities
- 1.7 Other than those statutorily required, all boards and commissions appointed by the Larimer County Board of County Commissioners exist so that Board decisions (a) will be made from an informed position, and (b) will be made in a public forum consistent with Board policy.

The Board of County Commissioners will approach its task with a style which emphasizes outward vision rather than an 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 proactively rather than reactively.

In this spirit:

- 1.1.1. The Board of County Commissioners will operate fully aware of its trusteeship and stewardship obligation to its constituents.
- 1.1.2. The Board of County Commissioners will conduct itself individually and collectively with whatever discipline is needed to govern with excellence through:
  - A. Being committed to matters such as policy making principles, role clarification, speaking with one voice and self-policing of any tendency to stray from governance adopted in Board policies.
  - B. Individual Board members' thorough preparation for meetings and regular attendance.
  - C. Continuation of 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.
- 1.1.3. The Board of County Commissioners will direct, control and motivate the organization through the careful establishment of broad written policies reflecting the Board's values and perspectives. The Board's emphasis will be on impacts on the County outside the organization, not on the administrative means.
- 1.1.4. The Board of County Commissioners, as trustee for and working with the citizens of Larimer County, will be the primary initiator of policy, and will also be receptive to other policy initiatives from citizens, other elected officials, staff, etc. The Board, not the staff, will be responsible for Board performance as specified in the policy entitled Board Job Products.

- 1.1.5. The Board of County Commissioners will be accountable to the Citizens of Larimer County for competent, conscientious and effective accomplishment of its obligations as a body. It will allow no individual, committee or entity to usurp this role or hinder this commitment.
- 1.1.6. The Board of County Commissioners will regularly monitor and discuss the Board's own process and performance, and ensure the continuity of its governance capability through continuing education and training.
- 1.1.7. A member of the Board of County Commissioners who votes in the minority is free to express his/her dissent but will respect the process and legitimacy of the majority decision.
- 1.1.8 Any member of the Board of County Commissioner will respect legitimacy of the opinions and reasoning of other commissioners when and after making board decisions.
- 1.1.9 Agree not to hold grudges or bring baggage from past actions into future decisions.
- 1.1.10 A member of the Board of County Commissioners who, in their sole opinion, believe they have a conflict of interest or for any other reason believes that 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 prior to any board discussion of the issue and the board member will leave the room for the remainder of the discussion of the issue.

The operating principles and commitments of the Board of County Commissioners, as it relates to the working relationship between the commissioners, other elected officials, staff and citizens of Larimer County, are to emphasize fairness; responsibilities as elected officials; respect; honesty and integrity; and communication.

- 1.2.1 **FAIRNESS:** We are committed to fairness in our day to day activities. To ensure an atmosphere of fairness, we agree to the following principles:
  - A. We will listen to all sides of an issue.
  - B. We will be fair with each other.
  - C. Citizens will have opportunity to access the Board of County Commissioners, with the exception of any contact that may be considered ex-parte communication associated with a quasi-judicial decisions.
  - D. We have an obligation to listen to each other, citizens and staff with the understanding that an obligation to listen does not necessarily equate to an obligation to agree or to act as requested.
  - E. We will take others' concerns seriously.
  - F. We will treat each other as equals.
  
- 1.2.2 **RESPONSIBILITIES AS ELECTED OFFICIALS:** We understand and agree that we have certain responsibilities to the public and community beyond those simply articulated in law.
  - A. We believe we are each responsible for our own actions as Commissioners. We will take responsibility for our own actions.
  - B. We agree to address issues and respond to each others requests in a timely and open manner.
  - C. We agree to respond to each other in a timely manner, by agreeing on a time for response, when possible.
  - D. We will give equal weight to rights and responsibilities when making decisions.
  - E. When giving staff responsibility we will grant the appropriate authority to carry out that responsibility.
  
- 1.2.3. **RESPECT:** Citizens' trust in government is critically important. The key to building and maintaining this trust is placing a high value on respecting each other and those we work with and serve as public officials.
  - A. We agree to take others' concerns seriously.
  - B. We agree to accept and respect each other's individuality, supporting each other by capitalizing on our individual strengths, working together, as a team, utilizing each others' expertise, to accomplish our goals and the goals of Larimer County.

- C. We believe that information flow within the organization is important and that all affected parties should have all of the information that is important to them, whenever possible.
- D. We agree to respect each other's feelings and ideas and to treat everyone with respect.
- E. We will make every effort to not just listen but to understand the point from others' perspective.
- F. We understand that respect comes in many forms and we will make every effort to show respect for others both in our verbal and non-verbal actions.

1.2.4. **HONESTY AND INTEGRITY:** As public officials we will hold ourselves to a high standard of honesty and integrity in the community.

- A. We will deal with each other honestly.
- B. We are committed to high standards of ethics in our dealings with each other, employees, and citizens.
- C. If an interpersonal conflict or problem develops, we will work with the people involved only and strive to settle the conflict or problem in a constructive one on one basis.

1.2.5. **COMMUNICATION:** We believe that to be effective as elected officials, we must communicate clearly and completely at all times.

- A. We believe in full disclosure and “no surprises” in our internal operations and in working together as a Board. We will strive for open and candid communication among citizens, other elected officials, staff and each other.
- B. We are committed to providing our citizens with relevant, accurate and timely information about the County goals, services, fiscal programs, services provided, and the decisions that will affect the public.
- C. We believe it is important to keep each other informed of our activities and of issues facing us as a Board of County Commissioners. We understand that there are times when citizens request confidentiality, and in situations where confidentiality is warranted, we will disclose the general nature of the meeting to our fellow Commissioners within limits which respect the request or necessity for confidentiality. We also agree to respect the judgment of our fellow commissioners in their judgment of the necessity for confidentiality on any given issue.

The job of the Board of County Commissioners is to lead the County Government toward the desired performance and to assume a good faith effort toward those objectives. The Board's leadership is unique to its trusteeship role and *necessary* for proper governance and management.

1.3.1 The products of the Board shall be:

1. Linkage: As the Larimer County Board of County Commissioners places a high value on open, participatory government, the board will produce the linkage between Larimer County government and the Citizens of Larimer County.
  - A. Needs Assessment: The Board of County Commissioners will strive to identify the needs of the citizens as they relate to Larimer County's activities and scope of influence, and shall translate such knowledge into the articulation of Board Objectives policies (see definition below).
  - B. Advocacy and Ambassadorship: The Board of County Commissioners will act as the representatives of the citizens to Larimer County government, and shall take steps to inform and clarify:
    - i. the citizens relationship with government, and
    - ii. the organization's focus on future results, and as well as present accomplishments.
2. Written governing policies that, at the broadest levels, address each category of organizational decision:
  - A. **OUTCOMES:** Organizational products, effects, benefits, to answer the questions for (what good, for which recipients, and at what cost?).
  - B. **STAFF LIMITATIONS:** Constraints on staff authority which establish the prudence and ethics boundaries within which all County Manager and staff activity and decisions must take place.
  - C. **GOVERNANCE PROCESS:** Specification of how the Board of County Commissioners conceives carries out and monitors its own task.
  - D. **BOARD/STAFF LINKAGE:** How power is delegated and its proper use monitored; the role, authority and accountability of the County

Manager *(and the County Attorney)*.

3. The Board will produce assurance of:
  - A. County Manager performance (in accordance with policies in 2A and 2B)
  - B. County Attorney performance (in accordance with policies in 2A and 2B)
4. Regulations, resolutions, and ordinances

The responsibility of the Chair is, primarily, to establish procedural integrity and, secondarily, representation of the Board of County Commissioners to outside parties (as delegated by the Board). Accordingly:

- 1.4.1. The responsibility of the Chair is to consistently guide the behavior of the Board with its own rules and those legitimately imposed upon it from outside the organization.
  - 1.4.1.1. Meeting agendas and discussion content will be only those issues which, according to Board policy, clearly belong to the Board to decide, not the County Manager.
  - 1.4.1.2. Deliberation will be fair, open, orderly and thorough, but also efficient, limited to time, and kept to the point.
- 1.4.2. The authority of the Chair is to preside over meetings and to sign documents as authorized by the Board of County Commissioners.
- 1.4.3. The chair represents the Board only when delegated those responsibilities by the Board.

The Board of County Commissioners shall operate in an ethical and businesslike manner. Accordingly:

- 1.5.1. Members of the Board of County Commissioners must represent unconflicted loyalty to the interests of the citizens of the entire County. This accountability supersedes any conflicting loyalty such as that to any advocacy or interest groups, or membership on other Boards or staffs. This accountability also supersedes the personal interest of any Board member acting as an individual consumer of the County government's services.
- 1.5.2. Members of the Board of County Commissioners must avoid any fiduciary conflict of interest, ex-parte communication or nepotism conflicts.
- 1.5.3. Members of the Board of County Commissioners will act in accordance with the Colorado Revised Statutes as they relate to the Board's responsibilities and authorities.
- 1.5.4. Individual Board members can represent the Board on County matters when delegated those responsibilities by the Board
- 1.5.5. Members of the Board of County Commissioners may not attempt to exercise individual authority over the County government except as explicitly set forth in Board policies.
  - 1.5.5.1. Board of County Commissioners' interaction with the County Manager or with staff must recognize the lack of authority in any individual Board member or group of Board members except when explicitly authorized by the Board in a public meeting.
  - 1.5.5.2. Individual Board members' interaction with public, press or other entities must recognize the same limitation except when explicitly authorized by the Board of County Commissioners in a public meeting.
  - 1.5.5.3. Individual Board members will not make individual judgments of the performance of the County Manager, his/her staff or the County Attorney except as that performance is assessed in accordance with explicit Board of County Commissioners' policies.
  - 1.5.5.4. Individual members of the Board of County Commissioners may not intentionally coerce or intimidate County employees, interfere with County employees' duties or authority.

The Board of County Commissioners may establish boards and commissions to advise the Board in carrying out its responsibilities. Accordingly:

- 1.6.1. This policy applies only to boards and commissions which are created at the discretion of the Board of County Commissioners, whether or not it is called a board or commission
- 1.6.2. Other than those statutorily directed, Boards and commissions may not speak or act for the Board of County Commissioners except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the staff.
- 1.6.3. Boards and commissions are to help the Board of County Commissioners do its job, not to help the staff do its job. Boards and commissions ordinarily will assist the Board by preparing policy alternatives and implications for Board deliberation. Boards and commissions are not created by the Board to advise staff.
- 1.6.4. In keeping with the Board of County Commissioners' broader focus, boards and commissions normally will not have direct dealings with current staff operations. Boards and commissions cannot exercise authority over staff.
- 1.6.5. Because the staff works for the Board, they will not be expected to obtain approval of a board or commission before taking action unless otherwise authorized by state statute, Board policy, or federal regulation.
- 1.6.6. Because of the differing nature of Boards and Commissions, some of which are defined by state statute, the Board shall have and keep current an operating policy defining the role of different boards and setting forth rules and procedures for Larimer County Boards (OPS 100.1).

**POLICY TYPE: GOVERNANCE PROCESS**

**POLICY 1.7**

**POLICY TITLE: *BOARDS AND COMMISSIONS***

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Other than those statutorily required, all boards and commissions appointed by the Larimer County Board of County Commissioners exist so that Board decisions (a) will be made from an informed position, and (b) will be made in a public forum consistent with Board policy.

Accordingly, the following principles shall guide the appointment and operation of all Board of County Commissioners appointed boards and commissions:

- 1.7.1. The authority and responsibility of any board or commission will not duplicate the authority or responsibility of:
  - A. The Board of County Commissioners
  - B. County Staff
  - C. Any other board or commission
  - D. County Auditor
  - E. County Attorney
- 1.7.2. All boards and commissions will undergo a regular sunset review, at least once every five years, and according to a staggered schedule to be adopted separately by the Board of County Commissioners.
- 1.7.3. Said sunset review shall include a review of the Board and Commission's Mission. Statement, and of the Board of County Commissioners' charge to the Board or Commission of their role, responsibility and authority.
- 1.7.4. Appointments to all Boards and Commissions by the Board of County Commissioners shall be limited to maximum service of two consecutive terms on any particular board or commission, unless waived by the Board of County Commissioners for the following reasons:
  - 1.7.4.1. Lack of applicants to fill positions on the Board or Commission
  - 1.7.4.2. Lack of applicants with specific required knowledge or skill to fill the position.
  - 1.7.4.3. Lack of applicants who meet specific qualifications as required by policy or statute to fill the position.

The Board of County Commissioners' official link to the operation of departments of County Government and staff, under the jurisdiction of the Board of County Commissioners, is the County Manager.

- 2.1 The Board of County Commissioners' job is generally confined to establishing the broadest policies; implementation and subsidiary decision making is delegated to the County Manager.
- 2.2 As the Board's primary link to the operations of County government, the County Manager's performance will be considered to be synonymous with organizational performance (within the scope of the County Manager's authority).
- 2.3 Monitoring County Manager performance is synonymous with monitoring organizational performance against Board policies and Staff Limitations. Any evaluation of County Manager performance, formal or informal, may be derived only from these monitoring criteria.

The Board of County Commissioners' job is generally confined to establishing the broadest vision and policies. Implementation and subsidiary decision making is delegated to the County Manager.

- 2.1.1 Only decisions of the Board of County Commissioners, by majority vote, are binding on the County Manager.
- 2.1.2 With the exception of the County Attorney, the County Manager shall have line authority over all county divisions under the Board of County Commissioners. This authority shall include supervision and control over day to day functions and management decisions required to carry out the objectives of the Board of County Commissioners. . Employment decisions regarding appointed officials reporting to the County Manager shall be made in cooperation with the Board of County Commissioners.
- 2.1.3 The policies and goals of the Board of County Commissioners direct the County Manager to achieve certain results; the policies permit the County Manager to act within acceptable boundaries of prudence and ethics. With respect to the policies, the County Manager is authorized to make all decisions, take all actions and develop all activities as long as they are consistent with *any reasonable interpretation* of the policies of the Board of County Commissioners.
- 2.1.4 The Board of County Commissioners may change its policies, thereby shifting the boundary between Board and County Manager domains. Consequently, the Board may change the latitude of choice given to the County Manager, but so long as any particular delegation is in place, the Board will respect and support the County Manager's choices. The Board will not allow the impression that the County Manager has violated policy when, the County Manager supports an existing policy.
- 2.1.5 No individual member of the Board of County Commissioners has authority over the County Manager. Information may be requested by individual Board members, but if such request, in the County Manager's judgment, requires a material amount of resources or is detrimental to other necessities, the County Manager may ask for majority Board action on such a request.
- 2.1.6 It is understood that at times it may be in the best interest of the County to waive or grant exceptions to adopted Board policy. The County Manager shall request Board approval for any policy waiver or exception prior to its implementation.

2.1.7 Should the County Manager deem it necessary to, or inadvertently, violate a Board policy, he or she shall promptly inform the Board of County Commissioners. Informing is simply to guarantee no violation may be intentionally kept from the Board, not to request approval. Board response, either approving or disapproving, does not exempt the County Manager from subsequent Board judgment of the action.

**POLICY TYPE: BOARD/STAFF LINKAGE**

**POLICY 2.2**

**POLICY TITLE: *COUNTY MANAGER JOB DESCRIPTION***

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As the Board's primary link to the operations of County government, the County Manager's performance will be considered to be synonymous with organizational performance (within the scope of the County Manager's authority).

The County Manager's job contributions can be stated as performance in two areas:

- 2.2.1 Board outcomes are met and policies are followed (within the scope of the County Manager's authority).
- 2.2.2 County government operation within the boundaries established in Board policies on STAFF LIMITATIONS (within the scope of the County Manager's authority).

**POLICY TYPE: BOARD/STAFF LINKAGE**

**POLICY 2.3**

**POLICY TITLE: *MONITORING COUNTY MANAGER PERFORMANCE***

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Monitoring County Manager performance includes monitoring organizational performance against Board policies on outcome and on Staff Limitations. Accordingly:

- 2.3.1. The purpose of monitoring is simply to determine the degree to which Board policies are being met. Information which does not do this will not be considered to be monitoring. Monitoring will be as automatic as possible, using a minimum of Board time so that meetings can focus on creating the future.
- 2.3.2. A given policy may be monitored in one or more of three ways:
  - (a) Internal Report: Disclosure of compliance information to the Board of County Commissioners from the County Manager.
  - (b) External Report: Discovery of compliance information by a disinterested party who is selected by and reports directly to the Board of County Commissioners. Such reports must assess executive performance only against policies of the Board, not those of the external party unless the Board has previously indicated that party's opinion to be the standard.
  - (c) Direct Board Inspection: Discovery of compliance information by a Board member or the Board of County Commissioners as a whole. This is a Board inspection of documents, activities or circumstances directed by the Board which allows a "prudent person" test of policy compliance.
- 2.3.3. The Board of County Commissioners may choose to monitor any policy by any method at any time. For regular monitoring, however, each *Board Objectives* and *Staff Limitations* policy will be classified by the Board according to frequency and method.
- 2.3.4. The Board of County Commissioners will conduct an annual formal evaluation of the County Manager in October which will include a summation examination of the monitoring data acquired during that period.

2.3.5. The Board of County Commissioners will monitor the County Manager's performance with respect to these expectations on a routine basis.

3.0 General Executive Constraint	Internal	Annually	October
3.1 Customer Service	Internal	Annually	October
3.2 Treatment of Staff	Internal	Annually	October
3.3 Financial Planning/Budgeting	Internal	Quarterly	Apr., July, Oct., Jan.
3.4 Financial Condition & Activities	Internal	Annually	October
	External	Annually	June
3.5 Asset Protection	Internal	Annually	October
3.6 Emergency County Manager Replacement	Internal	Annually	October
3.7 Emergency Preparedness	Internal	Annually	April
3.8 Compensation and Benefits	Internal	Annually	September
3.9 Communication and Support to the Board	Internal	Annually	October
3.10 Capital Equipment and Improvements	Internal	Annually	October
3.11 Quality of Life	Internal	Annually	October
3.12 Internal Procedures	Internal	Annually	July
4.1 Health and Well Being	Internal	Semi-Annually	March, Sept
4.2 Transportation	Internal	Semi-Annually	March, Sept
4.3 Jobs and Economic Vitality	Internal	Semi-Annually	March, Sept
4.4 Public Safety	Internal	Semi-Annually	March, Sept
4.5 Preparing for Growth	Internal	Semi-Annually	March, Sept
4.6 Environment	Internal	Semi-Annually	March, Sept
4.7 Statutory Government Services	Internal	Semi-Annually	March, Sept

The County Attorney represents the BOCC and anyone acting on its behalf so long as they are not acting in conflict with the BOCC or its policies. In addition, the County Attorney represents the other Larimer County Elected or Appointed Officials so long as they are acting within their statutory duties.

2.4.1 Ethical Obligation of County Attorney

2.4.1.1 The County Attorney at all times will be guided by, and subject to, the Colorado Rules of Professional Conduct for Attorneys and specifically Rule 1.13 as follows:

**➡ RULE 1.13. ORGANIZATION AS CLIENT**

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.

(c) Except as provided in paragraph (d), if

(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and

(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 (Colorado Rules of Professional Conduct for Attorneys ) permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to the information relating to a lawyer's representation of an organization to investigate an alleged violation of

law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraph (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7.( Colorado Rules of Professional Conduct for Attorneys) If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

#### 2.4.2 Accountability of the County Attorney -

2.4.2.1 The County Attorney shall report directly to the Board of County Commissioners. The purpose of the County Attorney is to ensure that the Board's actions take place with competent and prudent legal counsel and representation.

2.4.2.2 The County Attorney is accountable to the Board acting as a body, never to any individual Board member or group of members, nor to the County Manager.

2.4.2.3 If individual Board members request information or assistance without Board authorization, the County Attorney may refuse such requests that require, in his/her opinion, an inappropriate amount of staff time or funds or is disruptive. In such a case, the requesting member may choose to bring the request to the Board.

2.4.2.4 County Attorney accountability is for all resources, including personnel, under his or her control. Therefore, any accomplishments or violations due to actions of a subordinate of the County Attorney are considered to be accomplishments or violations by the County Attorney.

- 2.4.2.5 The County Attorney may accomplish the “Job Products” of the position in any manner not imprudent, unethical, or in violation of the prohibitions listed below under “Limitations on County Attorney Authority.”
- 2.4.2.6 The County Attorney may use any reasonable interpretation of Board policies as they pertain to his/her authority and accountability. The County Attorney is authorized to establish all further policies, make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the Board’s policies. All assistant county attorneys shall serve at the pleasure of the County Attorney.

#### 2.4.3 Job Products of the County Attorney

- 2.4.3.1 Timely opinion on documents and contemplated decisions or actions of the Board, the County Manager or other County Officials holding the authority to make such decisions. Requests to the County Attorney to provide opinions about the wisdom of policy of decisions shall be discouraged.
- 2.4.3.2 Timely opinion on the legal ramifications of pending or actual laws, regulations, court decisions, and pending or threatened litigation.
- 2.4.3.3 Timely opinion on the legality or propriety under the law of the Board’s processes.
- 2.4.2.4 Timely opinion on the legality or propriety under the law of pending or actual acts or omissions of any Commissioner, Board, Committee, Commission, the County Manager or other County employee or official.
- 2.4.3.5 When requested or appropriate, alternate language or action to achieve Board or County Manager intentions in a lawful manner.
- 2.4.3.6 Timely and thoughtful advice and recommendations on the range of legal options available.
- 2.4.3.7 The County Attorney shall endeavor to provide professional advice based upon the law as determined by the County Attorney and also other considerations as may be appropriate to the decision. The County Attorney should refrain from influencing policy based upon the personal belief of the attorney.
- 2.4.3.8 Litigation:
  - (i) Advice regarding avoidance of litigation or settlement of potential litigation.
  - (ii) Timely provision to the Board and the County Manager on the status of settlement negotiations and all threatened/actual litigation.
  - (iii) Settlement of litigation, with authority as obtained from the Board.
  - (iv) Diligent and competent representation of the Board, the County, and the county’s officers agents and employees in litigation.

(v.) The County may carry out its obligation to defend county officials and employees from third party claims by using the services of the County Attorney's office. The County attorney will be responsible for determining conflicts of interest in such defense and advise the Board and individuals involved.

2.4.3.9 Adequately brief the board on emerging legal issues and trends affecting the county.

2.4.4 Limitations on County Attorney Authority. The County Attorney shall not:

2.4.4.1 Exercise authority over County Manager or staff other than that in the Office of the County Attorney.

2.4.4.2 Violate applicable codes of professional ethics and conduct.

2.4.4.3 Treat the public or staff in a disrespectful or unfair manner.

2.4.4.4 Allow employees under the County Attorney's purview to operate without the same personnel policies, compensation plans and other policies which have been adopted by the Board or County Manager for all County employees.

2.4.4.5 Incur expenditures or fiscal encumbrances beyond those authorized under BOCC Policy.

2.4.4.6 Unreasonably withhold information from the County Manager, nor shall the County Attorney fail to cooperate with the County Manager in the performance of his/her official functions.

2.4.5 Evaluation of County Attorney performance.

2.4.5.1 County Attorney accountability is only for job expectations explicitly stated by the Board in this document. Consequently, the provisions herein are the sole basis of any subsequent evaluation of County Attorney performance, though he or she may use any reasonable interpretation of the Board's words.

2.4.5.2 The Board may monitor County Attorney performance with respect to these expectations at any time, but the Board intends to monitor Counsel's performance annually each November

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.0**

**POLICY TITLE: *GENERAL COUNTY MANAGER CONSTRAINT***

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Within the scope of authority delegated to him/her by the Board of County Commissioners, the County Manager shall not cause nor allow any practice, activity, decision or organizational circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

- 3.1 The quality of life in Larimer County depends upon the partnership between citizens, elected officials and County employees. Therefore, within the scope of his/her authority, the County Manager shall not fail to ensure high standards regarding the treatment of our citizens.
- 3.2 With respect to the treatment of paid and volunteer staff, the County Manager may not cause or allow conditions that are unsafe, unfair or undignified.
- 3.3 With respect for strategic planning for projects, services and activities with a fiscal impact, the County Manager may not jeopardize either programmatic or fiscal integrity of County government.
- 3.4 With respect to the actual, ongoing condition of the County government's financial health, the County Manager may not cause or allow the development of fiscal jeopardy or loss of allocation integrity in accordance with Board Objectives policies.
- 3.5 Within the scope of his/her authority in the County and given available resources, the County Manager shall not allow the County's assets to be unprotected, inadequately maintained or unnecessarily risked.
- 3.6 In order to protect the Board from sudden loss of County Manager services, the County Manager may have no less than two other member(s) of the County management team familiar with Board and County Manager issues and processes.
- 3.7 In order to protect Larimer County, its citizens and its property, the County Manager in coordination with the plans and statutory responsibilities of the Larimer County Sheriff shall not fail to have in place adequate plans to prevent and/or respond to emergencies and/or disasters.

- 3.8 With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the County Manager shall not cause or allow jeopardy to fiscal integrity.
- 3.9 The County Manager shall not permit the Board of County Commissioners to be uninformed or unsupported in its work.
- 3.10 With respect to planning for and reporting on Capital Equipment and Improvements Programs, the County Manager may not jeopardize either programmatic or fiscal integrity of the organization.
- 3.11 With respect to County government's quality of life for the community the County Manager shall not fail to plan for implementing policies of the Board regarding economic health, environmental responsibility and community interests.
- 3.12 With respect to internal operating procedures, the County Manager will insure that the County may not fail to have internal procedures for the well being of the County to promote effective and efficient county operations.

- 3.1 The quality of life in Larimer County depends upon the partnership between citizens, elected officials and County employees. Therefore, within the scope of his/her authority, the County Manager shall not fail to ensure high standards regarding the treatment of our citizens.

Accordingly, he/she shall not fail to encourage the following basic attitudes in employees:

- 3.1.1 The Citizens of Larimer County deserve the best possible services and facilities given available resources.
- 3.1.2 Prompt action is provided to resolve problems or issues.
- 3.1.3 Attention is paid to detail and quality service is provided that demonstrates a high level of professionalism.
- 3.1.4 Each employee represents excellence in public service.
- 3.1.5 Each employee is "the County" in the eyes of the public.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.2**

**POLICY TITLE: *TREATMENT OF STAFF  
AND VOLUNTEERS***

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With respect to the treatment of paid and volunteer staff, the County Manager may not cause or allow conditions which are unsafe, unfair or undignified.

Accordingly, pertaining to paid staff within the scope of his/her authority, he/she shall not:

- 3.2.1 Operate without written personnel policies that clarify personnel rules for employees.
- 3.2.2 Fail to acquaint staff with their rights under this policy upon employment.
- 3.2.3 Fail to commit and adhere to the policies of Equal Employment Opportunity and Fair Labor Standards Act.
- 3.2.4 Fail to make reasonable efforts to provide a safe working environment for employees, volunteers and citizens utilizing county services

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.3**

**POLICY TITLE: *FINANCIAL PLANNING***

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With respect to strategic planning for projects, services and activities with a fiscal impact, the County Manager may not jeopardize either programmatic or fiscal integrity of County government. Accordingly, the County Manager shall not allow budgeting which:

- 3.3.1. Deviates from statutory requirements.
- 3.3.2. Deviates materially from Board-stated priorities in its allocation among competing budgetary needs.
- 3.3.3. Contains inadequate information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and subsequent audit trails, and disclosure of planning assumptions.
- 3.3.4. Plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period, or which are otherwise available.
- 3.3.5. Reduces fund balances or reserves in any fund to a level below that established by the Board of County Commissioners.
- 3.3.6. Fails to maintain a Budget Contingency Plan capable of responding to significant shortfalls within the County's budget.
- 3.3.7. Fails to provide for an annual audit.
- 3.3.8. Fail to protect, within his or her ability to do so, the integrity of the current or future bond ratings of the County.
- 3.3.9. Results in new positions or additions to the staffing document without specific approval of the Board of County Commissioners. The County Manager may approve positions funded by grants, which would not impose additional costs to the County in addition to the grant funds.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.4**

**POLICY TITLE: *FINANCIAL CONDITION AND ACTIVITIES***

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With respect to the actual, ongoing condition of the County government's financial health, the County Manager may not cause or allow the development of fiscal jeopardy or loss of allocation integrity in accordance with Board Objectives policies. Accordingly, the County Manager may not:

- 3.4.1. Expend more funds than are available.
- 3.4.2. Allow the general fund and other fund balances to decline below ten percent of annual expenditures as of the end of the fiscal year, unless otherwise authorized by the Board.
- 3.4.3. Allow cash to drop below the amount needed to settle payroll and debts in a timely manner.
- 3.4.4. Allow payments or filings to be overdue or inaccurately filed.
- 3.4.5. Engage in any purchases wherein normally prudent protection has not been given against conflict of interest or may not engage in purchasing practices in violation of state law or County purchasing procedures.
- 3.4.6. Use any fund for a purpose other than for which the fund was established.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.5**

**POLICY TITLE: *ASSET PROTECTION***

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Within the scope of his/her authority in the County and given available resources, the County Manager shall not allow the County's assets to be unprotected, inadequately maintained or unnecessarily risked

Accordingly, he or she may not:

- 3.5.1. Fail to have in place a Risk Management program which insures against property losses and against liability losses to Board members, staff and Larimer County to the amount legally obligated to pay.
- 3.5.2. Allow unbonded personnel access to material amounts of funds.
- 3.5.3. Subject plant, facilities and equipment to improper wear and tear or insufficient maintenance (except normal deterioration and financial conditions beyond County Manager control).
- 3.5.4. Receive, process or disburse funds under controls insufficient to meet the Board-appointed auditor's standards.
- 3.5.5. Unnecessarily expose County government, its Board of County Commissioners or staff to claims of liability.
- 3.5.6. Fail to protect intellectual property, information and files from loss or significant damage.
- 3.5.7. Acquire, encumber, dispose or contract for real property except as expressly permitted in County policy.
- 3.5.8. Allow internal control standards to be less than that necessary to satisfy generally accepted accounting/auditing standards recognizing that the cost of internal control should not exceed the benefits expected to be derived.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.6**

**POLICY TITLE: *EMERGENCY COUNTY MANAGER REPLACEMENT AND BACK UP***

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In order to protect the Board from sudden loss of County Manager services, the County Manager may have no fewer than two (2) other members of the County management team familiar with Board of County Commissioners and County Manager issues and processes.

- 3.6.1. The Larimer County Assistant County Manager shall act in the capacity of County Manager in his/her absence. In the absence of the County Manager and Assistant County Manager a County Division Head previously designated by the County Manager will act in the capacity of County Manager.
- 3.6.2. The County Manager shall provide the necessary training needed to enable successful emergency replacement.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.7**

**POLICY TITLE: *EMERGENCY PREPAREDNESS***

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In most county emergency situations, the Sheriff of Larimer County has the responsibility and authority to provide emergency response. In order to protect Larimer County, its citizens and its property, the County Manager shall coordinate with the plans and statutory responsibilities of the Larimer County Sheriff and shall not fail to have in place adequate plans to prevent and/or respond to emergencies and/or disasters.

- 3.7.1 The County Manager shall be responsible for the assigned responsibilities identified in the Larimer County Emergency Operations Plan
- 3.7.2 The County Manager shall not fail to have a business continuity plan for the County.
- 3.7.3 In the event of an emergency, the County Manager shall not fail to take appropriate action immediately to insure the safety of the public and public and private assets, including authorizing specific actions by county staff and declaring an emergency on behalf of the Board of County Commissioners
  - 3.7.3.1 The County Manager shall not fail to bring any emergency action or declaration before the Board for ratification within 72 hours of taking such action or making said declaration.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.8**

**POLICY TITLE: *COMPENSATION AND BENEFITS***

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With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the County Manager shall not cause or allow jeopardy to fiscal integrity of the County. Accordingly, pertaining to paid workers, he or she may not:

- 3.8.1. Change his or her own compensation and benefits.
- 3.8.2. Promise or imply permanent or guaranteed employment.
- 3.8.3. Establish current compensation and benefits which deviate materially for the regional or professional market for the skills employed:
- 3.8.4. Establish deferred or long-term compensation and benefits.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.9**

**POLICY TITLE: *COMMUNICATION AND SUPPORT TO THE BOARD***

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The County Manager shall not permit the Board of County Commissioners to be uninformed or unsupported in its work.

Accordingly, he or she may not:

- 3.9.1 Let the Board of County Commissioners be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has been previously established.
- 3.9.2 Fail to submit monitoring data required by the Board (see policy on Monitoring County Manager Performance in *Board/Staff Linkage*) in a timely, accurate and understandable fashion, directly addressing provisions of Board policies being monitored.
- 3.9.3 Fail to establish a process that brings to the Board of County Commissioners as many staff and external points of view, issues and options as needed for informed Board choices on major policy issues.
- 3.9.4 Present information in unnecessarily complex or lengthy form.
- 3.9.5 Fail to provide support for official Board of County Commissioners activities or communications.
- 3.9.6 Fail to deal with the Board of County Commissioners as a whole except (a) when fulfilling individual requests for information.
- 3.9.7 Fail to report in a timely manner any actual or anticipated noncompliance with any policy of the Board of County Commissioners.
- 3.9.8 Fail to provide for the Administrative Matters Consent Agenda all items delegated to the County Manager yet required by law or third party contract to be Board-approved.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.10**

**POLICY TITLE: *CAPITAL EQUIPMENT AND IMPROVEMENTS PROGRAMMING***

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With respect to planning for and reporting on capital equipment and improvements programs, the County Manager may not jeopardize either programmatic or fiscal integrity of the organization.

Accordingly, he or she may not allow the development of a capital program which:

- 3.10.1 Deviates materially from the Board of County Commissioners' stated priorities.
- 3.10.2 Plans the expenditure in any fiscal period of more funds than are conservatively projected to be available during that period.
- 3.10.3 Contains too little detail to enable accurate separation of capital and operational start-up items, cash flow requirements and subsequent audit trail.
- 3.10.4 Fails to project on-going operating, maintenance, and replacement/perpetuation expenses.
- 3.10.5 Fails to provide regular reporting on the status of the budget and on the progress of each active project, including data such as changes and the financial status of each project, including expenditures to date.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.11**

**POLICY TITLE: *GENERAL COUNTY MANAGER CONSTRAINT-QUALITY OF LIFE***

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With respect to County government's quality of life for the community, the County Manager shall not fail to plan for implementing policies of the Board regarding economic health, environmental responsibility, and community interests.

**POLICY TYPE: STAFF LIMITATIONS**

**POLICY 3.12      POLICY TITLE: *GENERAL COUNTY MANAGER CONSTRAINT –INTERNAL PROCEDURES***

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With respect to internal operating procedures, the County Manager will insure that the County has internal procedures to promote effective and efficient County operations.

**POLICY TYPE: BOARD OBJECTIVES**

**POLICY 4.0 POLICY TITLE: *BOARD OBJECTIVES AND ENDS***

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*(not reflecting any order of priority)*

