

Posted on May 7, 2024 at: 15:10



**TOWN OF WIGGINS**

**BOARD of TRUSTEES  
WORK SESSION**

**May 8, 2024 at 7:00 P.M.**

**304 CENTRAL AVENUE  
WIGGINS, CO 80654**

***THE PUBLIC IS INVITED & ENCOURAGED TO ATTEND THE MEETING VIA ZOOM  
OR WATCH ON YOUTUBE IF THEY ARE UNABLE TO ATTEND MEETING IN PERSON***

***GO TO THE FOLLOWING SITE <https://us06web.zoom.us/j/82016603203> FOR THE MEETING LINK***

**WORK SESSION AGENDA**

<b><u>AGENDA TOPIC</u></b>	<b><u>ESTIMATED TIME</u></b>
1. Discussion Regarding Crack Sealing Streets	15 minutes
2. Discussion on Leasing New Copier	10 minutes
3. Discussion on Karen Street Maintenance	20 minutes
4. Discussion on Town Manager Resignation	10 minutes
5. Discussion on Town Manager Recruitment	30 minutes
6. Updates and Other Items	5 minutes



## STAFF SUMMARY

### Board of Trustees Work Session March 8, 2024

---

**DATE:** March 6, 2024

**AGEND ITEM NUMBER:** 1

**TOPIC:** Discussion Regarding Crack Sealing Streets

**STAFF MEMBER RESPONSIBLE:** Tom Acre, Town Manager  
Beau Warden, Public Works Supervisor

---

#### **BACKGROUND:**

In 2023, the Town Board of Trustees identified maintenance of streets as a priority. Staff and the Board identified the streets in Kiowa Park, Suzann and Sally streets as the first streets to crack seal. In October 2023, Coatings, Inc. crack sealed these streets.

The Town has several other streets that if preventive maintenance is periodically performed, the life of the pavement can be extended, extending the time period for which a street requires repaving. Staff contacted Coatings, Inc. and requested they provide costs to continue the work this year.

#### **SUMMARY:**

Coatings, Inc. came out this spring and looked at other areas of town, including the recently paved section of Main Street, and looked at the areas cracked sealed last fall. They have given us a base bid of \$50,610.00 for the areas they recommend we consider as a pavement preservation program this year. Staff has reviewed the base bid and discussed it with Coatings, Inc. We are in agreement that the proposed work on sections of High, Dickson, and Corona Streets may not be the best use of resources given the condition/construction of those streets.

#### **FISCAL IMPACT**

Street maintenance cost was included in the Town's 2024 approved budget. The cost of the work selected will impact the budget.

**APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:**

The approval of this resolution supports the Town's goal to preserve assets by periodically doing pavement management activities such as crack sealing.

**QUESTIONS/INFORMATION REQUESTED FROM THE BOARD OF TRUSTEES:**

- Does the Board of Trustees have any questions of staff?
- Does the Board of Trustees want staff to bring this item to the Board of Trustees at the next meeting?



ASPHALT AND TENNIS COURT MAINTENANCE

5903 LAMAR STREET
ARVADA, CO 80003
303.423.4303 • 303.423.4324 FAX

PROPOSAL FOR ASPHALT MAINTENANCE

Billing Info: Town of Wiggins
304 Central Ave.
Wiggins, CO 80654

Date: 3/29/2024
Job Name: Town of Wiggins
Location: Suzann St, Sally St & Kiowa Park
Wiggins CO
Email: tarce@wigginsco.com
Phone No: (970) 483-7364

Attn: Tom Acre

Kiowa Park

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (8,373) LF of crack seal. (Transitional cracks ARE included) -----\$ 9,042.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

Main St

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (7,829) LF of crack seal. (Transitional cracks ARE included) -----\$ 8,455.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

5th Street

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (4,186) LF of crack seal. (Transitional cracks ARE included) -----\$ 4,520.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

4th Street

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (9,743) LF of crack seal. (Transitional cracks ARE included) -----\$ 10,522.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.



ASPHALT AND TENNIS COURT MAINTENANCE

5903 LAMAR STREET
ARVADA, CO 80003
303.423.4303 • 303.423.4324 FAX

PROPOSAL FOR ASPHALT MAINTENANCE

High Street

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (3,519) LF of crack seal. (Transitional cracks ARE included) -----\$ 3,800.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

Dickson Street

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (5,583) LF of crack seal. (Transitional cracks ARE included) -----\$ 6,029.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

Corona Street

CRACK SEAL – RUBBERIZED HOT POUR SEALANT – (Furnish and Install Material and No Parking signs)-

Clean with compressed air and seal the cracks with (Henry’s product, or equivalent) hot pour rubberized crack seal material. New crack Seal will then be hand squeegeed to form a no larger than 4” band. We will then blow off all sidewalks and drives to push any dirt and debris back into the roadway. Coatings will provide and set up all “no parking” signs.

The area has approximately (7,632) LF of crack seal. (Transitional cracks ARE included) -----\$ 8,242.00.

\* Some settling of crack seal material may occur but does not affect performance.
All crazed/alligatored areas will not be sealed large cracks and encircling of crazed areas only.

Base Bid Total = \$ 50,610.00.

If a bond is needed, please add 1.5% to cover our bond rate.



**ASPHALT AND TENNIS COURT MAINTENANCE**

5903 LAMAR STREET  
ARVADA, CO 80003  
303.423.4303 • 303.423.4324 FAX

**PROPOSAL FOR ASPHALT MAINTENANCE**

**General Notes and Conditions**

- 1). Due to world conditions, the instability of the oil market, pricing is subject to change and the proposal is invalid after 30 days.**
- 2). All work, unless otherwise specified, will be warrantied against defects in materials and workmanship for a time span of 1 year from the date of completion.
- 3). Seal coat will only be applied when temperatures are within manufacturer's recommended 50 degrees rising ground temperature and the overnight does not drop below 40 degrees for an extended period of time. The parking lot will be a 24hr to 36hrs closure. If open early the warranty will be void.
- 4). All warranties, either written or implied, are void if the contract is not paid for in full.

**If the contract is acceptable, please sign and return a copy to us.**

Accepted by: \_\_\_\_\_

**Coatings, Inc.**

Company \_\_\_\_\_

Omar Sanchez (303) 242-7329

Name \_\_\_\_\_

by: \_\_\_\_\_

Title \_\_\_\_\_

Title: Estimator/Project Manager

Date \_\_\_\_\_

Terms: Net on completion. A service charge of 1.5% monthly or 18% annum will be charged on accounts over 30 days.



## STAFF SUMMARY

### Board of Trustees Work Session

May 8, 2024

---

**DATE:** May 4, 2024

**AGENDA ITEM NUMBER:** 2

**TOPIC:** Discussion on Leasing a New Office Copier for Town Hall

**Staff Member Responsible:** Tom Acre, Town Manager

---

#### **BACKGROUND:**

The Town of Wiggins currently leases the office copy machine Premiere Copier at a cost of \$159.00 per month, plus a per copy charge under a service contract. This multifunctional machine is utilized by all departments. Paradoxically, this copier has been going down and requiring service visits. Late last year, we were approached by Premiere Copier to upgrade/replace our current copier, however it would be a used copier.

#### **SUMMARY:**

At the request of the Board to look local, staff did some additional research and identified the potential to lease a new copier from a local vendor, Great Copier Service in Fort Morgan. Great Copier Service recently contacted us with a similar offer to lease a new copier at \$187.00 per month, plus the per copy charge.

#### **FISCAL IMPACT:**

Leasing a copier was budgeted in 2024. There will a slight negative impact due to the increased lease cost.

#### **APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:**

The ability to reliably produce copies, scan documents, and fax is a component of staffs' work each day. Copy machines have a limited life span and technology is continuously changing.

#### **QUESTIONS/INFORMATION REQUESTED FROM THE BOARD OF TRUSTEES:**

- Does the Board of Trustees have any questions of staff?
- Does the Board of Trustees want staff to bring this item to the Board of Trustees at the next meeting for consideration?



Rich Lampshire  
Sharp Business Innovations  
13710 Deere Ct. Unit B  
Longmont, CO. 80504  
Office 720-619-7291  
720-314-0963 Mobile  
[www.SharpBusinessInnovations.com](http://www.SharpBusinessInnovations.com)

Sales ✨ Service ✨ Supplies

Copiers-Printers-Scanners-Fax-High Definition Monitors

Monday, April 15, 2024

Town of Wiggins

**Equipment Proposed:**

The Kyocera TA-5054Ci multifunctional device prints at 50 pages per minute in black and color with 8 bit color depth. Standard PCL6, PostScript3 printing and AirPrint functionality. Large 320 page single pass duplexing document feeder scans at 300ipm. Beautiful 10" color touch screen mirrors the intuitive touch and swipe features of a mobile device. Connect to two different networks at once! Standard 150 page multi-purpose tray for producing banners, envelopes, letterhead, labels, and up to 300 GSM! 1.2 GHz multifunctional processor, 4GB RAM, 8GB SSD and 320GB Hard Drive standard!

# QTY	Model	Description
1	Kyocera TA-5054Ci	50 ppm Color multifunctional device 12x18 max
1	320 Page Dual Scan Doc Feeder	Scans at 300 pages per minute!
1	2x 1500 Sheet Drawers	2 x 1500 Sheet Drawers, totaling 2,150 sheets
1	Finisher with booklet	Staple, folding, hole punch
1	Fax	System 12 Fax

**SBI Unlimited Printing Rental**

**\$187.00/mo**

**Current Spending**

**\$187.00/mo**

All Inclusive Service and Supplies Agreement-

**Black copies/prints billed at \$0.009 Color billed at \$.025/.045/.065**

Includes parts, labor, image drums, toner, and developer. (excluding paper and staples)

**Includes Delivery, Installation and Ongoing Training**

**SBI will provide a check for remaining payments on current agreement not to exceed \$2385.00**

**SBI will return 7052ci at no charge to Town of Wiggins.**

This recommendation is subject to credit approval and is valid for 30 days. All pricing is plus taxes and fees. All information contained in this document is confidential and for the use of Town of Wiggins only!





## **STAFF SUMMARY**

### **Board of Trustees Work Session March 8, 2024**

---

**DATE:** March 6, 2024

**AGEND ITEM NUMBER:** 5 & 6

**TOPIC:** Discussion Regarding Town Manager Resignation and Recruitment

**STAFF MEMBER RESPONSIBLE:** Melinda Culley, Town Attorney

---

#### **BACKGROUND:**

The Town Manager resigned Monday, April 29, 2024 and per his contract provided the Board of Trustees 45-days' notice to allow for a transition period.

#### **SUMMARY:**

The Town Manager's resignation provides the Board of Trustees the opportunity to review and adjust as necessary the Town Manager job description, develop a recruitment announcement and advertise for to fill the position. The current job description, an example from another community and a CML publication on hiring a manager are attached to this summary for your review and discussion.

## **Town Manager**

- A. General Purpose – Performs high-level administrative, technical and professional work in directing and supervising the administration of the government.
- B. Supervision Received – Works under the broad policy guidance of the Board of Trustees of the Town of Wiggins.
- C. Supervision Exercised – Exercises supervision over all TOWN employees either directly or through Department Heads, specifically the day-to-day operations of the Town, oversees Department Heads and is the Zoning Administrator.
- D. Essential Duties and Responsibilities.
  - 1. Manages and supervises all departments, agencies and offices of the Town to achieve goals within available resources; plans and organized workloads and staff assignments; trains, motivates and evaluates assigned staff; reviews progress and directs changes as needed.
  - 2. Provides leadership and direction in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports and recommendation; coordinates department activities with other departments and agencies as needed.
  - 3. Provides professional advice to the Board and Department Heads; makes presentations to the Board and other boards, commissions, civic groups and the general public.
  - 4. Communicates official plans, policies and procedures to staff and the general public.
  - 5. Assures that assigned areas of responsibility are performed within budget; performs cost control activities; monitors revenues and expenditures in assigned areas to assure sound fiscal control; prepares annual budget requests; assures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
  - 6. Prepares state, federal and private foundation grant applications as directed by the Board.
  - 7. Determines work procedures, prepares work schedules, and expedites workflow; studies and standardizes procedures to improve efficiency and efficiency and effectiveness of operations.
  - 8. Issues written and oral instructions; assigns duties and examines work for exactness, neatness, and conformance to policies and procedure.
  - 9. Maintains harmony among workers and resolves grievances; performs or assists subordinates in performing duties; adjusts errors and complaints.
  - 10. Prepares a variety of studies, reports and related information for decision-making purposes.
  - 11. Hires and removes employees in accordance with the Personnel Policy.
  - 12. Sees that all laws and ordinances are faithfully performed.
  - 13. Works with Department Heads in preparing and submitting preliminary annual budget. Administers the adopted budget of the Town.
  - 14. Advises the Board of financial conditions and current and future needs of the Town.

15. Attends all regular meetings of the Board and other meetings which attendance may be required by the Board.
- E. Peripheral Duties
    1. Recommends for adoption by the Board such measures as may be necessary and expedient.
    2. Prepares and submits to the Board such reports as may be required by the Board.
  - F. Desired Minimum Qualifications
    1. Education/Years of experience
      - a. BA/2 years of experience or any combination thereof.
  - G. Tools and Equipment Used. – Requires frequent use of a personal computer, telephone, copy machine, fax machine, tractor, grader, backhoe, welder, snowplow and sand truck, etc.
  - H. Physical Demands – The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.
    1. The employee must occasionally lift and or move up to 25 pounds routinely and more as job requires.
  - I. Work Environment – Hot and cold extremes and inclement weather, heavy and special use clothing, loud noise, chemicals, oil, dirt, etc.
  - J. Selection guidelines
    1. As determined by the Board.
    2. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.



# TOWN OF NEDERLAND

## Town Administrator

### Job Description

**Position/Job Title:** Town Administrator  
**Department:** Administration  
**Salary Range:** \$126,400-\$146,400  
**FLSA:** Full-time, Exempt

---

#### ***Nature of Work***

Under a Mayor-Board of Trustees form of government, the Town Administrator manages and oversees Town operations and services at the direction of the Board of Trustees to ensure consistent adherence with Town of Nederland Municipal Code, Town policies, and Town plans. The Town Administrator has broad responsibility in financial planning and management, human resource management, insurance and risk management, procurement, asset protection, grant administration, emergency management, and public relations. The position is also responsible for community development and implementation of the Town's short and long-term plans, as well as land use and zoning issues as the Town Zoning Administrator. The Town Administrator is appointed by the Board of Trustees.

The Town Administrator is expected to lead with integrity, transparency, and a commitment to public service. Performance will be evaluated based on the ability to effectively manage town operations, align with strategic goals, foster community engagement, and demonstrate financial stewardship.

#### ***Supervision Received***

The Town Administrator reports to the Town of Nederland Board of Trustees and is responsible for the proper administration of the Town's business affairs.

#### ***Supervision Exercised***

Provides direct supervision to all Town department heads and division heads. Oversees relationships with contractors such as the Town Attorney, Municipal Judge, Town Prosecutor, On-call Engineers, and IT Consultant.

#### ***Essential Duties***

The following duties and responsibilities are illustrative of the primary functions of this position and are not intended to be all inclusive:

1. Supervises the day-to-day operations of all Town departments and staff. Meets with department and division heads regularly. Provides direct supervision to department heads and individual staff members.

2. Establishes and serves as the leader of the Town's Executive Leadership Team, provides a measurable record of the Team's excellence and effectiveness, and regularly reports on the Team's consistent improvement to the Board of Trustees.
3. Implements the Town's short and long-range planning goals in a manner consistent with Town planning documents, values, culture, policies, procedures, and practices. On or before August 1 of each year, makes an annual report to the Board of Trustees on the prioritization and progress of current projects and plan implementation.
4. Attends all Board of Trustee meetings to present or direct the presentations of operational and business matters. Sets the meeting agendas as required by the Board of Trustees rules and/or procedures. Prepares agenda information memorandums and supplemental documentation for Board review. Advises the Board regarding statutory and Town ordinance/code mandates. Serves as the main technical adviser to the Board on overall governmental operations.
5. Prepares, monitors, and executes the Town budget with the Town Treasurer, which includes annually submitting a proposed budget to the Board with options and recommendations for its consideration and possible approval.
6. Serves as the Human Resource Officer, unless otherwise designated. As such, develops and/or maintains employee policy and workplace standards and establishes personnel rules and regulations governing Town employees. Provides oversight of all hiring, firing, discipline, and suspensions. Addresses all human resource matters, including completing internal investigations when needed. Supports recruitment efforts including interviews, reference checks, and background checks. Assigns and supports professional development opportunities, trainings, and certifications for Town staff.
7. Performs duties as Zoning Administrator to plan and direct community development. Reviews all land use applications and provides a professional analysis/recommendation. Is familiar with the Town Municipal Zoning Code/designations and International Building Codes.
8. Works closely with the Town Clerk to ensure that all public record keeping is conducted in a manner as required for local governments and supports and reflects Town adopted policies and procedures. Supports Colorado Open Records Act requests and elections.
9. Meets with the Town Attorney weekly to review matters needing legal consideration.
10. Supports and provides leadership for the development and execution of all Town plans (e.g., Comprehensive Plan, Master Infrastructure Plan, Parks Recreation Open Space & Trails Master Plan, Multimodal Transportation Plan, Trails Master Plan, etc.).
11. Attends meetings of other boards, commissions, and committees to advise or provide staff support.
12. Oversees the submitting, acquiring, executing, and monitoring of all grants for the Town. Ensures the successful completion of grant-funded projects consistent with approved project plans and timelines. Provides quarterly reports on the progress of all active grants and grant-funded projects to the Board of Trustees.
13. Negotiates and executes agreements in the interest of the Town.

14. Manages public relations, such as meetings with citizens, citizen groups, businesses, and other stakeholders.
15. Serves as the Public Information Officer (PIO) and is the main point of contact for all media inquiries about the Town.

### ***Other Duties***

1. Performs related work and projects as assigned. May require involvement in special projects which are unrelated to primary and essential job functions.
2. Continues educational and certification requirements as necessary to remain technically skilled and cognizant of current methods and procedures.
3. Performs work assignments in a safe manner and encourages others to use safe work practices. Maintains a work environment conducive to safe work practices and standards.
4. Manages a limited amount of time and prioritizes a large volume of work to ensure all essential duties are completed correctly and on time.
5. Provides excellent external customer service by directing the public to proper authorities or Town departments. Responds to public inquiries and disseminates information, both written and verbal, to the public and other departments. Answers public complaints professionally and carefully, or forwards to the appropriate party.
6. Attends and participates in all required trainings and meetings of appointed and elected officials and Town staff.

### ***Knowledge, Skills, and Abilities***

- Knowledge of computer software applications including Microsoft Office, Adobe Acrobat, ASYST software, and networked computer functions, including phone systems, internet, e-mail, and social media sites.
- Knowledge of laws applicable to municipal management.
- Knowledge of human resource management and the statutes governing employment.
- Knowledge of research techniques; ability to analyze and interpret data and statistics.
- Knowledge of emergency preparedness, response and recovery management especially related to local governments.
- Knowledge of administrative and office procedures and systems such as word processing, managing files and records, designing forms, and workplace terminology.
- Knowledge of the grant writing process and a track record of successfully securing and managing grant funding.
- Skilled in the theories, practices, and procedures of municipal administration and ability to apply these principles to the general management of the Town personnel and resources.
- Skilled in governmental budgeting and the ability to apply the same to the creation and execution of annual budgets, considerable knowledge of funding sources.

- Skilled in preparing and administering municipal departments and directing and administering municipal programs. Is proficient in analyzing comprehensive reports and providing professional oversight of important projects and initiatives.
- Skilled in using spreadsheets/databases and work processing to track internal information.
- Ability to adhere to ethical standards and models same for employees.
- Ability to execute long- and short-term plans to reflect the policies and goals of the Board of Trustees.
- Ability to work non-traditional and extended hours, be available to respond quickly to emergency needs, and oversee multiple projects simultaneously.
- Ability to establish and maintain effective working relationships with all Board/commission/committee members, Town staff, citizens, the public and other agencies' personnel; ability to communicate effectively, both orally and in writing.
- Ability to manage one's own time and the time of others.
- Ability to use good judgment and make sound decisions considering the relative costs and benefits of potential actions to choose the most appropriate one.
- Ability to identify complex problems and review related information to develop and evaluate options and implement solutions.
- Ability to use logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions, or approaches to problems. Preparing and presenting written and oral reports.

### ***Education, Experience, and Formal Training***

#### **Required Minimum Qualifications:**

A bachelor's degree in business administration, public administration, political science, community development, or a closely related field.

A minimum of three (3) years of experience demonstrating progressive responsibilities in business and/or working in local government administration, finance, planning or a similar area; and a minimum of three (3) years of supervisory experience or any equivalent combination of education and experience.

Possess a valid Colorado Driver's License or ability to obtain upon hire and maintain an acceptable driving record.

Obtain International City and County Management Association Credential Manager Certification – Candidate within 5 years.

Live within one (1) hour of Nederland.

#### **Preferred Qualifications:**

A master's degree in public administration, public policy, business administration/management, or a related is preferred. However, a degree in another major will be considered preferably accompanied with at least five (5) years of experience in

positions that require skills and abilities related to those required for a Town Administrator.

### **Work Environment**

Generally sedentary at a desk, exerting up to 10 pounds to lift, carry, push, pull or move objects. May require moderate lifting of 15-45 pounds under some circumstances. Other duties include filing, resulting in reaching, bending, and standing. Extensive typing and data entry requires use of fingers and wrists and sitting for long periods of time in close proximity to a computer screen. Job requires reading, writing, keyboarding, hearing, verbal communication, and visually observing situations. Environmental factors include working closely with others in a closed office setting, working with office machinery and software (software on computers, printers, scanners, photocopiers and phones), and exposure to noise. Exposure to a variety of weather conditions and temperatures, slippery/uneven surfaces. Job requires working alone and as a member of a team and may also require some overtime work.

### **Pay & Benefits**

- This is a full-time, benefited position, starting at \$126,400, based on experience.
- Employer-sponsored health, dental, and vision insurance
- Employer-sponsored 457(b) retirement plan (up to 4% employer match)
- Generous vacation and PTO package, including 14 paid holidays
- Free pass to Nederland Community Center gym
- Free EcoPass (bus pass)
- Free access to Employee Assistance Program (EAP)
- Short-term and long-term disability insurance
- Life insurance policy (\$50,000)
- Optional Healthcare Flexible Spending Account

*This job description is not intended to be an exhaustive list. All duties and descriptions listed in this job description are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This position description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the organization and requirements of the position change. The Town of Nederland does not discriminate on the basis of race (including traits historically associated with race, such as hair texture and length, protective hairstyles), color, religion, national origin, military or veteran status, sex, age 40 and over, disability, sexual orientation, gender identity, gender expression, marital status, genetic information, or any other status protected by law or regulation. Reasonable accommodations may be made to enable qualified individuals with a disability to perform the essential functions.*





COLORADO  
MUNICIPAL  
LEAGUE

# HOW

to hire a local government  
manager or administrator



*This publication originally was compiled and edited by Paul Hughes, with updates in 2013 by Michelle Kivela, Tom Dority, and Chantal Unfug. Kivela is currently the Parker town administrator, and Unfug is the current Colorado Department of Local Affairs Division of Local Government director. CML thanks Mark Deven, Arvada city manager and Colorado City and County Management Association past president, and Jennifer Fairweather, Jefferson County human resources director and International Public Management Association for Human Resources past president, for their contributions to the 2020 edition.*

*The sidebar on pages 8 and 9, "If you use an executive search firm," was contributed for the 2013 edition by Tom Dority, former ICMA–Colorado range rider. Today, "range riders" are known as "senior advisors." Appendix B, "Sample Job Ads," was contributed by CML Associate Member CPS HR Consulting. Appendix E, "Open meetings and records law considerations," was written by former CML General Counsel Geoff Wilson, and updated for the 2020 edition by CML General Counsel David Broadwell.*

*CML also thanks the Association of Colorado County Administrators, Colorado City and County Management Association, Colorado Counties, Inc., and the Colorado Department of Local Affairs for their guidance and contributions.*

## A unique opportunity



For many governing board members, hiring a local government manager may be the most important decision you will make during your tenure. Think about it: The person you choose as your next manager must be able to carry out all of the policies that you establish, in the way that you want them carried out. In addition, she or he must ensure the provision of all your government services at the level that your citizens demand and expect. Your new manager will have a major effect on your organization and community, one that will extend well beyond your term in office. That is a pretty high standard for your manager search, so it makes sense that you will want to do everything you can to get it right.

Hiring a local government manager is not a case of finding the “winning” candidate from among the applicants — it is more a matter of finding the right match for you and the manager. Select a mismatch, and you will be doing another search before you know it. Find the right match, and you will be making an investment in the long-term success of your community.

This publication is intended to help you conduct a thoughtful, thorough manager search that will provide you and your eventual selection with all the information needed to determine if you are both making the right choice.

In these pages you will find a step-by-step guide to the search and hiring process, along with sample job announcements and position descriptions.

We at CML hope this guide will make the often-stressful search for a new manager easier and more likely to culminate in a partnership that will produce daily benefits for the people whom we all serve.

Best wishes for a successful search!

Kevin Bommer  
Executive Director, Colorado Municipal League

# 1

## CHAPTER

### Colorado's local governments, how they are unique, and why it matters when hiring your manager

Colorado's local governments create the fundamental governance fabric of our state, with 272 cities and towns and 64 counties. While there are legal frameworks within which local governments can and shall operate, they also have the ability to create unique administrative organizations, as well as strategies for responding to community needs and goals.

Understanding how the board or council wants to administer these responsibilities is a key factor in deciding what skills you are looking for in a professional manager.

The council/board–manager form of local government in municipalities is the most widely-used system in the United States and, increasingly, in other parts of the world. In the United States, the form dates back to the 1920s, and was started as a way of keeping local government operational needs separate from its political considerations. Over the years, it has been a good way for elected officials and professional managers to partner in the service of their residents. Under the manager system, elected officials create and adopt policies and managers carry them out in the course of directing the government's day-to-day operations.



Like towns and cities, counties are multipurpose local governments. However, unlike towns and most cities, Colorado counties are created by statute or by constitutional provision. And, unlike the plenary power enjoyed by municipalities, counties have only the powers expressly given to them by law. Counties also have a wide range of state-mandated functions, including the delivery of human services, conduct of elections, supervision of land use, and provision of transportation infrastructure. Structurally, counties must comply with constitutional statutory requirements, including the specification of independently elected county officers, although home rule allows counties some structural flexibility in their home rule charters.

Traditionally, county commissioners have the responsibility of running administrative, budgetary, and policy-making functions of the county as a whole, but due to the large number of complex and time-consuming issues facing county commissioners today, many assign the day-to-day operations to a professional manager. Generally, with only two home

rule exceptions, counties do not have a governing charter that outlines the delegation of authority to a professional manager. A clear delineation of roles and responsibilities, delegation of authority, and clarity of expectations will help you as you search for your top candidates.

**While there are legal frameworks within which local governments can and shall operate, they also have the ability to create unique administrative organizations.**



# 2

## CHAPTER

### Getting started: What do we do now?

When you have a vacancy in your city, town, or county manager or administrator office, deciding what to do first is sometimes influenced by what caused the vacancy. If the former manager gave you advance notice of the intention to leave, you are in the enviable position of having enough time to plan carefully for finding a successor. If the vacancy occurred suddenly, you might be under pressure to “do something — quickly!” In either case, your first responsibility is to have a solid strategic plan and a collective understanding of your governance model so you can focus your search on identifying your best suited candidates. Take the time to get your house in order so you can find the best possible manager for your organization. Acting hastily may mean having to do it all over again sooner rather than later.

Getting started on a manager search involves several steps:

- Immediately pull together your internal team, such as your human resources director, attorney, communications staff, and any other senior staff needed to move forward.
- Consider designating an interim manager.
- Ensure you have time to discuss your goals, a strategic plan, and your own governance model so you can be clear on your own expectations when reviewing candidates.
- Decide, as a governing board, what skills and experiences you will be looking for in a new manager.
- Determine what type of search you will use.
- Establish a timeline sufficient for you to conduct a smart, thorough search process.
- Get the word out that you are looking for a new manager.



It is important that you start the search process soon, but each of these measures deserves thoughtful consideration. On average, a successful search can take approximately three to six months. You should expect, as a governing board, to put in some extra hours meeting to gain consensus about each step. Doing so will help ensure that your search is headed in the right direction.

In addition, as the governing body of your city, town, or county, it is important to recognize what this period of change may mean for the organization, and how it impacts staff and residents. For some communities, this may be the first time the manager's office has seen turnover in 20 years. For others, it may be a more regular transition, which could lead to less uncertainty, or to questions about the frequency of turnover. Either way, you will want to consider the best methods to communicate with stakeholders, both internal and external, throughout the transition to ensure trust in the process, confidence in the ultimate decision, and acceptance of the new manager when he or she comes on board.

## Designating an interim manager

Does your organization have a deputy or assistant manager or department head who takes over when the manager is absent? If so, this person may well be the choice to keep the organization operating smoothly during the search.

"But what if the interim is going to be a candidate for the manager's job? Wouldn't that give him or her an unfair advantage over other candidates?" Yes, it would give the interim manager an advantage. No, it would not be unfair. Remember: Your job is to find the best possible match for your organization — if watching the interim manager at work for a few months helps you do it, that is a good thing. For the same reason, do not be tempted to yield to pressure by appointing the interim to the permanent manager's job and being done with it. This is an important decision, and you have not considered all of your options yet.

There is another possibility. Sometimes an organization does not have anyone who can assume the manager's duties as well as continuing to do his or her own job. In such cases, local governments often look outside the community for an interim manager from among retired or former managers, consultants, or other qualified persons who are familiar with local government operations. If you choose this option, you may want to contact CML or Colorado Counties, Inc. for their current lists of individuals willing to serve as interim managers.

Whichever option you choose, designating a solid interim manager is important for two reasons: It ensures stability in the critical day-to-day operations of the organization, and it relieves you of a great deal of pressure, thus freeing you for the important task of finding the right new manager.

## Deciding what kind of manager you are looking for

It is only natural to compare manager candidates to the former manager — for better or for worse. We hear governing body members say, "She was so good that we want someone just like her," or "He was so bad that we want someone totally different this time." A better course of action would be to think carefully about your community, where it is going, what it is going to need in the short- and long-term, its strengths and challenges, and what your goals are as a governing board.

To achieve the best possible search outcomes, you will need to align your board or council, the community, and your new manager. To quote Lewis Carroll, "If you don't know where you are going, any road will get you there." If you want to hire the best person for the job, you need to know clearly what that job is. It is important not to take an "I'll know it when I see it" stance at the start of the recruitment.

There are many ways to move forward with a strategic planning process. Take the time to review various models, interview consultants, and decide the best path forward for your organization. You will need to decide the level of community input and outreach you will do, the amount of updated research and data you should utilize, and what your outcomes should be. For example, some questions you might ask yourselves could be:

- Is your community growing or contracting?
- Are you looking to professionalize your organization, or are you on solid footing and looking to continue the status quo?
- Are you in difficult financial times?
- Do you need to focus on your internal services and human capital?

Answering these questions and having a solid strategic direction will help you identify and match the best candidates for your local government.

There is also an array of governance models, but the most important point is for your board or council to discuss and decide how you want to communicate, what your expectations are for daily operating functions, and what your "rules of engagement" are going to be.

Once you have a clear understanding of the job at hand, your goals, and the strategic direction of the organization, you are starting to shape the type of person you need to hire to execute your vision.

## Manager or administrator?

First, get the right title - manager or administrator. Once you have a clear vision for the roles and responsibilities, you might be asking yourself what the difference is between a "manager"

and an “administrator.” You have heard about managers, administrators, chiefs of staff, directors, executive directors, and more, but what do these titles really mean and is the title important to your daily operational decisions? Boards and councils use many different titles to describe the top staff person in their organizations and, most often, the titles do not imply more or less authority across organizations. The title itself does not imply if the position is a CEO (even if “CEO” is used as the title). The CEO, if one exists, is the first person below the board of directors with delegated authority over the organization. Many top staff positions are given only partial authority to make decisions, and therefore cannot be held accountable for the performance of the organization.

To get the right preferred profile of your new manager or administrator, ask yourselves these questions:

- What does the charter or position description say about the manager’s duties? Is it still accurate or should we update it?
- What sort of educational background do we want as a minimum and what would we like as the optimum?
- How much experience, and in what operational areas, must the new manager have? Does our organization have concerns about specialized areas (airport, utilities, unique recreation facilities, etc.) that require specialized experience?
- What is our population like? Do we have seasonal, second-home, or ethnically diverse populations that will require experience in understanding their special needs?
- Do we want someone with Colorado experience? Urban, agricultural, or resort town experience? Is public sector experience a requirement, or would we be satisfied with other executive leadership experience?
- How important are education and experience compared with finding the right personality fit?
- What kind of leader does our organization need right now?
- How does that translate into the soft skills required of a candidate, including communication skills, supervisory style, customer service skills, and the ability to “play well” with others?

Appendix D includes both a worksheet to help determine an administrator profile as well as a sample profile that you might find helpful in reaching consensus. However you choose to do it, nothing could be more important for your governing body than discussing and agreeing on the desired profile of your new manager. With that profile in hand, you are ready to plan your search.

## Determining what type of search to use

There are three basic methods for conducting a manager search:

- Conduct the search in-house using internal staff.
- Hire an executive search firm to conduct the search.
- Hire an outside party to help the governing body or staff conduct the search.

The type of search you choose will depend in large part on the amount of time and energy your governing board can devote to it, as well as on the size of your staff and, naturally, your budget.

Conducting the search in-house is a workable option for those local governments that have full-time personnel or human resources departments and who want to keep control of all phases of the search. Whether your search is local, statewide, or national, your staff will need to handle placement of the job ads, contacts with applicants, arrangements for interviews, and background checks. It will help considerably if your staff has experience in recruitment. The challenge is that a proper manager search can be complicated and very time-consuming. You will want to ask your staff if they are prepared to put in the time necessary to complete the process within the timeframe you have chosen.

Executive search firms, particularly those that specialize in public-sector recruitment, have verifiable track records, knowledge of candidates, objectivity, and external expertise. They know the best ways to advertise, know what to look for in screening applications, and can give you good advice about putting together your preferred profile, interviewing candidates, and negotiating with your final choice. The best firms work closely with governing bodies to ascertain their needs and wants, keep candidates informed about the process, and coordinate the entire process within a schedule that the firm and the governing body determine together.

If you decide to use a search firm, consider the advice from an expert on page 12.

Hiring outside help to assist in-house staff with conducting the search is a hybrid of the first two techniques. The governing body, after consulting with staff, may decide that it could conduct its own search if someone outside the organization helped with certain steps such as placing ads, screening applications, recruiting candidates who might not otherwise apply, or any other steps that the governing body and staff are unable to do on their own. This individual must have the governing body’s confidence as well as its clear expectations for the task at hand.

It might also be wise to engage the community, at the outset, in developing a profile of a desirable candidate.



## Establishing a timeline

Typically, a thoughtful and timely search may take three to six months. Your search timeframe can be shorter or longer depending on where you are advertising, where you are located, and the quality of the applications you receive, among other things. It is not unusual for a manager search to take six months or more, but taking these steps will improve your chances of completing the search on schedule:

- Do not delay selecting an interim manager and a search process.
- Be clear and up-front in your advertisement. If, for example, you have decided that you will not pay more than a certain salary, do not advertise “Salary DOQ.” If you select a solid field of finalists, you do not want half of them dropping out when they learn about your salary range. The rule of thumb is no surprises.
- Keep applicants updated about your process. When applicants hear nothing, they tend to cross you off their list.
- Stick to the schedule and ask that your search firm or staff keep to it as well.
- Get the word out. Most successful searches also include wide publication and extensive personal outreach. An advertisement, visually appealing brochure, and application materials should be developed. Consider how the job announcement portrays the culture, mission, and vision of the community. Websites are also important in making the opportunity known to potential candidates.
- When you start looking for a manager, place advertisements in publications that will attract the most qualified local government candidates. There are some excellent places to list the opening — places where current experienced managers will see it. The most widely read collection of manager job openings are the International City/County Management Association’s (ICMA) newsletter and the ICMA online Job Center. Other professional resources include:
  - National League of Cities (NLC) online Career Center
  - National Association of Counties (NACo)
  - American Society of Public Administration (ASPA)
  - National Association of County Administrators (NACA)
  - National Forum for Black Public Administrators (NFBPA)
  - Local Government Hispanic Network (LGHN)
  - Engaging Local Government Leaders (ELGL)
  - CML and CCI websites.

Two veterans-focused groups that were established in 2020 – Colorado Veterans Leading Government (COVLG) and the

ICMA Veterans Advisory Board (VAB), may be able to connect your organization with veterans interested in continuing their public service by transitioning to local government management.

The advantage of these resources is that they will attract local government managers — not the wider field of management applicants who respond to ads in local and statewide newspapers. If your charter or regulations require that you list job openings in a particular newspaper, make sure that you do that as well. Otherwise, publication in a newspaper may not be necessary or beneficial. When you advertise, it will be important that you include these elements in your ad:

- The title of the position.
- A brief, engaging description of your municipality or county, including population, location, number of employees, the services you provide, operating and capital budgets and other information that will be of interest to potential candidates.
- You may want to consider including your organization’s (or the governing body’s) key goals and objectives.
- Your website and social media site so interested applicants can learn more about you. Today’s applicants may judge your community by its web and social media presence, so it is important to keep them current.
- Minimum requirements for education and experience.
- A brief description of key areas of interest and desirable experience and qualifications.
- The salary range or compensation package.
- Indication of whether residency is required.
- A timeline of the process, including a filing deadline for receipt of applications — usually about 30 days from the publication date of the ad.
- Where and to whom to send résumés and other application material with a notation as to whether email submittals are accepted or required.



**On average, a successful search can take approximately three to six months.**



## Complying with the Equal Pay for Equal Work Act

Effective January 1, 2021, employers must comply with the Colorado Equal Pay for Equal Work Act (the “Act”). C.R.S. §§ 8-5-101; 8-5-201 et seq. The Act impacts the process of hiring an administrator.

That Act prohibits discrimination between employees on the basis of sex or on the basis of sex in combination with any other protected status by paying an employee of one sex a wage less than the rate paid to an employee of a different sex for substantially similar work.

There are instances where a wage differential is allowed. That is when the wage is based on:

1. A seniority system;
2. A merit system;
3. A system that measures earnings by quantity or quality of production;
4. The geographic location where the work is performed;
5. Education, training, or experience to the extent that they are reasonably related to the work in question; or
6. Travel, if the travel is a regular and necessary condition of the work performed.

Each factor must be applied reasonably, and prior wage history cannot be relied on to justify a disparity in current wage rates.

When posting for an open position:

1. An employer—which includes all municipalities and counties—must make reasonable efforts to announce, post, or make known all opportunities for promotion to all current employees on the same calendar day and prior to making a promotion decision.
2. An employer must disclose in every posting for each job opening the hourly or salary compensation or a range of hourly or salary compensation, as well as a general description of all benefits and other compensation to be offered to the hired applicant.

When hiring a prospective employee an employer cannot:

1. Seek the wage history of a prospective employee or rely on the wage history of a prospective employee to determine their wage.
2. Discriminate or retaliate against a prospective employee for failing to disclose their wage history.
3. Prohibit, as a condition of employment, an employee from disclosing their wage rate.
4. Require an employee to sign a waiver or other document that prohibits the employee from disclosing wage rate information or denies the employee the right to disclose their wage rate information.

Additionally, once an individual is hired, an employer cannot:

1. Discharge or in any manner discriminate or retaliate against an employee for invoking the Equal Pay for Equal Work Act or to assist in its enforcement.
2. Discharge, discipline, discriminate against, coerce, intimidate, threaten, or interfere with an employee or other person if that person inquires about, discloses, compares, or generally discusses the employee’s wage rate.
3. Require an employee to sign a waiver or other document that (a) prohibits the employee from disclosing wage rate information or (b) purports to deny the employee the right to disclose wage rate information.

The Act also requires that an employer keep records of job descriptions and wage history for each employee for the duration of their employment plus two years. The intent is to determine whether there is a pattern of wage discrepancy.

Employers who violate sex-based wage discrimination laws are liable for economic damages and equitable relief and the employee’s reasonable costs, including attorney fees and other legal expenses. If the employer cannot prove that the violation was in good faith, the employer may also be liable for liquid damages in an amount equal to the employee’s economic damages. Additionally, the Colorado Department of Labor and Employment created and administers a process to accept and mediate complaints and to provide legal resources concerning alleged sex-based wage discrimination. Violations to the Act can cost your municipality or county a large sum of money.

To prevent liability, a local government must follow the above requirements when hiring and employing an administrator.

# If you use an executive search firm

by Tom Dority, former ICMA–Colorado range rider

There are many reasons to consider using an executive search firm. An experienced and connected search firm, respected in the marketplace, provides access to talented candidates, and is knowledgeable about recruiting methods, many effective sources for advertising, compensation, contracts and background investigations. A search consultant also provides objectivity in the evaluation process and handles scheduling, résumé review, backgrounds, and the interview process, which frees valuable time for you and the human resources staff. Many towns, cities, and counties do not have a full-time human resources office, so an executive search consultant can be incredibly helpful. Remember that the consultant can present many talented candidates, but it remains the responsibility of the elected officials to make a prompt and final selection of a chief administrator. If you decide to use a search firm, you should consider the following:

## How does the firm get to know the local needs & expectations?

The best firms understand not only the qualifications of candidates, but also the special needs of the particular community. They should make themselves aware of the current circumstances in your community and organization.

Some are very familiar with Colorado communities; others are very capable of researching and becoming familiar. After all, they are in the business of analyzing communities on a daily basis and a wide geographic area. You should expect that they will be in your town, working with you and others in your organization as many as four or five times throughout the process, not just on the telephone or in airports.

## Do the qualifications, credentials and track record fit your community?

A consultant should offer information about his or her background and education as indicators of the qualifications to manage your search process. In hiring public sector candidates, it makes sense to look for a consultant with an appropriate academic background as well as public sector experience. If you are satisfied with these qualifications, look at the longevity and success of the candidates whom the firm has placed in the past.

## Ask if the firm can handle the entire process, or parts of it.

An excellent search firm can handle the entire process, from meeting with stakeholders, developing the position profile, and outlining a recruitment strategy, to creating a flexible and meaningful candidate selection process. A firm that offers to



draw from a “database of candidates” may present the same pool of finalists over and over. That is not a valid substitute for a new, thorough process each time — one that is focused on your needs and expectations. A firm may be able to custom-design and handle specific portions of the process, if you prefer to cut costs and collaborate; however, any guarantees provided by a consultant may be diluted or voided by a process that is managed partially by your staff.

## The interview and selection process.

A good search firm not only provides a pool of excellent candidates, it custom designs a valid and reliable selection or assessment process. It should be able to discuss options with you and adopt a selection process that will provide exactly what you need to best exercise your own judgment. That may include public meetings, introductions of finalists, presentations by finalists, professional interview questions, involvement of municipal staff members, scoring methodologies, citizens or outside panels, or many other components that have proven effective in other successful searches by the firm.

## How will we achieve the best fit?

The executive search consultant is there to help you find the best candidate match; that is, the best “fit” for the elected board and the community. The responsibility of the consultant is to manage a process that results in finalists who have strong potential for that fit. Following that, it is the responsibility of the elected board to exercise collective judgment in selecting the best fit. The consultant can provide an objective and critical process to help you exercise that judgment.

## Fees and expenses.

You can expect that search firms will quote fees for services plus direct expenses for such items as travel, lodging, and so on. You may have other direct expenses, such as travel and lodging for candidates for interviews, sponsor meetings or dinners, etc. Some firms will charge lower fees if it is left to you to prepare the profile and advertisements, conduct background checks, review résumés, conduct the interviews without assistance, or manage other components of the complete search process. You can find excellent services for a fee that your community can accept and support.


In evaluating a firm’s proposal for professional services, look for:

- a search process that is described thoroughly;
- a timeline for the complete process (from 90 days to 150);
- fees attributed clearly to each step of the process;
- names and résumés of individual consultants, including recent searches;

- a record of several recent searches for communities with similar characteristics to yours (not necessarily just Colorado communities);
- a record of equal opportunity placements;
- names of elected officials and others you may call for references on the firm;
- value-added services that may or may not be at extra cost, such as follow-up with the elected officials and the new administrator for goal-setting or performance appraisal;
- guarantees of return services if the finalist you choose does not remain in your employ beyond one or two years, regardless of reason.

## How long can we expect continued success of this appointment?

The most successful, long-tenured appointments are those where the elected board and the appointed administrator genuinely accept the joint responsibility to make each other successful in carrying out the policies and services of the local government. That is best achieved by a periodic process of examining the working relationship of the board and the administrator, and doing so with a deliberate, annual process of performance planning and evaluation, including professional growth and board development as well as performance. Remember, the chief administrator in most cities and towns is the only (or one of very few) direct employee of the elected board. Your search consultant may be able to assist with processes to strengthen this crucial relationship.



**Remember that the consultant can present many talented candidates, but it remains the responsibility of the elected officials to make a prompt and final selection of a chief administrator.**

# 3

## CHAPTER

### Screening the applications

After writing a profile of the type of manager that your community is seeking and spreading the word that you are looking for a manager, the applications and résumés will start coming in.

The next important step in your process is to screen those applications and arrive at the list of candidates whom you will want to interview. This can be a daunting task, especially if you receive a large number of applications, but here are some tips for making it more manageable:

- Use your “Preferred Manager Profile” (Appendix D) as a checklist against which you can rate each application.
- If your profile has requirements that you absolutely insist upon, look for those first. If the résumé in front of you does not show those requirements, set it aside. The fact is, some applicants send out résumés to a very wide array of employers, even if they do not have the desired experience or training. Stay focused on those applicants who show promise of becoming your next manager.
- Have all of the applications reviewed by the same people. You may want to have every member of the governing board read the applications, you may delegate the first screening to one person, or you may choose something in between. However you do it, it is important to have consistency in the screening process.



- Consider the “Yes — Maybe — No” system for screening applications. The “Yes” pile contains those applicants who seem to have all of the qualifications you seek (on paper, at least). The “Maybe” stack contains those who have some of your requirements and whom you might revisit if the “Yes” list does not pan out. “No” is just that: No.
- Decide how many finalists you will want to interview. If the screeners have settled on five or six strong applications, that is your group of finalists. If your “Yes” list is longer, you may want to conduct telephone or video interviews to get a better feel for the strongest candidates.
- Under Colorado law, your list of finalists is public information. Decide early on how to manage media relations. Appendix E is a summary of the open meetings and open records laws and tells you about your obligations to disclose the applications of finalists. Your finalist candidates should be told about the law and should be given an opportunity to decide if they want to continue the process at the risk of having their current employer know that they are looking for another job. Appendix E can be copied and distributed to job applicants so that they are aware that their names and the materials that they submitted are public record.

## Reference and background checks

Consult your advisors in human resources and legal departments as you decide when and how to conduct reference checks. Some organizations will want to check the references of everyone who makes it to the semi-final round. Others wait until applicants are selected as finalists and confirm that they are still interested in the position.

There is good sense in checking references of anyone that you are considering bringing to your community for a personal interview. Should you discover that a finalist’s references are not very strong, you will be able to save both money and embarrassment by eliminating that candidate before the visit. While applications and résumés can reveal much about an applicant, talking to people who know the person — both those listed and others not listed — will give you information that no application can provide. You may want to have your top candidate sign a release holding your organization harmless in order to obtain this information.

When you check, what should you check? Here are some suggestions:

- Focus your reference check on the candidate’s work experience. Verify the positions held, dates of service and the work completed as listed on the résumé. Some employers will only verify the job title and dates the applicant held the position(s).
- Talk with people who have worked with the candidate. Ask about management style and ability to produce results by working with other members of the team.
- Verify the candidate’s educational credentials.
- Ask the same questions about each candidate and

ask specific questions about anything in a particular application that is unclear or contradictory.

- If your background check process includes looking into criminal and/or financial history, make sure that you have first obtained the candidate’s written permission.

Today, thanks to the Internet, researching a candidate is much more comprehensive than in the past. Within a short time, it is possible to get civil, criminal, and other information on your finalist, as well as see what the press has said about the candidate in recent years. A simple Google search may, for example, reveal pending lawsuits or concerning public terminations. Given the need for your organization to follow anti-discrimination laws such as Title VII of the Civil Rights Act of 1964 and the Colorado Anti-Discrimination Act, it would be prudent to create a policy surrounding internet background checks of all candidates to ensure fair and equal treatment. The policy should consider designating the individuals who will conduct the search (preferably a non-decisionmaker who can relay only essential details), what – if any – records will be maintained, and how your organization will adhere to federal and state anti-discrimination laws.

## Staying in touch

Acknowledge every application — even the inappropriate ones. If you are not going to consider an applicant further, tell that applicant, clearly but politely. If other applicants are still in the mix, make sure that you tell them so, either by letter or by phone. Most applicants for local government manager jobs have applied to more than one potential employer, and they need to know their status so that they can move on. To an applicant, there is nothing worse than hearing nothing and then finding out that your target town or county has hired someone else. Staying in touch reflects well upon the professionalism of your organization.

## Preparing for interviews

Interviews, whether in a semi-final round or with a group of finalists, represent the single most important phase in the screening process. The résumé and the supporting materials can give you a good idea of what the applicant might be like, but only an interview can provide the opportunity to ask specific questions, follow up on the answers to those questions, and observe how the candidate handles herself or himself. The questions you ask should be formulated to gain information about the applicant’s qualifications for the job and not individual characteristics.

Consequently, you will want to prepare carefully for that conversation by taking the following steps:

- Develop, as a governing body, thought-provoking and relevant questions, and discuss in advance what might be good answers to the questions. The questions should be open-ended to provide candidates an opportunity to give you important information about themselves. Open-ended questions do not allow for “yes” or “no” answers, but require more expansive responses. For example, instead



of asking “Do you work well with your council or board?”, consider asking “What examples can you give us of your working relationship with your current governing body?” Six or eight thoughtful, open-ended questions will elicit better information than 30 yes-or-no questions.

- Make sure that all of your interview questions are legal and appropriate, and ask the same questions of each candidate.
- Past behavior is a good indicator of future performance, so questions geared to the specific skills, knowledge, and/or characteristics required for the job can help determine the best applicant for the job.
- Plan for your interview to last at least an hour, and leave time between interviews in case you need it. A multiple-interview day rarely goes as smoothly as it looks on paper.
- Arrange in advance who will ask which questions. Rotating or alternating questioners gives everyone a chance to take notes.
- Inform the candidates of the nature of the interview process, including date and time, number of other candidates, whether there are any in-house candidates, and when you expect to make your decision. Indicate that all the details and information will be confirmed in a written correspondence. If email is to be used for this correspondence, confirm the candidate’s email address. If interviewing candidates from out-of-state, let them know the travel arrangements and confirm your policy on travel expenses and reimbursement of expenses incurred in conjunction with the interview.
- Consider whether you would like to offer candidates the option to participate in initial rounds of interviews over Skype, Zoom, or other remote application.
- Inform the candidates whether their spouses are invited to your community for the interview.
- Decide whether you would like to host dinners or social events to introduce candidates to the community.

## Conducting the interviews

Be a good host. Almost everyone has been through an interview that felt more like an interrogation than a conversation. Make your candidates feel like welcome guests. For example,

- Hold interviews in a comfortable setting. Introduce yourselves, welcome the candidate, and congratulate him or her on an excellent application. It is also fine to spend a few minutes asking how the trip went and whether the accommodations are satisfactory, or any other way you know of to make the candidate feel at ease. You will have a better interview for it.
- Consider creating more than one interview panel to allow the management team and department heads or other staff to participate in the process. Diverse panels allow for different perspectives that the governing body can use during deliberations.

- Do not hide the candidate. The governing body is in charge and will make the final decision, but should arrange for “meet and greets” for the candidates to meet the staff and members of the community who can answer their specific questions about the organization and the community. If you do this, be sure to ask those staff and/or community members for their reactions after you complete the interviews. They are not voting for their favorites, but their observations can be valuable as you make your decision.
- Help candidates show you how they can do the job. If the entire purpose of the interview is to learn as much as possible about each other, ask questions that will allow the candidate to tell you everything you want to know. The first question should be broad, open-ended and a good opportunity for the interviewee to describe his/her background, work experience, style, goals, strengths, and weaknesses. If, in answering the first question, the candidate also answers the second, fifth, and seventh, that is fine; you are getting the information you wanted.
- Be fully present. It may not always be easy, but listen attentively, make eye contact, and nod to indicate when you understand. Stay away from confrontational or trick questions. Keep the interview moving forward, but feel free to ask follow-up questions if you don’t fully understand what the candidate has said.
- Be prepared to answer questions from the candidates. When candidates have done their homework, they probably will have questions about the organization. Leave enough time to be able to ask, “Are there any questions that you have for us?” Sometimes questions can tell you almost as much as answers.
- Tell the candidate what’s next. As you wrap up the interview, let the candidate know how the process will go forward and when you will probably make your decision. Most experts advise against pinning yourselves down to a deadline that does not allow for enough time to discuss candidates, negotiate with your first choice, and move to your second choice if necessary. At the same time, do not keep everyone waiting forever.
- Meet as a governing body as soon as you can after the final interview. Your impressions and notes will be fresh, which will help you discuss and compare the candidates.
- When you have compared notes about the candidates and have arrived at a group decision about the best fit for you, you are ready to prepare an agreement that will make your decision official.



## What managers told us about interviews

We asked managers to tell us what they liked and disliked about job interviews that they had been through.

They liked:

- interviews where the entire board participated;
- meeting the management team;
- being interviewed by people who were prepared and who knew their municipality or county; and
- getting a tour led by a knowledgeable staff person.

They did not like:

- interviews where some board members did not show up;
- councils that did not prepare for the interview and just “winged it;”
- sessions with employees where time was wasted with irrelevant questions; and
- negotiating an employment agreement with someone who was inexperienced in that process.

**Acknowledge every application – even the inappropriate ones. If you are not going to consider an applicant further, tell that applicant, clearly but politely.**



# 4

## CHAPTER

### Sealing the deal

#### Negotiating with your best match

Once the governing body has reached a decision about its choice for the new manager or administrator, the next order of business is to negotiate an employment agreement that meets the needs of the individual and the organization. The governing body should be involved with the recruiter and/or municipal or county attorney. The negotiation needs to be conducted very carefully and constructively — it sets the tone of the relationship. A poor negotiation can lead to a bad outcome. Make it as pleasant and productive as possible. Once the negotiations are complete, you will need to make a media announcement and set about introducing the candidate to your community and staff. Think it through.

#### Do

- Negotiate in a collaborative way, rather than defensively. The aim should be to solidify the happy relationship that you have just established.
- Make an offer in writing; listing all aspects of what you believe is a fair compensation package.
- Have negotiations conducted by someone(s) experienced in working with professional employees.
- Give the candidate enough time to consult with his/her trusted advisors, but set a fair and firm deadline.
- Learn and consider adding provisions that are most common in local government employment agreements in Colorado.



## Don't

- Inform all of the other finalists until you are sure that your first choice will accept your offer.
- Assume that your new manager will work under the same conditions as all other employees. You may be asking her or him to relocate from some distance, so there could be anxieties about housing, spouse's employment, etc.
- Negotiate by phone or email if it is possible to talk face-to-face. After all, that is how you will be working from now on. If distance or time is a problem, phone calls can be much more personal than emails.
- Insist that the candidate accept your offer on the spot. And remember that a candidate who is assertive about asking for what he or she needs will probably be a good negotiator when it comes time to represent your organization.

## Should you have a written agreement?

While it is certainly possible to sustain a long, productive relationship without a written agreement, putting everything on paper has certain distinct advantages:

- Everyone — manager, council or board, and the public — knows exactly what is expected and the terms and conditions of employment.
- Written agreements preclude misunderstandings by either party, especially if an agreement is made between the manager and elected officials who later leave the board or council.
- Agreements in writing provide both parties with a basis for evaluation of the relationship and for fine-tuning it as appropriate.
- Written agreements help prevent future lawsuits on the agreement between the candidate and the organization.

## What is in a typical employment agreement?

An employment agreement does not need to be a lengthy legal document, although it usually is drafted by the local government's attorney. Most agreements include:

- Compensation — starting base salary
- Descriptions of benefits such as health, disability, and life insurance
- Description of retirement plan
- Outline of leave days (vacation, holidays, sick, personal, etc.)

- Whether, and on what basis, automobile use is provided
- Provision for general business expenses such professional activities, membership dues, conference expenses, etc.
- Termination and severance pay provision
- Notice requirement for either party to terminate the relationship
- Other provisions for such considerations as timing and method of performance evaluations
- How future salary adjustments will occur
- Residency requirement, if applicable
- Whether outside activities (such as teaching or consulting) are permitted.

The first agreement often will contain provisions that disappear in subsequent documents. Those one-time provisions, in addition to the starting date, may include language about moving expenses, temporary housing, and housing assistance where these have been negotiated.

Most written employment agreements contain similar sections with similar language, although each is different in a few particulars. We recommend that you have your city, town, or county attorney review and approve all legal agreements.

## Succession Planning

Now that you have successfully navigated the search for a new administrator, you may want to take the time to prepare for the next time there will be a vacancy. Succession planning is not pre-selecting a candidate for a position. Instead, it is a process in which an organization identifies the skills and knowledge necessary for the current and future workforce and implements coaching, mentoring, and goal-setting to support the development of future leaders. Please contact CML for examples of succession plans.

**Most written employment agreements contain similar sections with similar language, although each is different in a few particulars. We recommend that you have your city, town, or county attorney review and approve all legal agreements.**

# 5 CHAPTER

## For more information

### **Colorado Municipal League (CML)**

1144 Sherman Street  
Denver, CO 80203-2207  
303-831-6411 / 866-578-0936  
*cml.org*

### **Colorado Counties Inc. (CCI)**

800 Grant Street  
Denver, CO 80203  
303-861-4076  
*ccionline.org*

### **Colorado Department of Local Affairs (DOLA)**

1313 Sherman Street, Room 518  
Denver, CO 80203  
303-866-2771  
*colorado.gov*

### **Colorado City/County Management Association (CCCMA)**

*coloradoccma.org*

### **Association of Colorado County Administrators (ACCA)**

*colorado.gov/acca*

### **International City/County Management Association (ICMA)**

777 North Capitol Street, N.E., Suite 500  
Washington, D.C. 20002-4201  
800-745-8780  
*icma.org*

### **National League of Cities (NLC)**

660 N. Capitol St. N.W.  
Washington, DC 20001  
877-827-2385  
*nlc.org*

### **National Association of Counties (NACo)**

660 N. Capitol St. N.W., Suite 400  
Washington, DC 20001  
202-393-6226  
*naco.org*

### **American Society for Public Administration (ASPA)**

1730 Rhode Island Ave., N.W., Suite 500  
Washington, DC 20036  
202-393-7878  
*aspanet.org*

---

## **Appendix A**

ICMA Code of Ethics with Guidelines

---

## **Appendix B**

Sample job ads

---

## **Appendix C**

Sample position descriptions

---

## **Appendix D**

Administrator profile

---

## **Appendix E**

Open meetings and records law considerations

# APPENDIX A

## ICMA Code of Ethics with Guidelines

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2020. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2020.**

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** We believe professional management is essential to efficient and democratic local government by elected officials.

**Tenet 2.** Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

### GUIDELINE

**Advice to Officials of Other Local Governments.** When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

**Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

### GUIDELINES

**Public Confidence.** Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

**Length of Service.** For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

**Appointment Commitment.** Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

**Credentials.** A member's résumé for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

**Professional Respect.** Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**Seeking Employment.** Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives

of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

**Relationships in the Workplace.** Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

**Influence.** Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

**Conflicting Roles.** Members who serve multiple roles – either within the local government organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

**Conduct Unbecoming.** Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

**Tenet 4.** Serve the best interests of the people.

## GUIDELINES

**Impacts of Decisions.** Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

**Inclusion.** To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, programs, and services.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

**Tenet 6.** Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

**Tenet 7.** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

## GUIDELINES

**Elections of the Governing Body.** Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

**Elections of Elected Executives.** Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

**Running for Office.** Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

**Elections.** Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

**Elections relating to the Form of Government.** Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

**Presentation of Issues.** Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

**Personal Advocacy of Issues.** Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8.** Make it a duty continually to improve the member’s professional ability and to develop the competence of associates in the use of management techniques.

## **GUIDELINES**

**Self-Assessment.** Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

**Tenet 10.** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

## **GUIDELINE**

**Information Sharing.** The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

**Tenet 11.** Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member’s decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

## **GUIDELINE**

**Equal Opportunity.** All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

**Tenet 12.** Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

## **GUIDELINES**

**Gifts.** Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.

**Investments in Conflict with Official Duties.** Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member’s personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on “Confidential Information”). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member’s family of a de minimus



---

percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

**Personal Relationships.** In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

**Confidential Information.** Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

**Private Employment.** Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

**Representation.** Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

**Endorsements.** Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

## APPENDIX B

### Sample job ads

#### City Manager

Often described as vibrant, diverse, innovative and progressive, the City of \_\_\_\_\_ is centrally located in the heart of Colorado. The county seat of \_\_\_\_\_ County, the city is now the state's fastest growing city, with a population of approximately 122,000, plus an influx of nonresident students. The FY19 budget is \$431.9 million and includes 1,507 full time employees. Ideal candidates are experienced and visionary leaders who value and engender transparency, equity and inclusion, and open and honest communication. The successful candidate will lead the City's commitment to cultural, racial and social equity as well as economic and educational diversity. This fiscally savvy, business-minded individual will bring experience in a mid-to large sized city that offers an array of municipal services and be dedicated to the improvement of City services across all sectors of the population. In addition, the next City Manager will be a bridge builder who embraces collaborative partnerships and possesses the emotional intelligence necessary to effectively lead and manage a diverse, high-performing staff, and the political aptitude to anticipate and plan for issues of concern. Exceptional communication skills and a leadership presence, both within the organization and in the community, supported by tangible accomplishments, are expected. To view additional qualifications and submit your résumé, cover letter, and a list of six work-related references (two supervisors, two direct reports and two colleagues) please go to our website: \_\_\_\_\_

#### Town Manager

Nestled at the bucolic base of picturesque \_\_\_\_\_, \_\_\_\_\_ (pop. 11,431) is in close proximity to the greater Denver metro area with all the amenities, sports and cultural opportunities offered by that choice location. The Town is a safe residential community that values civic partnership with business leaders, community leaders, and neighbors. \_\_\_\_\_ is made up of five departments: Administration, Finance, Public Works, Community Development and Police. Fire, wastewater and water services are provided externally. The Town is supported by a FY2020-21 budget of \$12.3 million and 26 FTEs. The Board of Trustees is seeking an ethical and pragmatic leader, who embraces open government and transparency. Ideal candidates will possess well-rounded city management skills and be comfortable in this small town, hands-on role. The new Town Manager will be an outstanding communicator who provides reasoned and sound recommendations for the Board's consideration in addition to assisting them and the staff in providing open, responsive and customer-oriented service. S/he will be expected to maintain cooperative working relationships with other agencies in the county, region and state. Experience working with planning/land use and well-honed finance skills will be looked upon favorably. Submit your résumé, cover letter, and a list of six work-related references (two supervisors, two direct reports and two colleagues, who will not be contacted in the early stages of the process) by Friday, October 2. Résumé should reflect years and months of employment, beginning/ending dates as well as size of staffs and budgets you have managed. Please go to our website to submit your application: \_\_\_\_\_

#### City Manager

Centrally located between \_\_\_\_\_ and \_\_\_\_\_ in the \_\_\_\_\_ area, \_\_\_\_\_ City is one of the most diverse cities in the state, comprised of many different cultural, racial, ethnic, and religious groups. Eighteen square miles in area, the community offers a variety of housing, with affordable and upscale homes available in many charming neighborhoods for its 72,000 residents. The transit-oriented \_\_\_\_\_ District boasts housing and business development opportunities with easy, convenient access to major public transit running throughout the region. The FY19 budget is \$116 million and the city employs 230 full time employees. The City Council seeks an experienced and visionary manager, particularly with a background in economic development. The successful candidate will embody the core values of safety, tolerance, and caring, both internal to the organization and as a visible member of the community. The Council desires a manager with a collaborative spirit and a track record for developing positive relationships with agency and community partners, such as the school district. The successful candidate should demonstrate past success in attracting and retaining businesses, particularly with experience in balancing jobs, housing, and transportation needs. To read the detailed recruitment brochure and obtain application instructions, click \_\_\_\_\_. To view additional qualifications and submit your résumé, cover letter, and a list of six work-related references, please go to our website: \_\_\_\_\_

# APPENDIX C

## Sample position descriptions

### Town of Frederick - Town Manager

#### JOB SUMMARY

The Town Manager is responsible for implementing long-range plans for the Town from the Board of Trustees and assists in the achievement of common goals and objectives. He/She carries out the policies adopted by the Town Board of Trustees. This position provides professional administration, management and supervision of municipal departments and staff. Assures compliance with relevant federal laws and regulations, Colorado General laws and municipal bylaws, ordinances and regulations. Implement effective customer service programs oriented toward the needs of all citizens and customers and underscored for all Town employees. Must have a respectful demeanor that is imparted to all employees and residents.

#### NATURE OF WORK

Function as the chief operating and administrative officer of the Town. Be responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in the Town Manager's charge.

#### ESSENTIAL DUTIES

The duties listed herein are illustrative of the essential duties of the job and do not include other nonessential or peripheral duties that may be required or assigned.

- Function as the chief operating and administrative officer of the Town.
- Be responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in the Town Manager's charge.
- Provide for the enforcement of the laws, rules, regulations, ordinances, and other enactments of the Town.
- Provide for the hiring, suspension, discipline, transfer, and removal of Town employees.
- Establish, subject to the approval of the Board of Trustees, and enforce personnel rules and regulations governing employees of the Town.
- Be responsible for the direction and supervision of all employees of the Town.
- Make appointments on the basis of executive and administrative ability, training, and experience.
- Cause a proposed budget to be prepared and submitted to the Board of Trustees annually, and be responsible for the administration of the budget after its adoption.
- Cause to be established a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town.
- Cause to be prepared and submitted to the Board of Trustees, as of the end of each fiscal year, a complete report on finances and administrative activities of the Town for that year and, upon request of the Board of Trustees, make written or verbal reports at any time concerning the affairs of the Town under the Manager's supervision.
- Provide to the Board of Trustees advice and recommendations concerning the financial condition and future needs of the Town.
- Exercise supervision and control over all Town departments, and make recommendations to the Board of Trustees concerning the establishment, consolidation, and abolition of such departments.
- Be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or franchise, and upon knowledge of any violation thereof, report the same to the Board of Trustees for such action and proceedings as may be necessary to enforce the same.
- Attend Board of Trustees meetings and participate in discussions with the Board of Trustees in an advisory capacity.
- Be responsible for obtaining engineering, architectural, maintenance, construction, and other services required by the Town.

---

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Ability to communicate effectively verbally and in writing.
- Strong interpersonal and relationship-building skills, with the ability to maintain effective working relationships with citizens, Town employees, developers, contractors, elected officials, and any other individuals who might have business with the Town.
- Strong leadership ability.
- Knowledge of, and experience with, principles surrounding all aspects of Town management, including finance, engineering, planning, maintenance, etc.
- Thorough knowledge of municipal ordinances and procedures.
- Ability to make effective oral and written presentations to the Board of Trustees and other audiences as necessary.
- Ability to set aside personal motives in order to pursue the best interest of the Town.
- Ability to creatively solve problems with diverse components.
- Adaptability to change, and ability to successfully implement change.

## **EDUCATION, EXPERIENCE AND TRAINING**

- Bachelor's degree in public administration or related field.
- Five to seven years of increasingly responsible professional municipal government management experience.
- A Master of Public Administration (MPA) degree is strongly preferred.

## **WORKING ENVIRONMENT/PHYSICAL REQUIREMENTS**

The physical demands here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is frequently required to talk, hear, see, and use hands and fingers to touch, handle, grasp, reach, push and pull. The employee may occasionally be required to exert force up to 10 pounds, and may frequently be required to exert a negligible amount of force to lift, carry, push, pull or move objects. The noise level in the work environment is usually moderate.

# Sample position descriptions

## City of Golden - City Manager

### JOB SUMMARY

The City of Golden provides a full range of services including police, fire, streets, water, drainage, public improvements, park, recreation and golf, planning and economic development and general administrative services.

Under a council-manager form of government, the City Manager plans, directs, and reviews the overall activities and operations of the City of Golden in accordance with the duties listed in Chapter VII of the City Charter. Coordinates city activities with other outside agencies and organizations; provides highly responsible and complex administrative support to the City Council.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. *Other duties may be assigned.*

- Carries out the duties listed in Chapter VII of the City Charter.
- Develops plans, and implements goals and objectives for the city; recommends and administers policies and procedures; researches City Council requests regarding policy; prepares and submits recommendations.
- Provides highly responsible administrative staff assistance to the City Council; directs specific and comprehensive analyses of a wide range of municipal policies; updates City Council on the status of various projects.
- Develops and manages the departmental budget ensuring that year-to-date expenditures stay within appropriated limits. Oversees the development of the annual city budget in accordance with City Council directives; monitors monthly expenditures and reports significant variances to the City Council; develops alternate revenue sources for City Council projects; negotiates economic incentive packages.
- Continuously monitors and evaluates the efficiency and effectiveness of the city's organizational structure, staffing patterns, service levels and administrative system; implements improvements.
- Serves as liaison between the City of Golden and other cities, elected officials and outside agencies; explains and justifies city programs, policies, and activities; negotiates and resolves significant and controversial issues.
- Provides direction regarding city wide organizational development programs; develops, administers, and participates in employee meetings to assess organizational climate and employee attitudes.
- Directs, oversees, and participates in the development of the city's work plan; assigns work projects and programs; monitors work flow; reviews and evaluates work products, methods, and procedures.
- Analyzes and establishes the city's position on state and federal legislation which may impact the city; communicates the city's position to appropriate individuals and committees for the state and federal government.
- Negotiates contracts and solutions on a variety of administrative, fiscal, and special projects; participates in the preparation of program or special project budgets.
- Participates on a variety of boards and commissions; attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of public administration.
- Responds to citizen inquiries and resolves difficult and sensitive complaints; assigns departments to resolve citizen complaints and concerns in a timely manner.
- Attends City Council and other meetings on evenings, weekends, and other inconvenient times, and often for extended periods of time.
- Establishes and enforces city personnel and payroll policies.
- Maintains the highest ethical standards according to the requirements of his/her professional association and standards adopted by the City of Golden.

---

## **SUPERVISORY RESPONSIBILITIES**

Manages 9 subordinate supervisors who supervise approximately 215 full time employees and 400 part time employees. Is responsible for the overall direction, coordination, and evaluation of the organization.

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

## **QUALIFICATIONS**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

## **EDUCATION AND/OR EXPERIENCE**

Bachelor's degree (B.A.) from four-year College or university with major course work in public administration, business administration, or a related field. Master's degree preferred.

Minimum six years of increasingly responsible experience in a local public agency in an administrative and managerial capacity involving responsibility for the planning, organization, implementation, and supervision of varied work programs.

Must have strong management and leadership skills, be an open and positive communicator, a team manager, strong in finance and budget, a proven advocate for employee development and skilled in employee relations.

Must be committed to and enjoy being part of and working with an engaged community. Must reside within city limits.

## **LANGUAGE SKILLS**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. The ability to make effective and persuasive speeches and presentations on controversial or complex topics to City Council, management, citizen groups, and employees.

## **MATHEMATICAL SKILLS**

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

## **REASONING ABILITY**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

## **CERTIFICATES, LICENSES, REGISTRATIONS**

A valid driver's license and good driving record.

## **OTHER SKILLS AND ABILITIES**

Knowledge of modern and highly complex principles and practices of public administration; current social, political, and economic trends and operating problems of a municipal government; organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs; principles and practices of organization, administration, and personnel management; advanced principles and practices of municipal budget preparation and administration, finance, and fiscal planning.

Knowledge of pertinent federal, state, and local laws, codes and regulations; principles of supervision, training, and performance evaluation; research and reporting methods, techniques, and procedures; sources of information related to a broad range of municipal programs and services.

---

Must have the ability to manage, provide leadership to and coordinate the activities and operations of a municipal organization; effectively administer a variety of municipal programs and administrative activities; identify and respond to public and City Council issues and concerns; interpret and apply federal, state, and local policies, laws, and regulations; analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals; effectively and fairly negotiate appropriate solutions and contracts.

Must also have the ability to allocate limited resources in a cost effective manner. Gain cooperation through discussion and persuasion; prepare and administer a large municipal budget; evaluate and develop improvements in city operations, procedures, policies, and methods; prepare clear and concise reports; establish and maintain effective working relationships with those contacted in the course of work including the members of the City Council, government officials, management staff, general employees, public agencies, developers, consultants, and the general public.

The ability to react in a crisis, make decisions and carry out all the responsibilities even in periods of extreme stress when time is of the essence.

#### **MATERIALS & EQUIPMENT DIRECTLY USED**

Dictaphone, copier, fax machine, and computer.

#### **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee is occasionally required to stand and walk. The employee must occasionally lift and/or move up to 25 pounds.

#### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Work environment is primarily in an office setting. Will be required to drive to various city offices and locations throughout the City of Golden.

# Sample position descriptions

## City of Lafayette - City Administrator

### CLASS CONCEPT

Perform highly responsible professional work in managing the City. Plans, manages, oversees and directs City operations and services to meet City Council goals and objectives. Work in partnership with employees, department and division heads, external entities and the public to deliver effective and innovative services.

### ESSENTIAL FUNCTIONS

- Manage, plan and coordinate major projects.
- Administer and direct City Council support, legislation, organizational development and intergovernmental activities and negotiations, resolve complex internal problems.
- Manage and supervise the overall operation of the departments, agencies and offices of the City to achieve goals within available resources; plan and organize workloads and staff assignments; train, motivate and evaluate assigned staff; review progress and direct changes as needed.
- Provide leadership and direction in the development of short and long range plans; gather, interpret, and prepare data for studies, reports and recommendations; coordinate department activities with other departments and agencies as needed.
- Appoints Urban Renewal Executive Director.
- Work on major issues and projects that are politically significant or are highly sensitive in the community.
- Review proposed state and federal legislation and legislative impact reports prepared by staff.
- Provide professional advice to the City Council and Department Directors; make presentations to councils, boards, commissions, civic groups and the general public; communicate official plans, policies and procedures to staff and the general public.
- Analyze problems, identify alternate solutions, and create projects and procedures to advance the City mission, goals and objectives.
- Identify and develop courses of action to respond to a wide variety of organizational needs.
- Responsible for establishing a system of accounting and auditing for the City; assure that assigned areas of responsibility are performed within budget; perform cost control activities; monitor revenues and expenditures in assigned area to assure sound fiscal control; prepare annual budget requests; assure effective and efficient use of budgeted funds, personnel, materials, facilities and time.
- Determine work procedures, prepare work schedules, and expedite work flow; study and standardize procedures to improve efficiency and effectiveness of operations.
- Issue written and oral instructions; assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
- See that all laws and ordinances are faithfully performed; enforce all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utilities franchise; report all violations to City Council for action as may be necessary.
- Prepare and submit a preliminary annual City budget; administer the adopted budget of the City; advise the City Council of financial conditions and current and future City needs.
- Attend all meetings of the Council; participate in discussions in an advisory capacity.
- Carry forth the Council directives concerning engineering, architecture, maintenance, and construction and work equipment services required by the City.
- Prepare and submit reports to City Council or as Administrator may deem it advisable to submit; recommend for adoption by the Council such measures as Administrator may deem necessary or expedient.



- Perform related work as required and assigned.
- Maintain harmony among workers and resolve grievances; perform or assist others to perform their duties; adjust errors and complaints.
- Prepare a variety of studies, reports and related information for decision-making purposes.
- Maintain authority to appoint and remove all Department Directors and employees of the City.

## TYPICAL QUALIFICATIONS

**KNOWLEDGE:** Advanced knowledge of modern policies and practices of public administration; considerable knowledge of municipal finance, human resources, public works, public safety, and community and economic development and energy sustainability.

**SKILL:** Demonstrated skill in preparing and administering municipal budgets; in planning, directing and administering municipal programs; preparing written reports and projects; skill in the operation of equipment necessary to perform the functions of the job.

**ABILITY:** Prepare and analyze comprehensive reports; carry out assigned projects to their completion; communicate effectively verbally and in writing; establish and maintain effective working relationships with the employees, City officials, and the public; efficiently and effectively administer a municipal government.

## EVIDENCE OF QUALIFICATIONS:

**TRAINING:** Bachelor's degree and Master's degree in Public Administration, Business Administration or closely related field required.

**EXPERIENCE:** Ten (10) years of increasingly responsible professional experience in administration work in a municipality with a minimum of eight (8) years management experience.

## SPECIAL REQUIREMENTS

Must be able to be bonded and possess a Colorado Driver's license with a safe driving record.

## WORK ENVIRONMENT AND PHYSICAL DEMANDS

This position is primarily administrative in nature, working in a standard office environment. While performing the duties of this job, the employee is frequently required to sit and talk or hear. Position requires attendance at regular and special City Council meetings and meetings at a variety of City Boards and Commissions. The incumbent is occasionally required to walk; use hands to fingers, handle or feel objects, tools, or controls; and reach with hands and arms. The incumbent must occasionally lift and/or move objects weighing up to 10 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus. The noise level in the work environment is usually moderately quiet.

## INDEPENDENCE OF ACTION

This position establishes the operational policies and procedures for the organization. Situations will often dictate that this position must interpret those policies and procedures or in the absence of any relevant policy or procedure this position may be called upon to make decisions and judgments based upon facts and circumstances presented. This requires the ability to think independently and to use logic along with all of the known facts to render appropriate decisions and direction in both field and administrative matters. Completed work is reviewed only for attainment of objectives and effectiveness of results.

# APPENDIX D

## Administrator Profile

### ADMINISTRATOR PROFILE WORKSHEET FOR COUNCIL OR BOARD USE<sup>1</sup>

Describe the background, skills and qualities you feel your locality needs in an administrator.

#### GENERAL

Relevant education

**IMPORTANCE** (High, Medium, Low)

Relevant experience

#### SKILLS AND PAST PERFORMANCE

Council relations

Administrative ability

Written and oral communication skills

Budget/finance/information technology

Human resources/risk management/benefits administration

Labor relations/collective bargaining

Community relations

Intergovernmental relations

Economic development/revitalization

Innovation and major achievements

Infrastructure and facilities

Specialized expertise that might pertain to your locality, e.g., utility management, solid waste, and landfill management (be specific) \_\_\_\_\_

#### SAMPLE ADMINISTRATOR PROFILE

##### EDUCATION AND EXPERIENCE

A bachelor's degree or equivalent experience in local government should be required, a master's degree preferred. A minimum of three years of public administration experience is required, with five years preferred. Past local government experience of individual must show performance in areas that include budgeting and finance, human resource management, information technology, risk management, grants procurement and administration, economic development strategies, understanding of state laws, and other related matters including land use planning, zoning regulations, engineering and public works. Prior Colorado experience preferred. Experience and knowledge in local government accounting is desirable.

##### SKILLS AND PAST PERFORMANCE

Administrative ability. Must have demonstrated performance in human resources and/or collective bargaining for a community having not less than 10 employees. Good communication skills are a must including the ability to listen, communicate with various segments of the community and develop good relations with the business community. Person must be willing to devote whatever time is necessary to achieve the goals and guidelines established by the council.

---

Knowledge of how to organize departments and demonstrated leadership qualities are desirable.

Council relations. Ability to take time and interest in working with councilmembers to keep them informed and explain technical processes. Should be able to adequately inform the council on a regular basis so there are no surprises. Both written and oral communications with the council are essential. The person must be able to accept constructive criticism and to implement the needed changes. Candidate must be open and honest with the council and able to present all sides of an issue that affect the locality. The individual must be able to carry out the intentions and directions of the council enthusiastically.

Budget and finance. Should have demonstrated prior experience in managing a city or county budget. Experience and expertise in grant procurement is desirable, as well as dealing with locally- owned utility finances.

Collective bargaining/human resource management. Must have some knowledge of Colorado labor relations law, with preferred demonstrated ability in the collective bargaining process. Must demonstrate a personality that can communicate the local government's goals and needs to employees.

Community relations. Candidate must have demonstrated involvement in community activities. Experience working with and understanding the needs of the business community is highly desirable. Candidate should be able to present a confident image of the local government to the community at large. Must be able to demonstrate a positive, productive attitude to citizens of the community.

Intergovernmental relations. Must be able to relate to and develop a good working relationship with other local governments, county governments, community organizations, schools and state and federal agencies.

*<sup>1</sup>Reprinted with permission from Recruitment Guidelines for Selecting a Local Government Administrator, International City/County Management Association (ICMA), 2001.*

---

## APPENDIX E

# Open meetings and records law considerations

by Geoff Wilson, former Colorado Municipal League general counsel

(Updated for the 2020 edition by David Broadwell, CML general counsel)

Several provisions of Colorado's open meetings law<sup>1</sup> and open records law<sup>2</sup> affect the hiring of a municipal manager. These provisions generally relate to employment processes, materials submitted by applicants and disclosure of the names of "finalists." An introduction to these provisions is set forth below; however, readers are advised that this overview should not substitute for advice from your own municipal attorney.

### EMPLOYMENT PROCESSES

The open meetings law requires that a "search committee" of a "local public body"<sup>3</sup> establish "job search goals, including the writing of a job description, deadlines for applications, requirements for applicants, selection procedures, and the time frame for appointing or employing a chief executive officer" at an open meeting.<sup>4</sup>

One of the questions that has been raised in connection with this language (which was first added to the statute in 1996 (HB 96-1314; 1996 Colo. Laws, Ch. 147) is whether it applies when a local government does not formally designate a "search committee," such as when the governing body itself conducts the process of hiring a chief executive officer. A conservative course of action in light of this ambiguity would be to develop those aspects of the employment process referenced in the statute in an open meeting, regardless of what local public body performs the function.

### MATERIALS SUBMITTED BY APPLICANTS

Records submitted by a non-finalist for an "executive position," which is broadly defined as a "nonelective employment position with a ... political subdivision" (the definition excludes positions in a classified or civil service system),<sup>5</sup> are not subject to release.<sup>6</sup> Records submitted by or on behalf of finalists, with the exception of letters of reference or medical, psychological and sociological data concerning the finalist, are available to the public for inspection and copying.<sup>7</sup> These provisions apply regardless of whether the local government itself conducts the selection process or a private firm does so on the local government's behalf.<sup>8</sup>

If an applicant for an "executive position" is specifically applying for a "chief executive officer" position,<sup>9</sup> the statute defines "finalist" (and thus which applicants' materials are public) as those whose names must be made public, pursuant to the Open Meetings Act, no later than 14 days prior to "any appointment or employment" of one of the applicants.<sup>10</sup> The act does not define who is a "finalist" among applicants for an "executive position" that is not a "chief executive officer" position.

You may wish to let your applicants know that, once they become a finalist, their application is a public record under Colorado law. No applicant should expect his or her application to be confidential after this point.

### AUTHORITY TO CONDUCT INTERVIEWS IN EXECUTIVE SESSION

If the governing body as a whole effectively acts as the "search committee" for purposes of selecting the new manager or administrator, as explained above certain aspects of the employment process should be a matter of public record and therefore discussed in a public meeting. However, the open meetings law goes on to say, "Nothing in this subsection . . . shall be construed to prohibit a search committee from holding an executive session to consider appointment or employment matters not described in this subsection . . . and otherwise authorized by this section."<sup>11</sup> As a general rule, the open meetings law allows the governing body to go into executive session to discuss "personnel matters."<sup>12</sup> Although this provision of the statute does not explicitly mention interviews and deliberation on *prospective* employees of the governing body, at least one district court in Colorado has interpreted the statute to allow the body to interview candidates for the position of city manager in executive session.<sup>13</sup>

## DISCLOSURE OF THE NAMES OF FINALISTS

As noted above, under the open records law, information concerning an applicant must be released once the applicant becomes a finalist.

The laws do not exactly specify how many “finalists” must be disclosed by the public body prior to making an appointment. However, the Open Records Act provides the following guidance: “if only three or fewer applicants or candidates . . . possess the minimum qualifications for the position, said applicants or candidates shall be considered finalists.”<sup>14</sup>

In addition, the open meetings law provides that no later than 14 days prior to “appointing or employing” someone to fill a chief executive officer position, the local public body shall make public a list of all finalists under consideration. No offer of appointment or employment may be made prior to this public notice.<sup>15</sup> The statute does not specify how the list will be made public. A prudent course would seem to be to use the same process that the municipality uses to provide notice of its public meetings.

<sup>1</sup> C.R.S. § 24-6-401 to 402.

<sup>2</sup> C.R.S. § 24-72-201 to 206.

<sup>3</sup> “Local public body” is defined quite broadly and includes the municipal governing body and any committee created by the governing body, so long as the committee has been delegated a “governmental decision-making function.” C.R.S. § 24-6-402(1)(a).

<sup>4</sup> C.R.S. § 24-6-402(3.5).

<sup>5</sup> C.R.S. § 24-72-202(1.3)

<sup>6</sup> C.R.S. § 24-72-204(3)(a)(XI)(A)

<sup>7</sup> C.R.S. § 24-72-204(3)(a)(XI)(B).

<sup>8</sup> C.R.S. § 24-72-204(3)(a)(XI)(C).

<sup>9</sup> The Open Records Act does not define “chief executive officer.” Nonetheless, a municipal manager or administrator, particularly in a council–manager form of government, is generally understood as being within the contemplation of this statute.

<sup>10</sup> C.R.S. § 24-72-204(3)(a)(XI)(A); C.R.S.; §24-6-402(3.5).

<sup>11</sup> C.R.S. § 24-6-402(3.5).

<sup>12</sup> C.R.S. 24-6-402(4)(f).

<sup>13</sup> City of Loveland v. Prairie Mountain Publishing Co., Larimer County District Court, 10CV925, Order and Judgment dated June 10, 2011.

<sup>14</sup> C.R.S. § 24-72-204(3)(a)(XI)(A).

<sup>15</sup> C.R.S. § 24-6-402(3.5).

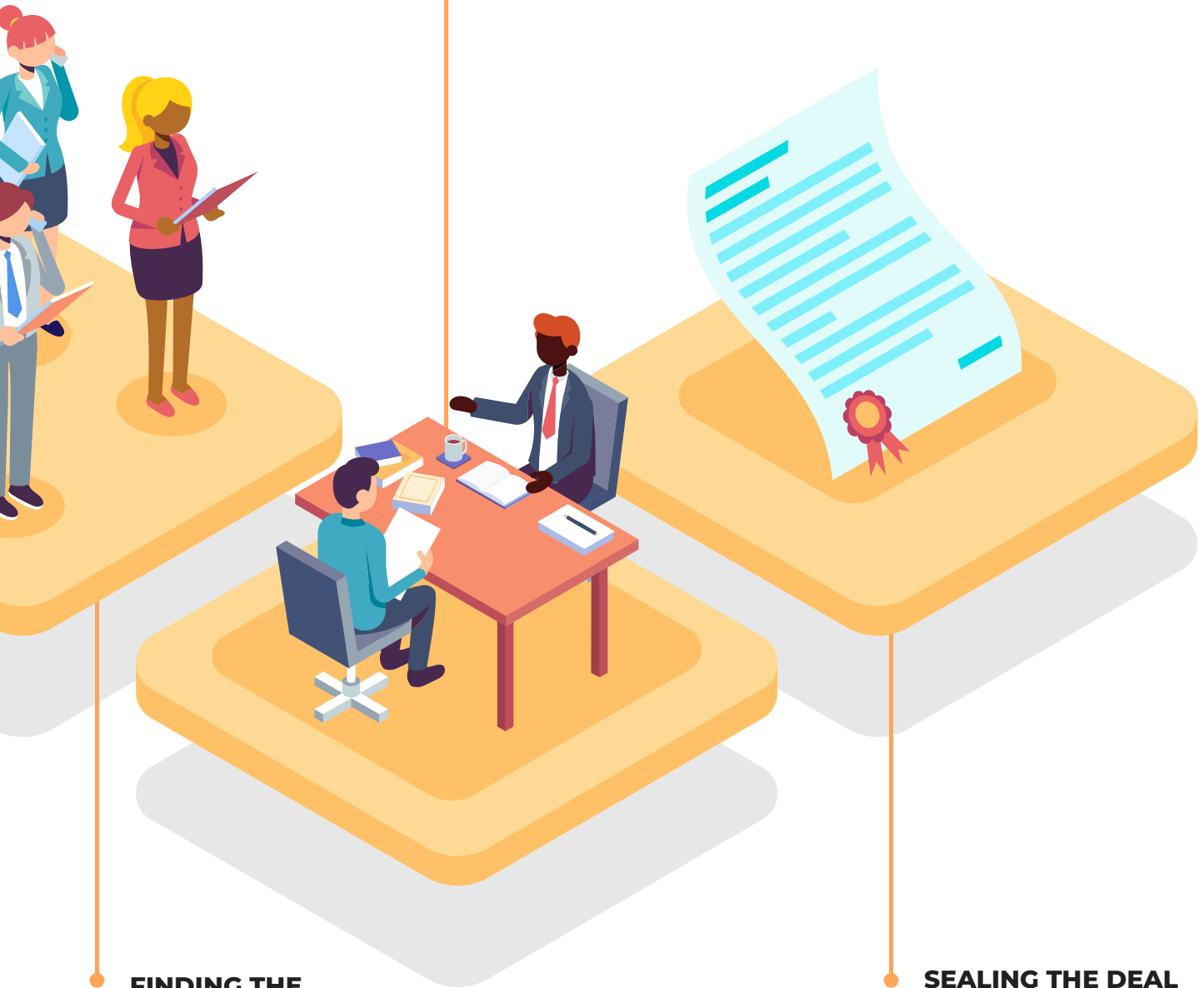
# PROCESS

GETTING STARTED:  
WHAT DO WE DO NOW?



WE ARE HIRING

**CONDUCTING THE INTERVIEWS**



**FINDING THE BEST MATCH**

**SEALING THE DEAL**

**2020**

**HOW TO HIRE**  
A LOCAL GOVERNMENT  
MANAGER OR ADMINISTRATOR



COLORADO  
MUNICIPAL  
LEAGUE