

**RESOLUTION NO. 14**

**SERIES 2011**

**A RESOLUTION ADOPTING TOWN COUNCIL RULES OF PROCEDURE**

**WHEREAS**, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

**WHEREAS**, Article 4 Section 4.1 of the Town Charter requires the Council to determine rules of procedure governing meetings; and

**WHEREAS**, Article 2 Section 2-2-40(a) of the Crested Butte Municipal Code requires that meetings of the Council be conducted by the Mayor, according to the rules and procedures adopted by the Council; and

**WHEREAS**, the Council has reviewed and discussed proposed rules of procedure governing Council meetings and other actions of the Council; and

**WHEREAS**, the Council recognizes the importance of adopting written rules of procedure to provide guidance and clarity on best practices for the conduct of its business; and

**WHEREAS**, the rules of procedure adopted by the Council will be inserted into the Council Handbook, which is an important resource tool for the Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THAT:**

1. The Town Council of the Town of Crested Butte hereby adopts the Rules of Procedure attached to this resolution as "Exhibit A."

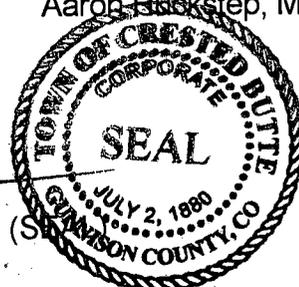
**INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 5<sup>th</sup> DAY DECEMBER, 2011.**

TOWN OF CRESTED BUTTE, COLORADO

By:   
Aaron Huckstep, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk



# Chapter 3:

# Town Council Rules of Procedure

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These Rules of Procedure are set forth pursuant to Section 4.1 of the Town of Crested Butte Home Rule Charter. These rules supplement those contained in Article 4 of the Town Charter and Chapter 2 Article 2 of the Crested Butte Municipal Code. To the extent of any inconsistencies between these Rules of Procedure and the Crested Butte Municipal Code, the Crested Butte Municipal Code in all cases shall prevail and control. These Rules of Procedure are intended to guide the actions of the Town Council in the conduct of its business.

## **RULE 1. COUNCIL MEETINGS**

### **A. Regular Meetings.**

The regular meetings of the Town Council shall be held on the first and third Mondays of each month at Town Hall at 7:00 p.m., except on legal holidays when no meeting shall be held (Town Code Sec. 2-2-30).

Regular meetings which fall on a holiday shall be scheduled to the Tuesday following the holiday or as otherwise set by the Town Council.

The first regular meeting following each general municipal election shall be the organizational meeting of the Council (Town Charter Sec. 4.1).

### **B. Special Meetings.**

Special meetings shall be called by the Town Clerk on the written request of the Town Manager, Mayor or any two members of the Council, after at least twenty-four (24) hours written notice to each member of the Council. A special meeting, however, may be held on shorter notice if all members of Council are present or have waived notice thereof in writing (Town Charter Sec. 4.2).

### **C. Emergency Meetings.**

Emergency meetings may be held without twenty-four (24) hours notice when necessary for the immediate preservation of public property, health, peace or safety. An

emergency meeting shall be held only if a diligent, good faith effort has been made to give actual notice to each member of the Council and at least five (5) members of the Council are present and have waived notice thereof, in writing. All actions at emergency meetings shall require the affirmative vote of five (5) members of the Council (Town Charter Sec. 4.3).

**D. Business at Special and Emergency Meetings.**

No business shall be transacted at any special or emergency meeting of the Council unless it has been stated in the notice of such meeting (Town Charter Sec. 4.4).

**E. Executive Sessions**

*(Executive session rules/procedures excerpted from the Colorado Municipal League Open Meeting Handbook)*

The Council may call an executive session at a regular or special meeting. While the "Open Meeting Law" requires "full and timely notice" of regular and special meetings, nothing in state statute requires any particular notice of the governing body's intention to hold an executive session as part of that meeting. Thus, there is no notice requirement that would impair the Council from spontaneously calling an executive session during one of its meetings.

Executive sessions may only be held upon the affirmative vote of 2/3 of the quorum present. The Town Council shall comply with the provisions of C.R.S. 24-6-402. All executive sessions shall be conducted in accordance with the procedures for executive sessions included as Appendix A to these Rules.

The purpose of calling an executive session is to deliberate on sensitive matters that could be compromised by premature public disclosure, and no action may be taken in an executive session. The Council shall not utilize a subsequent open meeting to simply "rubber stamp" the position discussed in executive session. The discussion on the record in the open meeting shall indicate what policy considerations and motivations led to the final decision.

**F. Work Sessions**

Work sessions shall be held at 6 p.m. prior to regular Council meetings, or as otherwise scheduled by the Town Council. Work sessions shall be held for the purpose of receiving reports, hearing presentations and discussing Town business. No decisions may be made nor may any actions be taken at a work session. Work sessions shall be open to the public. At the Council's discretion, members of the public may address the Council about matters discussed during the work session, the Council, however, is under no obligation to include public comment or discussion during a work session. It is

understood that excluding public comment may be the most effective manner for the Council to conduct the business of the work session.

**G. Quorum**

Four (4) members of the Council shall be a quorum for the transaction of business at all regular and special Council meetings. Five (5) members of the Council shall be a quorum for the transaction of business at all emergency meetings (Town Charter Sec. 4.5)

**H. Mayor Pro-tem and Temporary Chair**

In the absence of the Mayor, the Mayor Pro-tem shall chair all Council meetings. In the event both the Mayor and the Mayor Pro-tem are absent from a meeting, the Town Clerk shall call the meeting to order and the Council shall elect by a majority vote a Chair who will preside over the meeting.

**I. Attendance at Meetings**

The Town Manager, or designee, shall attend all Council meetings. The Town Clerk or designee shall attend all regular, special and emergency Council meetings.

The Town Attorney or designee shall attend all regular, special and emergency Council meetings. The Town Attorney shall attend work sessions as appropriate. Any Council member may call upon The Town Attorney for an oral or written opinion on questions of law.

Department heads and appropriate staff members shall attend Council meetings as directed by the Town Manager.

If a member of Council is unable to attend any meeting of the Council, the council member shall make a reasonable effort to advise the Town Manager or the Town Clerk in advance of the meeting.

**Council attendance requirements.**

- a) In order to faithfully perform the duties of their office, the Mayor and Council members shall regularly attend Town Council meetings. *Regular attendance*, for the purposes of this Section shall mean:
  - (1) No more than (2) consecutive absences at regular Council meetings; and
  - (2) Attendance at seventy-five percent (75%) or more of regular Council meetings during the previous one-year period.

b) Removal for failure to meet attendance requirements. Any Council member, including the Mayor, may be removed from office for failure to meet the attendance requirements set forth in Subsection (a) above (Town Code Sec. 2-2-20).

### **J. Meeting Minutes and Recordings**

The Town Clerk shall take minutes of every regular, special and emergency Council meeting. Minutes shall be a summary of the meeting focusing on the actions taken. The Town Clerk shall record all regular, special and emergency meetings of the Council.

## **RULE 2. AGENDAS, NOTICE OF MEETINGS AND MEETING PACKETS**

### **A. Agendas**

The Agenda shall be set by the Town Manager. Items to be included on the agenda may be placed by the Town Manager, staff or two members of the Council. The Town Clerk shall prepare all agendas upon the direction of the Town Manager.

The Council approves the agenda at the beginning of regular Council meetings and at that time items may be removed from the agenda; items may also be added to the agenda at that time, however, Council is discouraged from adding items to the agenda except for extenuating circumstances, so that the public may have advance notice of items to be considered at meetings.

### **B. Meeting Notices**

The agenda for regular Council meetings shall be published in the local newspaper of record on the Friday preceding the regular meeting. Agendas shall also be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places. The Town Clerk will also post the agenda and the Council meeting packet (excluding confidential items) on the Town website by the Friday preceding the regular Council meeting. The Town Clerk shall also prepare notices of regular meetings for broadcast on KBUT Public Radio.

Notice of work sessions, special meetings and emergency meetings shall be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places and on the Town website.

Meetings at which three or more council members will be in attendance shall be posted at least 24 hours in advance of the meeting at the Town's three designated official posting places.

### **C. Meeting Packets**

Staff items to be included in Council packets are due to the Town Clerk's office at noon on the Wednesday prior to the scheduled Council meeting.

Items submitted by outside entities or individuals which require staff review before being placed on the agenda and included in the Council Packets (such as Conservation Easements etc.) must be submitted to staff by noon on the Thursday prior to the Tuesday agenda publication deadline. This deadline allows sufficient time for staff review and confirmation that the item should be on the agenda. Items which are not submitted by the deadline will not be placed on the Council agenda.

No later than the Thursday preceding a regular Council meeting, The Town Clerk will deliver to each council member a packet containing the agenda and informational documents for the meeting. Documents included in the Council packets, generally, shall not be released to public prior to delivery to the Council.

If council members have questions regarding agenda items, council members shall direct questions to the Town Manager or the appropriate department head prior to the Council meeting to enable staff time to prepare answers.

### **RULE 3. MEETING PROCEDURES**

#### **A. Order of Business**

The Order of Business shall be as follows:

1. **Call to order** (by presiding officer)

2. **Approval of Agenda**

Staff shall advise the Council of items which need to be removed from the agenda. Council members may request addition or removal of agenda items at this time. Amendments to the agenda shall be approved by a majority vote of the Council.

3. **Consent Agenda.**

The Consent Agenda is intended to allow the Council to expedite those items that are of a routine nature and not controversial. The Consent Agenda is provided as a convenience and time savings to the citizens attending the Council meeting.

4. **Public Comments.** For comment on any item not scheduled on the agenda.

Generally no action is taken by the Council on items not previously on the agenda; however, issues raised may be scheduled under "Other Business" for consideration in the future. Council shall limit its discussion of topics raised under public comments.

5. **Staff Updates**

6. **Public Hearings**

7. **Old Business.** Includes items continued from other meetings except for public hearings which are scheduled under public hearings.
8. **New Business.** Includes items for action by the Council that do not fit under other categories and includes items removed from the Consent Agenda.
9. **Executive Session.** On an as-needed basis only. The order of the Executive Session may be changed on the agenda as determined to be appropriate by the Council.
10. **Legal Matters/ Town Attorney Report**
11. **Council Reports and Committee Updates.** Includes items of information and Council Committee reports.
12. **Other Business To Come Before Council.**
13. **Discussion of Scheduling Future Work Session/Meeting Items.**
14. **Council Meeting Scheduling**
15. **Adjournment**

**B. Duties of the Mayor as Chair of Meetings**

- Open the meeting at the appointed time and call the meeting to order.
- Announce the business coming before the Council in accordance with the agenda.
- Control the proceedings of the meeting and recognize council members, staff and members of the public who are entitled to the floor.
- State or cause to be stated and put to a vote all questions that legitimately come before the Council. Although not prohibited, the presiding officer generally does not propose a motion.
- Enforce the Council's rules relating to debate, order and decorum at meetings.
- Decide all questions of order.
- Adjourn the meeting.

**C. Public Comments at Meetings**

All meetings of the Council shall be open to the public, except for executive sessions. The public may make comments on items not scheduled on the agenda of regular Council meetings during the Public Comment section of the agenda. Citizens should first sign the public comment sheet listing their name and address and the topic of their comments, then verbally state their name and address for the record. Those commenting shall limit their comments to five minutes. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

Council shall limit discussion with individuals making public comment. If Council wishes to discuss the topic, Council shall address the topic later in the meeting under "Other Business" and may set the matter as an agenda item at a future meeting. Council, at its discretion, may discuss the topic under "Other Business" and take action if the matter is

time sensitive. Council, however, recognizes that it is best to provide advance notice of topics being discussed at Council meetings so the public will have adequate notice of the topic.

The public shall have the opportunity to speak on matters on the agenda at the time the matter is being considered. Citizens should first sign the public comment sheet listing their name and address and the topic of their comments, then verbally state their name and address for the record. Those commenting shall limit their comments to five minutes. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

**D. Written Communications to Council.** Written communications to the Council are encouraged, however, unsigned communication will not be forwarded to the Council. A copy of all written communication to the Council will be forwarded to all council members and the Town Clerk. A copy of all correspondence shall be retained by the Town Clerk in the Public file in accordance with the Town's records retention schedule.

**E. Public Hearing Procedures** *Council shall refrain from commenting (other than asking questions) during public hearings. Council discussion may take place after the public hearing is closed.*

Public Hearing Procedures Outline:

- Mayor reads the title of the ordinance or agenda item which is the subject of the public hearing. Mayor may also announce the public hearing procedures and ground rules.
- Mayor confirms with Town Clerk that proper public notice was given.
- Mayor asks for staff report, presentation or staff comments.
- Council may ask staff questions.
- **\*\*\*If Applicable**, Mayor asks for applicant/petitioner presentation or comment.
- Mayor opens public hearing for public comments (*Council may ask questions of applicant/petitioner/public or staff during public comments*).
- Mayor closes public hearing and the matter is brought to Council.

- Mayor suggests Council discussion (*Council may ask questions of applicant/petitioner/public or staff during Council discussion.*)
- Council motion and action.

## **F. Voting**

1. Votes shall be taken with a roll call vote. A roll call vote is achieved by the Town Clerk calling each Council's member's name. Each council member shall individually indicate his/her vote in favor or in opposition to the item. The vote tally is announced by the Town Clerk.
2. All roll call votes shall be taken in rotating order.
3. Every Council member present, when a question is put, shall vote either "Yes" or "No" unless previously excused by the Council for reasons set forth in Section 4.8 of the Town Charter which states that no member of the Council shall vote on any question upon which he/she has a substantial personal financial interest, other than the common public interest, or on any question concerning his /her own conduct, in which case the member shall disclose his/her interest to the Council. Any member refusing to vote, except when not so required by Section 4.8 of the Town Charter, shall be guilty of misconduct in office.
4. The minutes shall record how each Council member voted on each question (Town Code Sec. 2-2-40(b)).
5. When the vote is unanimous the minutes shall state that the motion was passed unanimously.
6. Pursuant to the Town Charter all ordinances, resolutions and or motions shall require the affirmative vote of four (4) members of the Council for final passage, except as otherwise provided in Section 4.8 of the Town Charter.
7. The Council shall take official action only at a public meeting by ordinance, resolution or motion (Town Charter Sec. 4.7).
8. The presiding officer shall not entertain comments from the staff or public during voting.

## G. Motions

1. All matters requiring action by the Town Council shall be introduced by motion. A motion refers to a formal proposal by a council member upon which the Council may take action. Motions are generally introduced by voice. However, if the motion is long or involved, motions should be put in writing. Motions shall be put in writing if requested by two (2) Council members.
  
2. The Following steps shall be taken for the presentation and disposition of motions.
  - a) A Council member proposes a motion.
  - b) Another Council member seconds a motion.
  - c) The Mayor may cause the motion to be restated.
  - d) The Council debates/discusses the motion (amendments to the motion or other substitute motions may be made during the debate/discussion).
  - e) At the conclusion of the debate/discussion, the Mayor may cause the motion to be restated.
  - f) Vote is taken and the Town Clerk announces the results of the vote.
  
3. The following motions are the most commonly used:  
Motion to **approve, deny or approve with conditions.**
  - a. Motion to **amend**: A motion to amend may take the form of inserting, striking out and inserting words, sentences or paragraphs. A motion to amend must be pertinent to the main motion. It is proper to make a motion to amend an amendment. Motions shall be discussed in the reverse order from which they were proposed.
  
  - b. Motion to **continue**: A motion to continue has the effect of moving an item to a future agenda. The motion shall include the date to which the item is being continued.
  
  - c. Motion to **lay on the table**: This motion is used to set aside an item currently under discussion for a more pressing matter. It is not used to "kill" an item. Once the more pressing matter has been disposed of, a motion to take from the table is in order. This motion shall be made at the same Council meeting or at the next regular Council meeting.
  
  - d. Motion to **move the previous question**: This motion is used to cut off debate and to bring an immediate vote on the pending motion. A motion

to move the previous question requires a majority plus 1 vote of those present to prevail. A vote is first taken on the motion: if successful, debate is halted and a vote on the main motion is made. If the vote on the motion to the previous question fails, debate on the main motion may continue.

- e. Motion **to reconsider**: Any action taken by the Council may be reconsidered. A motion to reconsider must be made at the same meeting at which the action occurred. The motion must be made by a Council member who voted on the prevailing side. A vote is then taken on the motion to reconsider. The passage of a motion to reconsider suspends all action on the original motion. The original question is placed before the Council at the current meeting or the next regular meeting in the exact form it was in when previously adopted. The vote is taken and the results determined, no further reconsideration can be granted.
- f. Any motion may be withdrawn prior to a vote on that motion with the agreement of the person seconding the motion.

#### **H. Debate-Decorum**

1. When recognized by the Presiding Officer, council members shall confine their remarks to the question then under discussion.
2. The Council may, when necessary, limit the time of debate on any subject or debatable motion.
3. A council member shall speak only once on the question until all other members of Council who wish to speak have had the opportunity to do so.
4. The Presiding Officer may call a recess not to exceed fifteen (15) minutes at any time during a meeting to determine a rule of order or at the request of a majority of the Council.
5. The Presiding Officer may call a recess for a specified period of time at any time between items of business.

6. Each council member, member of the public or staff member shall be recognized by the presiding officer prior to speaking.
7. If a council member wishes to leave the Chamber for a brief period during a meeting, the council member shall receive acknowledgement from the Presiding Officer.

#### **RULE 4. GENERAL RULES**

##### **A. Ordinances**

1. An ordinance is considered the most authoritative form of action the Council may take. An adopted ordinance becomes an established rule or law of the Town and remains in effect until otherwise rescinded or amended by the Council. Council may direct staff to draft an ordinance or an ordinance may be brought to the Council upon the recommendation of staff.
2. Procedures for passage of ordinances are set forth in the Town Charter (Sections 4.9-4.13)
3. Every proposed ordinance shall be submitted to and reviewed by the Town Attorney.
4. Ordinances shall be numbered in the order in which they are introduced.

##### **B. Resolutions**

Resolutions are acts of a relatively permanent nature and will remain in effect until rescinded or amended by Council.

Resolutions may be used for formal statements of policy which are not required to be adopted by ordinance, on matters involving lengthy or complex questions, on administrative or executive matters, to approve contracts and for such purposes as the Council may determine.

##### **C. Proclamations**

The Mayor, or in his or her absence, the Mayor Pro-tem, shall have the unilateral authority to issue Mayor Proclamations. Such proclamations shall require the consent or approval of the Council. Mayoral proclamations shall not have the effect of law.

##### **D. Communications to Staff**

1. Questions to Town staff should be directed through the appropriate senior Town staff. Questions should be directed to the Town Manger or Department Heads.
2. The Town Manager should be copied on any request or communication to Department Heads or the Town Attorney. Council members should not set up meetings with department staff directly, but work through Department Heads who will attend any meetings with council members. When in doubt about what staff contact is appropriate, council members should ask the Town Manager.
3. All Council members should have the same information with which to make decisions.
4. Council members, including the Mayor, should not get involved in administrative functions. Avoid any staff contacts that may be construed as trying to shape staff recommendations. Council members shall refrain from coercing staff in making recommendations to the Council as a whole.
5. Do not attend staff meetings unless requested by staff. Even if the Council member does not say anything, the Council member's presence may imply support, show partiality, intimidate staff or hamper staff's ability to do its job objectively. Additionally, in such circumstances, individual council members are receiving information prior to the rest of the Council.
6. If a council member wishes to attend a meeting related to Town business, as a representative of the Town (negotiating session, staff committee meeting etc.), the council member shall obtain approval of the Council prior to the meeting with the understanding that the Council member will report back to the Council regarding the meeting. The report shall be given at a regular meeting of the Council held in open session. Council members attending meetings of boards, committees or commissions on which they serve do not need to obtain prior approval of the Council.
7. Depend upon the staff to respond to citizen concerns and complaints. It is the role of council members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate Department Head or

Town Manager. Staff is responsible for making sure the council member knows how the complaint was resolved.

### **E. E-mail Communications**

Council shall comply with e-mail policies as approved by Resolution No 2. Series, 2009. The resolution contains the items listed below:

1. E-mail communications between **three or more** elected officials concerning public business and/or pending legislation are declared to be a public meeting and are **prohibited**.
2. The following e-mail communications from or to an elected official or officials are **permitted**:
  - Communication between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.
  - Communication from or to a staff person or the Town Attorney.
  - Communication between elected officials concerning routine administrative matters, e.g. those regarding scheduling of meetings and inquiring as to officials' availability; notices of public functions or meetings; requests to staff for factual information or status reports.

### **F. Format of Staff Reports**

Staff reports to the Council shall include a summary section containing a summary of the topic and background information, as appropriate. The staff report shall also contain a staff recommendation and, if applicable, a suggested motion for Council consideration.

### **G. Review of Rules of Procedure**

Council shall review these Council Rules of Procedure, at least annually, and shall annually approve a Resolution adopting Council Rules of Procedure.

**Appendix "A"**

**EXECUTIVE SESSION MOTION FORM**

(Note: 2/3 quorum present must vote yes; the executive session may only occur at a regular or special meeting of the body.)

**I MOVE TO GO INTO EXECUTIVE SESSION** (Chose one of the following:)

(Language in bold-face is for inclusion in the motion as applicable; if the stated purpose of the executive session is legal advice, do not combine it with any other purpose :)

- A** For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
  
- B** For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
  
- C** To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);
  
- D** For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do nor require the discussion of matters personal to particular employees;
  
- E** For discussion of a matter required to be kept confidential by the following federal or state law, rule, or regulation: \_\_\_\_\_ under C.R.S. Section 24-6-402(4)(d);

- F** For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);
  
- G** For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);
  
- H** Other: (specify)

**ANNOUNCEMENT NO. 1**

**ANNOUNCEMENT TO BE MADE BY PRESIDING OFFICER AT THE BEGINNING OF THE EXECUTIVE SESSION. (MAKE SURE THE TAPE RECORDER IS TURNED ON; DO NOT TURN IT OFF DURING THE EXECUTIVE SESSION UNLESS SO ADVISED BY THE TOWN ATTORNEY)**

**It's \_\_\_\_\_ (give date) \_\_\_\_\_, and the time is \_\_\_\_\_. For the record, I am the presiding officer, \_\_\_\_\_ (give name) \_\_\_\_\_. As required by the Open Meetings Law, this executive session is being electronically recorded.**

**Also present at this time executive session are the following persons**

**(Verbally list all people present):**

\_\_\_\_\_.

**This is an executive session for the following purpose:**

**(Repeat the language of the motion, including the statutory citation as noted on motion sheet prior to this page)**

**I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.**

**If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.**

**ANNOUNCEMENT NO. 2**

**ANNOUNCEMENT TO BE MADE AT THE BEGINNING OF AN EXECUTIVE SESSION FOR LEGAL ADVICE, OR FOR THE DISCUSSION OF LEGAL ADVICE DURING AN EXECUTIVE SESSION WHOSE STATED PURPOSE IS A SUBJECT OTHER THAN LEGAL ADVICE**

**(Make sure Announcement No. 1 has been made first)**

**By Town Attorney:**

**As Town Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am therefore recommending that no further record be kept of this executive session.**

**By Presiding Officer:**

**The Town Attorney has recommended that no further record be kept of this executive session. The time is now \_\_\_\_\_ and I am turning off the tape recorder at this time.**

**(Turn off tape recorder at this time)**

**(If the attorney-client communication has finished, but the executive session continues, TURN THE TAPE RECORDER BACK ON)**

**By Presiding Officer:**

**The time is now \_\_\_\_\_, and I have turned the tape recorder back on because the privileged attorney-client communication is finished.**

**(AT THE END OF THE EXECUTIVE SESSION, MAKE SURE ANNOUNCEMENT NO. 3 IS MADE BEFORE TURNING OFF THE TAPE RECORDER)**

**ANNOUNCEMENT NO. 3**

**ANNOUNCEMENT TO BE MADE BY THE PRESIDING OFFICER BEFORE CONCLUDING THE EXECUTIVE SESSION (WHILE THE TAPE RECORDER IS STILL ON)**

**I hereby attest that this recording reflects the actual contents of the discussion at the executive session and had been made in lieu of any written minutes to satisfy the recording requirements of the Open Meeting Law.**

**I \_\_\_\_\_ will give the tape to the Town Clerk to retain for a 90 day period.**

**The time is now \_\_\_\_\_, and we conclude the executive session and return to the open meeting.**

**(Turn off the tape and return to the open meeting)**

**ANNOUNCEMENT NO. 4**

**STATEMENT TO BE MADE BY THE PRESIDING OFFICER UPON RETURNING TO THE OPEN MEETING**

The time is now \_\_\_\_\_, and the executive session has been concluded. The participants in the executive session were:

\_\_\_\_\_.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is...