

AGENDA Golf Advisory Board Meeting

5:15 PM - Wednesday, January 24, 2024

Parks and Recreation Conference Room, 500 E. 3rd Street

Addition to Procedural Information

Remote Participation:

Options For Remote Participation:

1. By Telephone: When it is time to speak during the meeting, the moderator will unmute the line, state the person's name who will be speaking.

To participate, dial the following phone number: +1 669 900 6833 US

Then, there will be a prompt to enter the meeting ID followed by the pound (#) sign.

Meeting ID: #863 8661 8455

Please press # when asked for a participant ID.

Stay on the line until the meeting moderator provides additional instructions.

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319.

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en <u>TitleSix@cityofloveland.org</u> o al 970-962-2372 . La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Disca pacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en <u>ADACoordinator@cityofloveland.org</u> o al 970-962-3319 .

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org
Password to the public wireless network (colguest) is accesswifi

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- CALL TO ORDER
- 2. WELCOME TO NEW BOARD MEMBERS

Katie Robinson

Roger Fish

Denise Rhoades - Reappointed

Sherri Kuhlmann - Alternate

- ADOPTION OF MINUTES
 - 3.1. Approval of the October 25, 2023 Minutes 10/25/23 Minutes

3 - 6

4.	CITIZENS REPORT		
5.	COU	NCIL LIAISON REPORT	
6.	ACTION OR DISCUSSION ITEMS		
	6.1.	Golf Advisory Board Roles and Responsibilities Presenter: Deputy City Attorney Vincent Junglas Presentation	7 - 26
	6.2.	Election of Officers Presenter: Mark Esoda Agenda Item 6.2	27
	6.3.	Review of 2024 Golf Advisory Board Work Plan *Verbal at meeting 2024 Work Plan	28 - 29
7.	NON		
	7.1.	Budget Process 2025 Presenter: Andrea Sheldon Staff will review the preliminary 2024 Golf Advisory Board meeting calendar and preview the 2025 budget process.	30 - 31
		2024 Calendar	
8.	STAFF REPORTS Golf Manager Report Financial Report		
9.	BOARD MEMBER COMMENTS		
10.	ADJOURN		
	UPCOMING MEETINGS OR EVENTS		
	1.	Next Meeting: February 28, 2024	



MINUTES Golf Advisory Board Meeting

5:15 PM - Wednesday, October 25, 2023

Parks and Recreation Conference Room, 500 E. 3rd Street

The Golf Advisory Board of the Loveland, CO was called to order on Wednesday, October 25, 2023, at 5:15 PM, in the Parks and Recreation Conference Room, 500 E. 3rd Street, with the following members present:

PRESENT: Board: David Spangler, Blake Nicholson, Nate Thoreson, Denise

Rhoades, Peggy Pellizzari, Greg Oehmen, Chuck Weirauch

Staff: Mark Esoda, Kara Kish, Andrea Sheldon

Council: Steve Olson

EXCUSED: Beth Soderquist

1 CALL TO ORDER

2 ADOPTION OF MINUTES

a) The minutes of the September 27, 2023, meeting were unanimously approved as submitted.

3 CITIZENS REPORT

Roger Fish of Loveland informed the Board that he was at the meeting to observe. Mr. Fish believes in community service and has applied to become a Golf Board member.

4 COUNCIL LIAISON REPORT

Councilor Olson related to the Board that he was attending in Councilor McFall's absence. Councilor Olson thanked the members of the Board for their commitment to golf. Councilor Olson shared that Council has reviewed projected impacts to operations if the sales tax initiative passes; once the newly elected Council is seated, Council will feel their way through the contingency budget if needed. The Centerra URA agreement is being contested and will probably end up in court.

5 ACTION OR DISCUSSION ITEMS

5.1 2024 Work Plan

Andrea Sheldon reviewed the 2024 Golf Advisory Board work plan included in the agenda packet.

- David Spangler stated that he would like to designate the June meeting for a "report out," on the progress of the plan.
- Denise Rhoades added that marketing will be paramount for some items.

Action: Chuck Weirauch made the motion to approve the 2024 Work Plan as presented and to forward it to City Clerks. Will Parker seconded with unanimous approval.

- 5.2 Policies, Operating Rules, Guidelines and Standards Review
 Golf Manager Mark Esoda opened the topic and reviewed the agenda information. Potential revisions for 2024 were reviewed. The following proposed changes were highlighted by Staff:
 - No Shows: Proposed Policy: Customers who accumulate more than 4 noshows for reserved tee times will be charged a full daily fee green fee per player. Additional green fees will be charged on every no show thereafter until the end of the year when no-show accounts are reset to zero. Customers may also be prevented from reserving additional tee times until all charges have been paid. Discussion:
 - Chuck questioned the decision to charge a full green fee to a player who would normally pay a user fee. Chuck has is concerned with charging a customer more than what they would have paid if they showed to play. Mark stated that the no show would be charged full fee because the course loses the ability to charge for that inventory.
 - David indicated that the new policy needs to be communicated to golfers and that staff needs proper training. David was also concerned that league organizers should not be charged no show fees, rather, the league should be charged.
 - Action: David moved that the policy be approved as proposed.
 Peggy Pellizzari seconded. Vote 6 yes, 1 opposed.
 - Moratorium on Full Week Pass Sales: Proposed Policy: A moratorium on the sale of Full Week Seasonal passes (both 3 Course and 2 Course) is in place as of January 1, 2024. Golfers possessing full week passes in 2023 will be allowed to repurchase (and continue to purchase) full week passes as long as the purchases are continual, and the golfer does not move out of the town of Loveland. Golfers on the 3 Course Pass waiting list as of 12/31/2023 will have the option to purchase a full week pass when their name is called from the list. Golfers on the list after 12/31/2023 will only have the weekday pass as an option. Discussion:
 - Will asked about the timing for purchasing 2024 passes. Andrea responded that 3 Course passes must be renewed by 12/31 of any year, and 2 course passes could be purchased throughout the year; the fee is not prorated.
 - Chuck questioned moving back and forth between passes and how that would work for full week passes. Andrea said the proposed policy would indicate that if a person currently has a full week pass and continued to buy a full week pass, they could buy either a 2 Course or 3 Course full week pass. The 3 Course full week pass would follow the waiting list and renewal restrictions.
 - Action: David moves to approve the policy as presented. Will seconded with unanimous approval.

Nate arrives 6PM

Private Carts Guest Riders: Proposed Policy: Guest riders in private carts
will be charged either a 9-hole or 18-hole guest rider cart fee as applicable
to their golf round. A guest rider is defined as a rider in a private cart that is
not an authorized operator or authorized person listed on the application for
registration, each of who shall be the owner's spouse, child or parent over
the age of 16 years and in possession of a valid driver's license.

- Chuck stated that grandchildren need to be added as exempt from guest rider fees as well as owners of other private carts to encourage pairing.
- Kara Kish questioned if there was better language to use than the legal term "spouse" to be more inclusive of varying familial structures.
- General discussion indicated that the language needs to be clarified regarding guest riders having to have a driver's license, etc. Staff will rework that wording.
- Action: Chuck motioned to approve the private cart guest rider policy with the addition of grandchildren being exempt from guest rider fees, removing the requirement for exempt riders to be 16 and in possession of a driver's license, and revisions necessary to address unique familial situations. Will seconded with unanimous approval.
- **Private Carts New Contracts**: Proposed Policy *Only private cart owners* previously registered and for which such registration is renewed on-orbefore January 31, of each year may be re-registered. No new contracts will be issued for 2024.
 - Action: David motioned to approve the policy as proposed.
 Peggy seconded with unanimous approval.
- Residency Requirement Seasonal Passes: Proposed Policy Only
 Loveland residents can purchase seasonal passes. The exception being
 current non-Loveland residents who purchased a pass in 2023; they will be
 allowed to repurchase (and continue to purchase) passes as long as the
 purchases are continual.

Other policies receiving discussion:

- Solitary rider fee is flexibility given to non-smokers who do not want to ride with smokers? Situation would be handled by staff at the time.
- Twilight Time? 6PM Cattail Creek, 4PM OCAL/MBGC or set by a special rate offering.
- The number of tee times allowed for Ladies league at MBGC? Staff will confirm.
- Update list of leagues to include Tuesday and Thursday Men's League at OCAL
 - Action: Peggy made the motion that the 2024 Policies, Operating Rules, Guidelines and Standards be approved with changes as discussed. Denise seconded with unanimous approval.

6 STAFF REPORTS

Golf Manager Report
Mark reported on the following:

- Deadline for Golf Board applications is 10/31 at 5PM.
- Backbone Fiber is boring across the OCAL parking lot to establish a connection from OCAL clubhouse to the maintenance facility. The original connection was damaged during construction.
- Progress continues on the OCAL historical sign and tribute to Don Fox.
 Recently, Rich Ball donated to the Loveland Museum, the actual golf club that

- his father, Conrad Ball, used to hit the first ball as part of the first foursome ever to play OCAL in 1960.
- A refreshing of the interior of the CCGC clubhouse is underway; it will include new floors and monitors.
- Staff is contracting with The Architect's Studio for preliminary drawings/concepts for the OCAL maintenance facility renovation. Designs to center around a pre-fab metal building for cost savings.
- The irrigation system is being reworked on hole #15 at MBGC to focus water on the course and not watering the hillside.

Financial Report

Andrea reported:

- YTD September 2023 expenses are higher over same period YTD 2022 by 4%
- 2023 YTD September revenues are tracking above same YTD 2022 revenues by about 16%

7 BOARD MEMBER COMMENTS

Will and David both had comments about kids fishing in the ponds at Mariana Butte. Nate: Apologized for late arrival; had jury duty.

David: Mariana Butte's team won the Loveland Cup; the trophy is on display in the restaurant at MBGC.

Chuck: Kudos to Dennis and staff, courses are in great condition. Doug and his team have been great to work with as well.

8 ADJOURN

There being no further business, the meeting was adjourned.

UPCOMING MEETINGS OR EVENTS

Filing deadline for Golf Advisory Board Applications: 5:00 PM October 31, 2023 Next Meeting: January 24, 2024

City of Loveland Golf Advisory Board

Roles and Responsibilities

Presented by Vincent Junglas, Deputy City Attorney January 24, 2024

Presentation Agenda

- Board Role
- Board Decision-Making
- Open Meetings
- Open Records
- Email and Social Media
- Ethics and Conflicts of Interest

Golf Advisory Board ("GAB") Role

- The City established the Golf Advisory Board by the Loveland Municipal Code (LMC) 2.60.120
- The Board's establishing ordinance provides has unique responsibility described in the LMC including
 - Advisory body to Council and Assist Parks and Recreation Department
 - Matters pertaining to golf, generally
 - Matters pertaining to municipal golf courses "for the common benefit of the City, [the City's] golf courses, and the golfing public."
- The Board's decisions can have lasting impacts on citizens and the community!

Board's Role Cont'd

- Handbook for Boards and Commissions
 - Attendance
 - Conflicts of interest
 - Organization of the Commission (Chair, Vice Chair, Term)
 - Conduct of meetings (open meetings)
 - Appointments and vacancies

GAB Decision-Making

- Three types of GAB decisions
 - Administrative: more temporary (i.e. setting meetings)
 - Legislative: more permanent or general in nature (i.e. turf, watering requirements)
 - Quasi-judicial: determines rights related to a specific property or individual/entity— [Not within GABs role]
- Generally, the Board has more latitude in deciding legislative and administrative matters than it does in quasi-judicial matters (even though these latter matters will not be before you)

GAB Decision-Making Cont'd

- Administrative decisions
 - Examples: Approving meeting minutes
 - Do not require notice
 - May be handled informally
- Legislative decisions
 - Example: Amendments to the Municipal Code
 - Require public notice and public comment; may require a public hearing
 - Generally policy decisions where the GAB is acting in an advisory role and making recommendations to City Council
 - Board members may seek out information about the matter from staff or others

GAB Decision-Making Cont'd

- Quasi-judicial decisions (for context only, Planning Commission i.e.)
 - Example: Rezoning a property
 - The Commission is essentially acting as the judge and jury determining an applicant's rights
 - Commissioners should not seek out information about the matter other than the documents and testimony provided at the public hearing
 - Discussions with the applicant, staff or other parties may be considered "ex parte" communications which are not permitted
 - Act in a fair and impartial manner that is respectful to all parties
 - Due process is critical

Open Meetings

- Why must the GAB hold open meetings?
- What is a "meeting?"
 - Any gathering of three of more Board members at which <u>public business</u> is discussed or at which any formal action may be taken (C.R.S. 24-6-402)
 - Includes gatherings in person, by telephone, electronically or by other means of communication
 - Includes meetings of subcommittees
 - Marshall v. Douglas County Board of Education Serial One-on-One Communications. Not binding on other courts, but a cautionary tale.

Open Meetings Cont'd

- What is NOT a "meeting?"
 - Communications which do not relate to or discuss any public business (i.e. Commissioner's vacation)
 - Chance meeting or social gathering of Board members at which discussion of public business is not the central purpose
- All "meetings," except for those held in a legally convened executive session, must be open to the public
 - Held only after full and timely notice to the public, posted 24 hours in advance with agenda
- Board decisions require the presence of a quorum (5 members)

Open Meetings Cont'd Board Meeting Agenda

- Since these are public meetings, the agenda is published beforehand to provide notice of the agenda items.
- Consent agenda
 - Contains items that have been reviewed by staff and/or legal which are not anticipated to be controversial. The purpose is efficiency to keep the meetings within a reasonable time frame and to have time to get through all the agenda items.
 - Any Board Member can pull the item from the consent agenda for discussion.
- Regular agenda
 - May contain items which may be controversial or which the Board or City staff believe should include a presentation and/or a discussion
- This is the same process followed by City Council.

Open Meetings Cont'd Executive Sessions

- Executive sessions may be held:
 - Only at a regular or special meeting of the Board
 - Only with a vote of 2/3 of the quorum present
 - Only to consider certain matters
- In an executive session, the Board may:
 - Receive legal advice and information, ask questions, generally discuss the matter being considered, and instruct negotiators
 - NOT decide any matter or take any formal action
- Board members cannot disclose information gained from executive session

How to Conduct a Good Public Meeting

- Be prepared –the public wants to know that the Board is making an informed decision
- Make a good record
 - Speak into the microphone, speak one at a time
 - Tolerant of salty language during public comment
- Follow established procedures
 - Board procedures
- Ask relevant questions of staff and applicants
- Explain the reasoning for decisions, including any important facts considered as part of the decision or vote

Open Records

- Charter Section 4-13 makes the City's public records subject to inspection in accordance with state statutes
- The Colorado Open Records Act ("CORA"), C.R.S. § 24-74-200.1 et seq. defines "records" and has procedures for release to the public
- Note: Email correspondence about public business is generally considered a public record and must be disclosed

Use of Email and Social Media

- Emails regarding public business will likely be disclosed even if they are from a private email account
- Discussions public business should occur in a public meeting
- Public facing social media sites must be open to the public and may constitute a "public forum" see <u>Sgaggio v. Young</u> (2022 WL 970008), <u>O'Connor-Ratcliff et. al. v. Garnier et. ux.</u>, (9th Cir. 2022), and <u>Lindke v. Freed</u> (6th Cir. 2022) Circuit Split SCOTUS to address

Ethics and Conflicts of Interest

- GAB members are subject to ethics and conflicts of interest provisions under state law, the Loveland Charter, and the Loveland Municipal Code
- State law: C.R.S. § 24-18-101 et seq.
- Loveland Charter Article 5
 - "Any pecuniary, property, or commercial benefit of any person covered by this article, or of any parent, spouse or child of such person"
 - Any personal or private interest in any matter proposed or pending
 - NOT any matter involving the common public interest or any matter in which a similar benefit is conferred upon or is available to all persons or property similarly situation

Ethics and Conflicts of Interest

Cont'd

- LMC 2.14.020(B) GAB members shall not participate in a matter in which the Commissioner has a "potential conflict of interest"
 - Potential conflict of interest may exist where the Commissioner:
 - Has an interest in an entity involved in the matter
 - May have a financial impact from the matter
 - Has an interest in real property over \$5,000 that may be affected by the matter
 - Owes money to a creditor who may be substantially impacted by the matter
 - Is engaged in a business interest or transaction
 - GAB member must disclose the conflict of interest before the matter is heard
 - GAB member shall not vote or otherwise take formal action, shall not participate in the discussion, or attempt to influence any other member in voting on the matter
 - Always ask if you are unsure!
- ► LMC 2.14.015 contracts with the City

Ethics and Conflicts of Interest Cont'd

- ► LMC 2.73 Prohibited Gifts to City Officials
 - "Gift" means something of value received without an equal compensation or payment in return
 - Prohibited gifts shall not be solicited or accepted, directly or indirectly, if the Commissioner knows (or should know) the gift would tend to improperly influence or the gift is for the primary purpose of rewarding the Commissioner for action taken
 - Applies to any gift with a fair market value of \$50 or more
 - Money, real property, personal property, services, loans, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, lodging, meals, forgiveness or forebearance of debt

Ethics and Conflicts of Interest Cont'd

- Permitted gifts noted in LMC 2.73.030
 - Non-monetary award, publicly presented, in recognition of public service
 - Gifts similarly available to the general public
 - An occasional unsolicited gift having a fair market value of \$50 or less
 - Unsolicited token or award of appreciation (plaque, trophy)
 - Payment or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals at a convention or training or meeting
 - Occasional unsolicited opportunity to participate in a business meeting or social function where meal is serves and/or entertainment is provided if attendance would not be considered extraordinary in view of position held

Ethics and Conflicts of Interest State Code of Ethics

C.R.S. § 24-18-108.5(2) A member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.

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Questions?



Parks and Recreation Department

Civic Center • 500 East Third Street • Loveland, Colorado 80537 (970) 962-2727 • FAX (970) 962-2903 • TDD (970) 962-2620 www.cityofloveland.org

AGENDA ITEM: 6.2

MEETING DATE: 01/24/24

DESCRIPTION: Election of Officers

SUMMARY:

Each year, the Board elects two positions, Chair and Vice Chair to hold office (January to December). Nominations, or re-nominations, for the office are entertained and the candidate selected by informal vote.

Responsibilities of the Chair include:

- Facilitate the monthly Board meetings efficiently and effectively
- Communicate with staff, as needed, on agenda items and information
- Sit on selection committee or other city-based committees as an official representative of the Golf Advisory Board (as requested).

Responsibilities of the Vice Chair includes:

Assume responsibilities of the Chair in the absence of the Chair or his or her inability to act as Chair.

Discussion: Nominations entertained and officers and liaison selected.



City of Loveland Board and Commission 2024 Work Plan

Loveland Golf Advisory Board

Duties of the board or commission

2.60.120 - Golf advisory board.

A. There is established a golf advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the golf advisory board shall be to serve as an advisory body to the city council and to assist the department of parks and recreation in matters pertaining to golf and the municipal golf courses for the common benefit of the city, its golf courses, and the golfing public.



City of Loveland Board and Commission 2024 Work Plan

Work Plan Priorities		Strategic Plan Alignment:
Priority A	 Work with Staff to ensure that the Loveland golf courses are managed responsibly, and that the golfing community is provided value for their investment. Develop budgets that achieve and maintain a strong and sustainable financial condition Develop budgets that maintain cash reserves that meet policy directive and fund balances that are prepared to handle emergencies or times of uncertainty, as well as allow for planning future growth Develop sustainable, long-term strategic plans to continue to renew facilities and course features to better serve golfing communities; update and maintain 10-year Capital Improvement Plan Develop fee setting policies that address current and future funding needs Review current operational policies and procedures for revision so that best practices can be implemented for the reduction in expenses, or increase to revenues 	Fiscal Stability and Strength
Priority B	 Work with Staff to inform and actively engage the Golfing Public Actively seek golfer engagement by hosting annual public, inperson Golfer Update meetings Work with Staff to have a plan in place to communicate priorities Provide Staff with topics of concern or interest to be considered for inclusion in newsletters or Social Media posts Provide ideas for engaging and informing the non-golfing community about golf in Loveland 	Outreach, Collaboration and Engagement
Priority C	 3. Work with Staff to actively create an ongoing strategic plan for growing the game of golf to maintain and to increase share of market. Provide ideas for programming that increase reach and participation for Youth gofers Beginner golfers Existing golfers and Not-Yet golfers Assist in identifying segments of golfers or non-golfers for focus groups or other feedback gathering methods. 	Sustainability

2024 Golf Advisory Board Meeting Calendar

JANUARY 2024 Hold at OCAL	FEBRUARY 2024	MARCH 2024
 Election of Officers Board Role/Responsibility Project Review Meeting planning 	 Budget 2025: Begin review of CIP Plan Review of 2023 year- end 	 Budget 2025: Begin review of M&O 2024 Project Update; superintendents Possible Public Golfer Information Meeting

APRIL 2024	MAY 2024	JUNE 2024
Hold at MBGC?	Hold at OCAL?	
 MBGC Staff Introduction and plans for 2024 Budget 2025 - Fees 2024 Project Update 2024 Quarterly Financial Update 	 OCAL Staff introduction and plans for 2024 Budget 2025 – Final Budget approval 2024 Project Update 	Work Plan Progress Report 2025 Budget follow up if needed

JULY 2024	AUGUST 2024	SEPTEMBER 2024
Staff, Board Members, and Professional staff tournament	 YTD 2024 Revenues Capital Improvement update and fall plans 2024 Quarterly Financial Update 	OPEN FOR TOPCIS

OCTOBER 2024	NOVEMBER 2024	DECEMBER 2024
Review Policies, Operating Rules, Guidelines and Standards	No meeting	No meeting

Capital Improvement
Plan discussion Prelim Fee
discussion (Feb)



Review Maintenance and Operations budget requests -Fees cont. (Mar)



Propose 2025 Fee and tee time access policies (May)



Review revenues needed to address all expenses. Fees cont. (Apr)



Submit 2025 Budget to Parks and Recreation Director (Jun)