



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

**POSAC Retreat Agenda
February 24, 2024
8:30 a.m. to 1 p.m.
Goodhue Farmhouse
Carolyn Homberg Preserve at Rock Creek Farm**

The Boulder County Parks & Open Space Advisory Committee (POSAC) will hold its annual retreat, which will be open to the public, on Saturday, Feb. 24. POSAC members and Parks & Open Space staff will discuss projects, goals, and policies.

Members of the public who would like to attend the retreat should contact Renata Frye rfrye@bouldercounty.gov by February 21 to give an accurate count. The retreat is open to the public, but there will be no public comment period. Space is limited.

Suggested Timetable:

- | | |
|-------|---|
| 8:30 | Coffee and pastries |
| 9:00 | Overview of the Parks & Open Space Budget
Presenter: Judy Dvorshock |
| 9:30 | Review of POSAC Meeting Process and Responding to Public Comments
Presenters: Vivienne Jannatpour and Conrad Lattes |
| 10:00 | Break |
| 10:15 | Finding Ways to Provide Affordable Housing for Agricultural Workers
Presenters: Adrian Card and Mike Foster |
| 11:15 | Prairie Dog Management Update
Presenters: Amy Schwartz and Mike Foster |
| 11:45 | Lunch Break |
| 12:15 | Soil Health
Presenter: Cassandra Schnarr |
| 1:00 | Adjourn |



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2024 POSAC Retreat Goodhue Farmhouse at Rock Creek Farm

TO: Parks & Open Space Advisory Committee

DATE: Saturday, February 24, 2024

AGENDA ITEM TITLE: Budget Presentation

PRESENTER: Judy Dvorshock, Administrative Division Manager

Agenda items are for discussion only.

Boulder County Parks & Open Space Department has two primary funding sources, the General Fund and Sales Tax Fund.

The General Fund is property tax revenue. The General Fund is a “general use fund” and revenues in the fund are not restricted by voter approval. Our department uses the General Fund budget for personnel, education & staff development, utilities, and equipment which isn’t solely used on or for Open Space.

The Parks & Open Space Sales Tax Fund includes the Parks & Open Space sales and use taxes and Conservation Trust Fund proceeds, which come from the Colorado state lottery. These revenues are used to fund county open space acquisitions and maintenance as well as debt service obligations. Our department uses sales tax budget for staff and materials which directly work towards the acquisitions or continued operations of our Open Space lands.

In 2024, the Parks & Open Space Department has a General Fund budget of \$8.2 M and a Sales Tax Fund budget of \$44.8 M. This total \$52 Million is split into an operating budget of \$12.7 M, personnel budget of \$21.4 M and an acquisition budget of \$19 M.

Our department ties into Boulder County’s budget process with requests for large county supported capital infrastructure projects, grants, and new staffing. Our timeline intersects with the county’s process at several key points during the six-month budget process which runs from May through December.

Our presentation & discussion today will focus on:

- 1) Overview of Boulder County’s budget process
- 2) Overview of Parks & Open Space’s budget process
- 3) Parks & Open Space total budgets
- 4) Budget by division’s & work groups



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2024 POSAC Retreat Goodhue Farmhouse at Rock Creek Farm

TO: Parks & Open Space Advisory Committee

DATE: Saturday, February 24, 2024

AGENDA ITEM TITLE: POSAC Meeting Process and Public Engagement

PRESENTERS: Vivienne Jannatpour, Public Information & Engagement Manager and Conrad Lattes, Assistant County Attorney

It's been a lively year at POSAC meetings with robust public engagement. We'll have 30 minutes to discuss some challenges we faced resulting from passionate public turnout and large numbers of public speakers. We'll address the questions that came from POSAC members regarding public meeting processes and public engagement.

1. **Meeting Process and Public Engagement** (see POSAC Meeting Guide, attached). Key updates are in red. Additional guidance has been added for public engagement and amending motions. 15 minutes
2. **Public Displays and Cheering.** It's important to create a safe space for all public who want to speak by asking attendees to refrain from cheering, clapping, booing, or visibly disrupting a meeting with their opinions on an issue. We'll discuss what POSAC members and staff can and can't do to create a safe environment. 5 minutes
3. **Conflict of Interest.** We've heard comments about perceived conflicts of interest with Parks staff. We'll discuss the legal definition and specific concerns raised by the public. 5 minutes
4. **Open Records and Open Meetings Guidelines** (see County Attorney memo, attached). 5 minutes



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PARKS & OPEN SPACE ADVISORY COMMITTEE

Meeting Guide

1. Call Meeting to Order
Remind POSAC and presenters to speak close to the microphone for best audio.
2. Roll Call
3. Approval of Last Month's Meeting Minutes
 - a. POSAC Motion / Second / Discussion / Vote*
4. Agenda Item Presentations
 - a. Staff Presentation
 - b. POSAC Questions
 - c. Public Comments**
 - i. In-Person Public Comments
 - ii. Online Public Comments
 - iii. POSAC Discussion/Questions-for-Staff inspired by Public Comments
 - d. POSAC Motion / Second / Discussion / Vote*
5. **Public Comments about Topics Not on the Agenda (and not in another current public hearing process)****
 - a. In-Person Public Comments
 - b. Online Public Comments
 - c. POSAC Discussion/Questions for staff inspired by Public Comments
6. **POSAC Comments about Topics Not on the Agenda**
7. Director's Update
 - a. Director updates on current events, follow up from previous POSAC items, answers to questions asked in previous meetings, upcoming topics, and field trips.
 - b. POSAC Questions
8. Adjourn

**See guidelines on Page 2*

***See guidelines on Page 3*

POSAC Motion / Second / Discussion / Vote

1. The chair recognizes a member to make a motion.
2. The member makes a motion or motion to amend.
3. Another member seconds the motion.
4. The chair states the motion.
5. The members debate/discuss the motion.
6. The chair puts the motion to a vote, and the members vote.
7. The chair announces the result of the vote.

Motion to Amend

In most cases, adoption of a motion is in response to a recommendation made by staff to POSAC. However, it does not have to be. A motion to amend is used to change the wording of the motion under consideration. POSAC motions with amendments are generally phrased to “accept the staff recommendation with the following changes” (then enumerate the changes).

Amendments enable POSAC to make changes to the staff recommendation in the following ways:

1. Inserting and/or striking out words, sentences, or paragraphs.
2. Blanket substitution (strike out and insert applied to paragraphs, sections, or entire documents).
3. POSAC could also ask in their recommendation to the BOCC that staff or the commissioners make changes to reflect a change in general approach, leaving it to staff and/or the commissioners to consider the recommendations and how to implement them into policy.

NOTES on Amendments:

1. If POSAC is not in agreement on all changes, there could be separate motions with votes on each proposed change. If there is an agenda item with many different components that POSAC may want to amend, it is often helpful if POSAC deliberates generally before any motion is proposed. After an initial discussion of how POSAC members feel about what staff has proposed, it may become clearer as to what changes would be likely to gather majority support. POSAC can take straw polls on individual questions before deciding whether to include a particular proposed change in an omnibus motion to amend.
2. POSAC can also consider, and pass, motions directing staff to change their approach to future plans, policies, or presentations. The Board of County Commissioners is looking for POSAC’s advice and, so long as it comes by motion, the Board will consider it. (e.g., instruct staff to consider X in all future management plans.)
3. If an amendment is adopted, that changes the motion to which it is applied. Note that the amended motion itself is not adopted until the passage of the motion, as amended. If a motion to amend fails, the original motion is not changed in any way.

Study Sessions

The board may wish to discuss a particularly complex or lengthy staff recommendation prior to the initial motion and request a study session to be scheduled outside the regular meeting time.

Public Comments and POSAC Engagement with the Public

Individual Speaker

Each speaker should state their name and town or general location of residence before speaking. Each speaker usually gets **three minutes**. If many people are waiting to speak, the chair may reduce that time to **two minutes** each.

Pooled Speakers

Speakers can pool their time. Depending on the size of the meeting, each speaker is allotted two or three minutes. If speaking for three or more other people, **eight or 10 minutes** is the maximum, regardless of the number of people who have assigned their time to the speaker. All speakers wishing to pool their time must be signed up for and present at the meeting.

Pooled Speaking	Normal Meeting	Large Meeting
1 speaker (1 total)	3 minutes	2 minutes
1 speaker + 1 pooled (2 total)	6 minutes	4 minutes
1 speaker + 2 pooled (3 total)	9 minutes	6 minutes
1 speaker + 3 pooled (4 total)	10 minutes	8 minutes

POSAC Engagement with the Public

POSAC members should not enter dialogue with a member of the public. If a member of the public asks a question, a POSAC member—during their discussion period—can ask staff to address the question that was asked by the member of the public. On rare occasions, POSAC members can ask clarifying questions of a member of the public while that speaker is at the podium. It is helpful if the chair explains this process at the beginning of the public comment period, so expectations are clear for the public and the committee members.

For larger meetings, the chair can strongly request that the audience refrain from cheering, clapping, or booing to make the room a comfortable space for all public opinion. The chair can also request that speakers avoid repeating opinions that have already been expressed and should simply indicate agreement or disagreement with a previous comment.

SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS

NUMBER 6.65 Conflict of Interest and Acceptance of Gifts

As public servants, Elected Officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of Boulder County, and shall carry out their duties for the benefit of the people of Boulder County.

The residents of Boulder County are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. Elected Officials and employees must always perform their duties with the best interests of Boulder County in mind, and not for any personal interest or for the interest of family, friends, or business and political associates.

Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence. To gain and retain public confidence in government operations, Elected Officials and employees must avoid even the appearance of impropriety.

All Boulder County offices/departments, agencies, employees, and volunteers shall comply with this policy. The provisions of this policy shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, Colorado Revised Statutes § 24-18-101, et seq., and all rules, regulations, policies and procedures of Boulder County, including any ethical code or policy adopted by an Elected Official that is applicable to employees of that Elected Official.

A. Conflicts of Interest

No Elected Official or employee should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties in the public interest.

1. Misappropriation of County Resources: Elected Officials or employees shall not misappropriate to themselves or to others the property, services or other resources of the county for private purpose or other compensated non-governmental purposes.
2. Favoritism or Improper Influence: An Elected Official or employee shall guard against any relationship which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion in the performance of official duties. Elected Officials and employees should not act in a manner that creates by their conduct a reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of official duties, or that they are affected by the kinship, rank, position or influence of any party or person.
3. Privileges or Exemptions: Elected Officials or employees should not use or attempt to use their official position to secure privileges or exemptions for themselves or others.
4. Contracting & Transacting Business:
 - a. Sale or Purchase of Goods or Services:
 - i. Elected Officials or employees shall not, in their official or private capacity, offer for sale or sell goods or services to the county, except as permitted in Purchasing Policies and Procedures.
 - ii. Elected Officials or employees shall not, for their own private purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for Boulder County.
 - b. Transactions on behalf of Boulder County: Elected Officials or employees should not engage in any transaction as representative or agent of Boulder County with any relative, business associate, or business entity in which they have a direct or indirect financial

interest, except as permitted in Section 9 Purchasing Policies and Procedures.

c. Disclosure of Conflict Required: An Elected Official or employee exercising any substantial discretionary function in connection with a county contract, purchase, payment, or any other financial or monetary transaction who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give 72 hours written advance notice of the conflict to the BOCC. Failure to disclose a conflict of interest may be grounds for discipline up to and including immediate termination, and the employee may be charged according to C.R.S. Section 18-8-308, as amended.

5. Personal Investments & Business Ventures: Elected Officials or employees should not acquire or hold an interest in any business or undertaking which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest.

6. Confidential Information: Elected Officials or employees shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment. Elected Officials or employees may only use confidential information in the conduct of their official county duties.



Office of the County Attorney

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2024 POSAC Retreat Goodhue Farmhouse at Rock Creek Farm

TO: Parks & Open Space Advisory Committee

DATE AND LOCATION: February 24, 2024

AGENDA ITEM TITLE: Open Records and Open Meetings

PRESENTER: Conrad Lattes, Assistant County Attorney

POSAC is an advisory board comprised of members appointed by the Board of County Commissioners to make recommendations to the Board regarding issues related to the Boulder County Parks and Open Space Department. POSAC does not make any final decisions; it makes recommendations to the Board, which is the ultimate decision maker. As appointed members of POSAC, you are part of a “local public body” (as defined in the Colorado Sunshine Act) and are subject to state laws related to open records and open meetings, each of which have been enacted in order to promote transparency and confidence in the operations of government. The idea with these laws is that the public has a right to know everything that has gone into the decision making process of all public bodies. The purpose of this memo is to provide an awareness of some of the considerations related to these statutory requirements so that you can better understand your responsibilities as a committee member. If you ever have questions about these issues, please feel free to either call (303-441-1761) or email me (clattes@bouldercounty.gov). Thank you.

Open Records Act

The Colorado Open Records Act states that all public records, with limited, enumerated, exceptions, are subject to disclosure upon request. Any communications to or from POSAC members related to issues before POSAC are considered public records subject to disclosure under the Open Records Act. This includes communications from a member of the public to a single POSAC member about an issue that is likely to come before POSAC or any communication between two individual POSAC members about matters that are likely to be considered by POSAC. The custodian of the records requested has to make the records available for inspection within 3 business days of the request, but can seek an extension of up to 10 additional business days if it is a voluminous request or for other compelling reasons. There is no requirement for the requester of information to provide any reason for the request. The county can charge \$.25 per page if the requester would like copies and, if the request involves an unusual amount of time to respond, the county can also charge for staff time necessary to compile the records. There are limited exceptions that apply in some circumstances that prevent disclosure (i.e. attorney-client privilege, deliberative process privilege, and negotiation of real estate purchases) but the general presumption is that any record of the government is subject to being inspected and/or copied. Any emails by, to, and between POSAC members are open records that can be required to be disclosed under an

open records request. Please keep this in mind when you send any emails about topics that have, will, or may come before POSAC.

Open Meetings Law

The purpose of the Colorado Open Meetings Law, also called the Colorado Sunshine Law, is fairly simple: "It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret."

While the purpose of having open meetings laws makes sense and is simple and straight forward, implementation of that law is more difficult:

The Colorado Open Meetings Law applies to all "meetings" of "local public bodies."

What is a Local Public Body?

A "local public body" is "any board, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function." C.R.S. §24-6-402(1)(a). Although POSAC has not been delegated decision making responsibility and will not take any formal action on behalf of Boulder County, because the purpose of POSAC is to advise Boulder County, POSAC is a "local public body" that is subject to the Open Meetings Law.

What is a Public Meeting?

A meeting is "any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication." C.R.S. §24-6-402(1)(b).

Under the law, all meetings of "a quorum or three or more members of a local public body, whichever is fewer, at which public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times." C.R.S. §24-6-402(2)(b). For POSAC, any meeting of three or more members is a public meeting and all protocols in the law must be followed.

Regularly scheduled meetings of POSAC are clearly public meetings that must be open to the public. In 2008, the Board of County Commissioners considered, but declined to agree to, having ongoing electronic public meetings by blog. Boulder County supports having POSAC conduct all of its public business at its monthly meetings and would like, to the extent possible, avoiding inadvertent public meetings from occurring. What this means is that 3 or more members of POSAC cannot have a discussion about any issues related to the work of POSAC except at regularly scheduled meetings.

Email

Email communications between a quorum or three or more members of the Council in which public business is discussed are also "public meetings." It would be difficult to provide advance notice of, or public participation in or monitoring of, electronic meetings to be held by email. Serial emails from one member to another, and then forwarded to another, have been held by courts to be public meetings under the law.

If email communications are between only 2 of the members, no advance notice or ability to inspect the records is required, so individual members are free to discuss public business via

email with one other individual member at a time (however, these emails could be required to be produced after the fact under the Open Records Act), *but do not forward any emails to other members*. The BOCC has indicated its preference that all deliberations of POSAC occur in public and POSAC members are discouraged from emailing each other about substantive issues that will be considered by the committee.

By joining POSAC, members do not give up their free speech rights to contact the government and have their opinions considered. Members may contact the rest of the committee to make comments, just as any other member of the public may, *but any comments may not solicit a response and a response may not be given by other members of POSAC* (i.e. one-way communication is acceptable, but not two-way communication). Also, even though members of POSAC have been selected by the BOCC because of the experience they bring to issues that will come before the committee, members of the public who make comments to POSAC deserve to be heard and to believe that you have not pre-decided issues before the public comment period is over. You are not under the same restrictions as the BOCC against pre-judging matters that come before the committee but refraining from expressing positions on issues until after the record is complete will lead to a greater sense of the legitimacy and fairness of the process.

While email is a convenient method of scheduling meetings, coordinating carpooling, and other logistical issues, it is recommended that POSAC members make all comments about substantive issues to POS staff and not directly to each other. Please try to not discuss public business by email between POSAC members because it can be difficult to avoid the forwarding of chains of email and the inadvertent violation of the law and it can diminish the effectiveness of the public hearing process.

Notice

“Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public.” C.R.S. §24-6-402(2)(c). Postings are supposed to be made at least 24 hours in advance of meetings and shall include the agenda if possible. Boulder County will post notice of meetings about which it is aware, but can’t post notice of meetings it does not schedule and does not know about.

Minutes, Other Records and Executive Sessions

“Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection.” C.R.S. § 24-6-402(2)(d)(II). Local public bodies may hold executive sessions for narrowly defined reasons (receipt of legal advice, negotiation/discussion of proposed real estate transactions). In order to have an executive session, it must be requested by 2/3 of the local public body during a public meeting. If an executive session takes place, there must be an announcement in the public meeting of the topic to be considered and the legal authority for the executive session, and the minutes must contain the topic discussed at the executive session. Executive sessions are not subject to the Open Meetings Law, but any executive session must be recorded (so that someone can challenge, and a court can review, whether the topic of the executive session was actually for proper purposes), except for portions protected under the attorney-

client privilege. If the procedural requirements are not complied with (i.e. improper vote, notice, or minutes) the entire record of the executive session must be disclosed.

Enforcement

Colorado courts have jurisdiction to issue injunctions to enforce the purposes of the section upon application by any citizen of the state. A prevailing citizen is entitled to an award of costs and attorney fees. Because Boulder County supports the purposes of the open meetings law and does not want to have to pay attorney fees, please help the County stay within the bounds of the law.



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2024 POSAC Retreat Goodhue Farmhouse at Rock Creek Farm

TO: Parks & Open Space Advisory Committee

DATE: Saturday, February 24, 2024

AGENDA ITEM TITLE: Finding Ways to Provide Affordable Housing for Agricultural Sector

PRESENTERS: Adrian Card & Mike Foster

Availability of affordable housing for the Agricultural sector is becoming a pressing issue for many farmers and ranchers throughout Boulder County. This impacts the workforce and new farmers and ranchers starting businesses in the county.

Staff will present an overview of the housing issues facing many agricultural producers and their employees and then initiate a discussion with POSAC on potential approaches to addressing this challenge.

Staff will want to discuss the following questions with POSAC:

- What should BCPOS' role be in providing housing for farmers, ranchers, and their workforce?
- What additional information do you need from BCPOS staff?
- What outcome are we looking for?



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TO: Parks & Open Space Advisory Committee

DATE: Saturday, February 24, 2024

AGENDA ITEM TITLE: Prairie Dog Update

PRESENTER: Amy Schwartz

Agenda items are for discussion only.

Staff will provide a brief background and update on the Prairie Dog Habitat Element of the Grassland and Shrubland Management Policy.

Staff will present an overview of the Policy and highlight key points and changes that have been made over time. No Policy changes are being recommended at this time.

Staff will also share highlights on the following topics:

- Tools used to manage prairie dog populations on agricultural lands
- The decision-making process to control populations on non-agricultural properties
- Key accomplishments since adding the three-year term positions
- Program goals for the next three years



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TO: Parks & Open Space Advisory Committee

DATE: Saturday, February 24, 2024

AGENDA ITEM TITLE: Update on Soil Health Activities of Agricultural and Water Resources Division

PRESENTER: Cassandra Schnarr

The Agriculture and Water Resources Division within Parks & Open Space (POS) manages approximately 25,000 acres of agricultural land and leases them to private farmers/ranchers to help steward those properties.

A significant focus of the Division has been on improving soil health on BCPOS leased agricultural properties and will be for the foreseeable future. Staff will provide an overview of soil health and some of the key activities the Division is doing to advance this work.

Staff will want to discuss the following questions with POSAC:

- Are we taking the correct approach?
- What goals/objectives is POSAC hoping to achieve?
- What changes would you like to see implemented?