

**Garden  
Spot of  
Colorado**

## PORT COMMITTEE MEETING AGENDA

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Wednesday, February 4, 2026 6:00 p.m.

This is an **IN-PERSON** meeting at the location and time noted above.

This meeting will be streamed live on YouTube. The live stream is accessible by visiting [www.berthoud.org/stream](http://www.berthoud.org/stream)

### A. Call to Order

The meeting was called to order at 6:01 p.m. by Chair Lauren Roth.

### B. Roll Call

Lauren Roth – Chair (Present)  
• Carolyn Hobson – Vice Chair (Present)  
• Anna Murphy – (Not Present)  
• Callie West – (Not Present)  
• Michael Brennan – Member (Present)  
• Eleanor Hasenbeck – Member (Not Present)  
• Kari Wiesen – Member (Present)  
• Cloud Clark – BYAC Liaison (Present)  
• Karl Ayers – Trustee Liaison (Present)  
• Keith Knoll – Staff Representative (Present)  
Other Staff Present:  
- Amanda Gustafson


### C. Approval of minutes January 7, 2026

C. Hobson moved to approve the January 7, 2026, PORT Committee meeting minutes. Chair L. Roth seconded. The minutes were approved unanimously.

### D. Public Comment – Non-Discussion Items

No public comment.

### E. Discussion Items

  
3/4/26

K. Knoll introduced the training and welcomed members of HPAC and TAC. Introduced Tami Tanoue, Executive Director of the Colorado Intergovernmental Risk Sharing Agency (CIRSA) who is conducting the training.

- a) Berthoud Advisory Committee Training, including members of HPAC and TAC  
– Presented by Tami A. Tanoue, JD - Executive Director, CIRSA

\*\*See attached slides

#### F. Staff updates – Parks, Open Space, Recreation, and Trails

K. Knoll discussed conducting CIRSA training on an annual basis, with scheduling TBD. CIRSA is utilized for legal updates, ensuring currency and compliance within town staff and boards/committees. K. Knoll identified requirement for the annual PORT Committee report to the Board of Trustees with a target date of May or June 2026. There is an open space workshop in coordination with Colorado Open Space and Larimer County, set for Monday, March 30. Upcoming PORT meeting (March 2026) will include 10% designs for Newell Farm Park.

A. Gustafson highlighted the release of the Spring 2026 activities brochure and upcoming neon dodgeball and pickeball tournaments on the weekend of 7 – 8 February 2026.

#### G. Committee updates

K. Weisen: None.

C. Hobson: None.

M. Brennan: None.

K. Ayers: PORT comments to Wenk were appreciated in the review of Newell Farm Park initial conceptual designs. Arboretum updates received and currently being prepared to be opened to bidding process. Richardson Park preparatory bids are now out and pending response to Board of Trustees at second February meeting.

L. Roth: None.

#### H. Adjourn

C. Hobson motioned to adjourn the meeting. K. Weisen seconded.

The meeting was adjourned at 7:46

**Next meeting: March 4, 2026.** If you require special accommodation, please contact the Town Clerk 24 hours in advance at (970) 532-2643.



# Berthoud Advisory Committees Presentation

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Town of Berthoud 2-4-26

Presented by Tami Tanoue, CIRSA Executive Director



# Introduction

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- Congratulations on your appointment to your advisory committee!
- Refresher/intro on parameters and realities of your positions, liability risks & risk prevention, best practices surrounding meetings social media issues
- Presentation is a training resource only; is not intended as legal advice on any specific, pending issues; in case of any inconsistency between this presentation and your Town Attorney's advice, your Town Attorney is always right!
- For additional CIRSA resources:
  - Elected officials' page on CIRSA website: <https://www.cirsa.org/safety-training/elected-officials/>
  - CIRSA *Elected Officials Liability Handbook*: <https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>
  - Our latest elected officials' training video, found on our CIRSA Safety YouTube channel: <https://www.youtube.com/watch?v=bfhxvn1c1IA&t=413s>
  - Although focus of these resources is on elected officials, many of the points apply to your positions as well

# About CIRSA

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## Colorado Intergovernmental Risk Sharing Agency

- Public entity self-insurance pool for property, liability, and workers' compensation coverages.
- Formed by in 1982 by 18 municipalities pursuant to CML study committee recommendations.
- Not an insurance company, but an entity created by IGA of our members.
- Total membership today stands at 294 member municipalities & affiliated entities:
- CIRSA views proactive approaches to risk management as critical member services – it's a win-win when issues can be addressed/resolved before they turn into more contentious disputes or litigation
- **We also view the Town's leaders as a critical part of risk management – how you approach your roles, your commitment to ethical and lawful practices, and the example you set as leaders -- are reflected and amplified throughout the organization**

# Introduction

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- Advisory committees provide a valuable service to the community
  - Input on key issues facing the community
  - You each bring your perspectives, background, and experience to the table, and thereby expand the horizons of the Town Board of Trustees and enhance sound decision-making
  - There is a genius in the collective deliberation process that is greater than the sum of its parts
  - You gain experience by serving, and that may propel your interest in additional service opportunities with the Town
  - Your committees are advisory in nature; others have more of a decision-making role – Planning Commission, Board of Adjustment
    - These latter two boards have quasi-judicial matters within their province, and there are special rules of engagement for those matters that likely do not apply to yours

# Introduction

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So what are your responsibilities? The **Historic Preservation Advisory Committee** works, under the direction of the Town Board and in conjunction with the Community Development Department, to:

- Recommend policies, programs and projects to the Board designed to preserve the historic heritage and character of the Town while harmonizing such preservation with economic development as more fully set out in Section 4(B) of Resolution 2019-2;
- Support Town efforts to maintain Berthoud's Certified Local Government status with the State of Colorado and Colorado Historical Society; and
- Make recommendations to the Town on a variety of historical preservation matters as set out in the Resolution

# Introduction

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The **Parks, Open Space, Recreation, and Trails (PORT) Committee** works, under the direction of the Town Board and in conjunction with the Department of Parks and Recreation, to:

- Recommend policies, programs and projects to the Board designed to foster diversity and utilization of the parks, open space, trails, and recreation assets of the community as more fully set out in Section 4(C) of the Resolution;
- To make recommendations to the Town regarding various parks, recreation, open space, and trails matters as set out in the Resolution.

# Introduction

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The **Tree Advisory Committee** works, under the direction of the Town Board, and in conjunction with the Department of Parks and Recreation and the Town Arborist, to:

- Recommend policies, programs and projects to the Board designed to foster preserve and promote the health and expansion of the urban forest as more fully set out in Section 4(A) of the Resolution;
- To make recommendations to the Town regarding the trimming, spraying, removal, planting, purchase, disposition, pruning, preservation and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk or other public place in the Town or upon privately owned property in the Town, and other matters as set out in the Resolution.

# Introduction

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Provisions that apply to all committees include:

- Each committee meets periodically with the Board, provides a report of its activities, suggests new policies, programs and projects for the Board to consider, if any, and obtains direction for upcoming agendas.
- No member of the Committee shall negotiate on behalf of the Town with any outside agencies or individuals regarding any matter before the Town or the Committee without the expressed written consent of the Town Administrator.
- No member of the Committee shall expend Town funds, or request reimbursement for expenditures, without prior written consent of the Town Administrator.
- Each member shall refrain from participating in any decision in which they have a "substantial interest." This includes nonfinancial conflicts, such as close proximity to an area under consideration (three hundred feet), close friendship with one of the parties to a decision, or any other situation which would lead to a clear "appearance of impropriety."
- **Also keep in mind other applicable enactments, such as the Town's Code of Conduct, which applies to the Town Board of Trustees**

# Parameters and realities of office: Team effort?

- **As a committee member, your responsibilities are exercised as part of the body...it's a *team activity!***
  - Each member no doubt arrives in office with interests and priorities each would like to pursue, and that's not a bad thing!
  - But because each committee is a **collective and collaborative body**, individual "agendas" must give way to the determinations and recommendations made by the body as a whole
  - The "team" nature of each committee's work is reinforced by Resolution 2019-2!
    - There are prohibitions on activity by individual members (no negotiating, no committing funds) from which corollaries can be drawn!
    - **Given the "perception of power" each of you carries by virtue of your position, even individual activities short of actual negotiations or fund commitments, can *look that way!***
    - This means extra caution, and advance consent/consensus, are critical for virtually any individual activity
    - Example: Individual one-on-one meetings with stakeholders, interested parties (and see also "equality of information" concerns)

# Parameters and realities of office: Team effort?

- **Actions are taken and recommendations are made in the collective “we”**
  - Familiarize yourself with the applicable formation documents for your committee: there’s no room for an Individual member to act individually
  - Once a vote is taken, you own the action or recommendation **as a body** – no “dissenting opinions” are issued in the manner of the Supreme Court!
  - **So think “we,” not “I,” in doing your job**
- It’s also important to **respect the role of the chair**, especially in presiding over meetings – the chair does have some “I” responsibilities
- So what if your recommendations, as a committee, are not ultimately accepted by the Town Board and/or Town staff?
  - That comes with the territory! Not everyone is going to agree on everything, even those recommendations on which there was Committee agreement
  - Your recommendations are still valuable – they are an “on the record” perspective that could continue to be relevant in the future
  - Don’t take it personally, or as a sign that your work isn’t valued. Everyone in municipal government experiences this!

# Parameters and realities of office: Team effort?

- **What rules of procedure does your Committee have for the conduct of business?**
  - It's common for boards, commissions, and committees to have their own rules of procedure
  - They don't need to be elaborate, but should address common meeting issues, such as:
    - How to put items on the agenda
    - The role of the chair
    - How to deal with a conflict of interest
    - The process for discussing an item on the agenda, and then bringing it forward for a motion and vote
    - What to do if you find the matter is not quite ready to be put to a vote
  - A good model, in the absence of one already being used by the Town, is Bob's Rules of Order (available from CML)

# Parameters and realities of office: Manage risks effectively?

- Municipal government is a frequent target of lawsuits...should you be concerned about that as a committee member?
- For the most part, those who are in an advisory role tend to be targeted less frequently than those in a decision-making role
  - Your activities are largely advisory
  - Bigger risks exist where individual property rights are implicated (e.g. Board of Adjustment decisions)
- Still, you'll want to know how to avoid potential risks, and you'll want to be aware of what protections exist

# Parameters and realities of office: Manage risks effectively?

- You have personal protection from liability under state law as long as you are within the scope of your authorized responsibilities and not acting “willfully and wantonly.”
- Look to the formation documents for your committee, and hew closely to the scope of your authority and responsibilities
  - The “we, not I” concept is also a useful part of identifying the scope of your authority
  - “Willful and wanton” is a defined term in state law, but generally means that you acted beyond recklessly in disregarding the rights of others – so it’s purposeful behavior that’s meant to hurt others
    - So if your conduct could be described as “calculated to harm,” “deliberate,” “malicious,” “vengeful,” etc., it might be willful and wanton!

# Parameters and realities of office: Manage risks effectively?

- **What about insurance? That's why CIRSA exists!**
- CIRSA provides property and liability coverage (including general liability and public officials liability) to “covered parties, and **you and your committee are “covered parties”**”
- But, tracking with your state law liability protections, CIRSA coverage requires you to be within the scope of your lawful authority, and not acting willfully and wantonly!

# More parameters and realities: Majority rule?

- **Committee actions and recommendations are based on MAJORITY RULE**
  - Means that any given vote can appear to have “winners and losers”
  - But it’s likely that no one person wins or loses all the time
    - **Respecting the “will of the majority”** thus becomes crucial – because you may “lose some” but you will also “win some”
    - Individual post-decision communications can undermine the majority’s direction, or at the least, cause confusion and consternation about what that direction was!
      - Active and public undermining
      - Continually seeking to revisit a settled issue
      - Seeking to put your own “spin” on a decision or position by going to the public, Manager or other staff members, the Mayor or a Council member, etc.
  - Majority rule, yes, but must it necessarily be a “zero sum” game?
    - There’s room to **listen** to each other, **compromise** towards a “**win-win**” solution, and to “**center the margins**” when appropriate – to listen to voices that can otherwise go unheard

# Parameters and realities of office: Equality of power/equality of information?

- Each member is a co-equal in the exercise of the committee's responsibilities – **“equality of power”**
- Team members must have a level of **trust in one another**
  - Important to seek ways to build trust, not erode it
  - **“We judge ourselves by our intentions and others by their actions”**: give others the same presumption of good intentions that we give ourselves? Assume everyone here is acting in good faith, just as you are?
  - Do we approach discussions (whether in or out of meetings) in ways that build upon or erode trust?
- Connected to “equality of power” is **“equality of information”**
  - If the information needed for good decision-making is distributed unequally (e.g. withheld from some, “hoarded” by one, not provided at the same time to each member), how can “equality of power” exist?
  - Individual “expertise” can be wielded in a way that undermines “equality of information”
  - “Doing your own research,” “holding your own individual meetings” can also contribute to an inequality of information

# Parameters and realities of office: Transparency?

- Transparency is a basic expectation of the citizens, and this expectation seems to be a heightened one at the municipal government level
  - A lack (or perceived lack) of transparency greatly undermines public confidence
  - This means that committee members must have a keen understanding of the letter and spirit of applicable transparency laws
- The Colorado Open Meetings Law (OML) applies to your meetings
- Applies to **three or more or a quorum, whichever is less**. Requires discussion of public business take place at meetings open to the public, and if action will be taken or a quorum will be present there must also be timely notice.
- The OML allows executive sessions for limited purposes. It's rare that a committee would need to have an executive session, but if one is warranted, then it's critical to follow executive session procedures and other processes to comply with the law and protect confidential information.
- **“Serial meetings” have become a focus of litigation, and should not be used to avoid the “three or more” threshold**
- Recognize that non-meeting communications (e.g. e-mail, texts, social media) can raise liability and transparency issues in much the same way as meeting practices

# Parameters and realities of office: Transparency?

- Electronic communications may be covered by the **Open Meetings Law**
  - If elected officials do their discussions of public business by email or other electronic means, the public may be denied their right to be present at such discussions
  - Are you texting each other during public meetings? Same concerns apply.
- E-mails and texts may be covered by the **Open Records Act**
  - Each email discussing public business could be a record subject to public disclosure
- Electronic communications of all kinds may be subject to the **civil discovery process**
  - Electronic communications may be required to be divulged in litigation
- **Public officials must be cautious in their use of electronic communications to avoid getting crosswise with one or more of these legal provisions!**

# More parameters and realities: Learning styles?

- **As individuals, you have different learning styles and approaches, and you may not all be at the same spot on the “learning curve” of any given issue**
  - Accommodating those differences may be part of equality of information/equality of power
  - But also, assiduous “prep” is part of the job
  - As board packets have moved from paper to PDF, the quantity of information has increased greatly
  - Veteran members might be able to share “tips” with newer members on how to digest and absorb all this info, short cuts, etc.
  - Sharing your thoughts with the assigned staffer on how/when you’d like this information presented in packets and presentations, other communications styles and methods, could be helpful
  - But pre-meeting preparation is critical! If you’re reading your agenda packet for the first time AT the meeting, you’ll be behind the 8-ball and could be delaying valuable discussion time

# More parameters and realities: Generalist or specialist?

- Although the totality of your experience, background, and perspectives may have been key to your interest in/appointment to office, your role may be more “generalist” in nature
  - Specialized knowledge is likely an important part of the “total package” you bring to your position, but the reality is that the Town engages and uses specialists who bring knowledge TO you
  - Wielding specialized knowledge as a weapon can disrupt “equality of power” – look for ways to bring the benefit of your knowledge in a way that doesn’t center you as “THE expert”
  - If you agree that “equality of power” is an important touchstone for the exercise of your responsibilities...doesn’t it also follow that “**equality of information**” is an essential supporting pillar for “equality of power”?

# More parameters and realities: Nonpartisanship?

- **Municipal government is nonpartisan**
  - A parameter, a reality, and a freedom!
  - Potentially partisan considerations may be less likely to surface at the committee level, but still, keep a lookout for the possibility
  - Vote your mind and conscience, not a “platform”
  - No automatic “lining up” along party loyalties
  - No “assumptions” about you and your fellow members based on partisan expectations
  - Free to explore ideas and recommendations that don’t have to fall neatly into expected outcomes

# Social Media



Glenwood Springs mayor deletes official Facebook page following threats

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



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



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

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

Can Elected Officials Censor Their Critics on Social Media?

Escondido Mayor Sued for Blocking Profile on Facebook

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



SAFER TOGETHER

# Parameters and realities: Be cautious about using social media

- In 2024, the United States Supreme Court for the first time provided some guidance on the issue of the extent to which public officials can block or delete comments on social media. *Lindke v. Freed*, 601 U.S. 187 (2024); *O'Connor-Ratcliff v. Garnier*, 601 U.S. 205 (2024).
- However, as tends to be the case with matters that go all the way to the highest court, these decisions dealt with some narrow issues under federal law.
- The world of potential legal issues implicated by social media is bigger than these narrow federal issues
- Thus, while these decisions were generally positive developments as they relate to those narrow issues, “best practices” for the use of social media remain conservative
- Also, the practical implications of social media use (and misuse) often loom as large, if not larger, than the legal implications

# Social Media – Tips

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- So, consider “keeping it light.” Social media can be great for staying current and in touch but is probably not the best place for discussing controversial issues.
- Consider the value and impact of your social media activity in relation to your role as a member of the committee; e.g.:
  - **Are personal opinions denoted as such? This has become an important protection under *Lindke*.**
  - Be careful about using “We” in posts: Are posts for or about the committee accurate as to “we” and where “we” are at?
  - Is any given post sufficiently unusual as to create suspicious about your motives?  
**Example: a committee member who posted about an upcoming public hearing on a development matter and urged citizens to attend. Sound innocuous? Turned out this was the first and only time he ever made such a posting, raising questions as to why.**
- **Is your activity calculated to foster open and honest communication, to build bridges, and to bridge divides, or just to embarrass, troll, or “get back at” someone?**
- If your objective is to create commonalities on the issues you care about most, then consider whether your interpersonal conduct, especially on social media, is aimed at that end or is working against it!
- Follow Town social media policies

# Social Media – Tips

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And a few thoughts about your “First Amendment rights as a citizen” .... “All you lawyers care about is liability, so of course that’s what you’re going to say! But I have First Amendment rights as a citizen, so I’m going to say what I want to say, when and where and how I want to!”

- Sure, you don’t give up your First Amendment rights when you hold a public office, but it’s important to recognize that now you are in a **leadership position** that’s different from being a regular citizen
- Part of good leadership is to use communications **strategically and in a manner that’s calculated to serve the worthy purposes for which you’re giving your time**
- So, “just because you can, doesn’t mean you should”! Sure, as citizens we all have a right to spout off our opinions anytime we desire, but **free speech includes both the right to speak and the right to refrain from speaking**

# Social Media – Tips

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- Factors to evaluate, when considering whether to speak out on a matter within the purview of your public responsibilities, include:
  - Am I advancing effective leadership by speaking out, or would the responsibilities of leadership be better served by refraining from speaking?
  - Am I advancing our goals as a committee by speaking out, or sabotaging them?
  - Am I fueling divisions by speaking out, rather than building bridges, support, and allyship?
  - Am I enhancing working relationships with my fellow team members, or harming them?
  - Am I building trust or undermining it?
  - Is this a strategically wise thing to say/time to say it, or would our committee's goals be better served by not saying it?
  - Am I “praising in public, criticizing in private”?
  - Am I speaking to lash out at others, embarrass them, or make myself look better at others' expense?
  - Am I trolling or letting my buttons be pushed by a troll? Thinking rationally, or letting emotions rule? Piling on? Being mean?
- Good leaders seek to be forthright and candid in their communications, but these qualities can and should coexist with being **wise, strategic, and humane** about what they say, and when and how they say it!

# Summing up

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The flip side of the various parameters and realities of holding public office we've discussed is that **they can also be viewed as the basis for articulating and embracing common values and norms of conduct:**

- Make your work a team effort: “we, not I”
- Understand and manage your legal risks effectively
- Majority rules, but look for “win-win” solutions
- Honor “equality of power, “equality of information”
- Consider and accommodate different learning styles
- Balance your “specialist” and “generalist” superpowers
- Honor non-partisanship
- Be cautious in the use of social media... “just because you can doesn't mean you should”

# Thank you for your service

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- You are making a positive impact through your service, and it is certainly appreciated and valued!
- While your work may occasionally create concerns from a legal or liability standpoint, the foregoing suggestions can help reduce areas of uncertainty and maximize your effectiveness individually and as a team
- Many of these topics can be explored in greater depth
  - Both CIRSA Deputy Executive Director/General Counsel Sam Light and I are always available for additional training ([tami@cirsa.org](mailto:tami@cirsa.org), [saml@cirsa.org](mailto:saml@cirsa.org))
- We appreciate the opportunity to be of service to the Town!

# Speaker Bio

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- Tami A. Tanoue
- Executive Director for CIRSA; previously General Counsel/Deputy Executive Director
- Previously in private practice with the firm of Griffiths, Tanoue, Light, Harrington & Dawes, serving CIRSA as its contract General Counsel for 12 years, and serving as City or Town Attorney for several Colorado municipalities.
- Previously Staff Attorney for the Colorado Municipal League, representing the collective interests of Colorado municipalities.
- Regular speaker on local government liability topics; author of several publications on liability issues.