



TOWN OF AVON, COLORADO
TOWN COUNCIL RETREAT FOR MONDAY, DECEMBER 12, 2016
RETREAT BEGINS AT 11:00 A.M.
WALKING MOUNTAINS SCIENCE CENTER – FIELD STUDIES BASE CAMP

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. WELCOME BY MARKIAN FEDUSCHAK – DEVELOPMENT PLAN AND AVON’S CONSERVATION EASEMENT (10 MINUTES)**
- 4. THE AVON CHARTER – ROLES AND RESPONSIBILITIES – TAMI TANOUE FACILITATOR, CIRSA**
 - 4.1. TOWN COUNCIL
 - 4.2. TOWN ATTORNEY
 - 4.3. TOWN MANAGER
- 5. TRANSPARENCY COMMITMENT - TAMI TANOUE FACILITATOR, CIRSA**
 - 5.1. DEFINITION AND PRACTICE
 - 5.2. DECLARING CONFLICTS OF INTEREST
 - 5.3. EX-PARTE CONVERSATIONS ON AGENDA ITEMS
 - 5.4. PROVIDING TOWN-OWNED DEVICES
 - 5.5. UPHOLDING MAJORITY VOTES OF THE TOWN COUNCIL
- 6. TOWN COUNCIL MEETINGS – TAMI TANOUE FACILITATOR, CIRSA**
 - 6.1. WORK SESSIONS – CONDUCTING A SUCCESSFUL WORK SESSION
 - 6.2. ACTION ITEMS – GENERAL AGREEMENT ON PROCESS FOR PRESENTATIONS, COUNCIL QUESTIONS AND COMMENTS, PUBLIC COMMENT, MOTION AND VOTE
 - 6.2.1. PUBLIC SPEAKING TIME LIMITS – IF ANY AND WHEN
 - 6.2.2. MAKING AND AMENDING MOTIONS, COUNCIL COMMENT AFTER MOTION IS ON THE FLOOR
 - 6.3. SPECIAL MEETINGS – WHAT SHOULD BE CONSIDERED IN SETTING A SPECIAL MEETING
 - 6.4. AGENDA SETTING PROCESS AND TIMING
- 7. STRATEGIC PLAN – MAYOR JENNIE FANCHER**
 - 7.1. 2016 STRATEGIC PLAN END-OF-YEAR UPDATE
 - 7.2. 2017-18 STRATEGIC PLAN
 - 7.3. RECOMMENDED CHANGES, IF ANY
 - 7.4. ADDING PROJECTS/WORK ITEMS TO THE PLAN
- 8. ADJOURNMENT – 5:00 P.M.**

TO: Honorable Mayor Fancher and Town Council Members
FROM: Eric J. Heil, Town Attorney
RE: Council Retreat Issues
DATE: December 8, 2016

Summary: Council has a retreat scheduled for Monday, December 12, 2016. The retreat topics include a review of various roles and the Council-Manager form of government. Tami Tanoue from CIRSA will lead the Council through a presentation and discussion on Ethics, Liability and Best Practices for Elected Officials. This memorandum provides a very basic outline of Council authority and rules and lists several other topics for discussion by Council.

Council Actions and Meeting Rules: The Avon Home Rule Charter states the basic requirements for Council actions as follows:

Avon Home Rule Charter:

Section 5.5 - Organization and rules of council.

The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (b) The affirmative concurring vote of four (4) Council members shall be required for the adoption of an ordinance, resolution, order for appropriation, approval of contract, or approval of intergovernmental agreement. The vote of yes or no of each Council member shall be taken and recorded in the minutes of Council proceedings in accordance with rules and procedures adopted by Council. Every Council member who is present must vote upon all voting matters unless excused by the Town Code of Ethics, this Charter, or rules and procedures for Council meetings adopted by ordinance. The Mayor shall not vote until after all other Council members present at a meeting who are eligible to vote have had a reasonable opportunity to vote.
- (c) The affirmative vote of a majority of the quorum Council members present who are eligible to vote shall be required for motions that do not include appropriations, approval of contracts or approval of intergovernmental agreements. Only Council members present at a Council meeting may vote on the adoption of meeting minutes for such Council meeting and Council members absent from a meeting shall be excused from voting on the adoption of such meeting minutes.

Avon Town Council has adopted Simplified Rules of Order for Council meetings, which were updated in July, 2016 to address communications by Text Message and E-Mails during Council meetings. Council has also adopted a policy regarding remote attendance by Council members in February, 2015.

Specific Council Topics: In addition to the general Council retreat agenda topics, several other issues have been identified for discussion, which are listed in this memorandum to facilitate discussion. Council direction or consensus may not be achievable at this retreat on each topic and additional discussion or attention at a later date may be more appropriate.

- **Delegation of Contract Authority:** Please see the attached memorandum on this topic. This memorandum is part educational because it is important for Council to understand and appreciate the Manager's authority. Recommendations are provided to expand and formalize the delegation of authority to the Manager in a few defined areas.
- **Provision of Electronic Devices to Council Members:** Should the Town provide electronic devices on request to Town Council members to facilitate the performance of Town Council duties and functions. If so, would this include laptops? Tablets/iPads? Smart phones? If the Town provides devices then at least some basic policies should be adopted about ownership, use and return of such devices.
- **Communication between Town Council members and Town staff:** The Avon Home Rule Charter states:

Section 8.5 - Relationship of council to administrative service.

Neither the Council, its members, the Mayor, nor any council committee shall dictate the appointment of any person to office by the Town Manager except as otherwise provided in this Charter or in any way interfere with the Town Manager or other Town officer exercising judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council, its members, the Mayor and any Council committee shall deal with the administrative service solely through the Town Manager and neither the Council, its members, the Mayor, nor any Council committee thereof shall give orders to any of the subordinates of the Town Manager.

- **Negotiating Authority and Protocols:** The Manager often engages in negotiations related to implementing goals in the Strategic Plan. Such negotiations can involve new opportunities which are not identified specific projects in the Strategic Plan but which may advance goals in the strategic plan. A review of negotiating authority and protocols, including the use of confidential communication and executive sessions when appropriate, is recommended.
- **Town Manager Absence/Appointment of Acting Town Manager:** The Avon Home Rule Charter states:

Section 8.2 - Acting town manager

The Council may appoint an acting Town Manager during the period of vacancy in the office, or during the absence or disability of the Town Manager. Such acting Town Manager shall, have all responsibilities, duties, functions and authority of the Town Manager until the Town Manager is appointed.

Thank you, Eric



Ethics, Liability, and Best Practices for Elected Officials

**Tami A. Tanoue
General Counsel/
Deputy Executive Director**



Speaker Bio

- Tami A. Tanoue
- In-house General Counsel/Deputy Executive Director for CIRSA
- 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.

Speaker Bio

- Suggestions today are based on my years as a municipal attorney and observing the ways in which governing bodies can get into or stay out of trouble from a liability standpoint
- Suggestions are those of the author, who takes full responsibility for them...any resemblance strictly coincidental, etc. 😊
- Here as a training resource; in the event of any conflict between my training tips and the advice of your entity's attorney, the advice of your attorney prevails!

Introduction

- In this presentation, we'll examine these issues:
 - Governance versus administration: respecting the allocations of responsibility in your organizational structure:
 - Meeting practices – transparency, orderly and effective public participation
 - Personal conduct towards one another, staff, and the community

Governance Models

- John Carver's work on "policy governance" is perhaps the most comprehensive model for board governance
 - Addresses many common and recognizable inefficiencies in governing body-staff relationships
 - Seems to have caught on in part because it is a complete and holistic model, and provides a template for distinguishing between governance versus management/administration, and for honoring that distinction
 - Carver, Boards That Make A Difference (2006)
 - More recent updating of policy governance model by Ken Schuetz, "Aligned Influence" (www.alignedinfluence.com)

Policy Governance Basics

- **Ends versus means:** Governing body determines the “ends,” and CEO and staff determine and carry out the “means”
 - Ends: the outcomes to be achieved, for whom, and at what costs
- **Executive limitations:** Governing body sets forth the boundaries of ethics and prudence, in carrying out the means, beyond which the CEO and staff must not cross
 - But within those boundaries, the CEO is free to choose the means to the board’s ends
- **Board-staff linkage:** Governing body determines the manner in which it delegates authority to the CEO, how it will evaluate CEO performance (in achieving the “ends” and meeting the executive limitations)
- **Governance process:** Governing body determines its own philosophy, the specifics of its own job, and its accountability

Governance characteristics

- Is the governing body's focus on governance rather than management or administration?
 - Management is not the same thing as governance! Being a “super-manager” is still not governing.
 - Governance is policy-setting, big picture, and forward-looking, rather than making reactive, case-by-case decisions as issues arise, or after-the-fact after a problem surfaces
 - Boards should develop “a taste for the grand expanse of the big picture,” says Carver

Where are you focusing your efforts?

Ownership

|

Governance

|

Management

|

Supervision

|

Front Line Employment

Governance characteristics

- Does the governing body speak with one voice?
 - “Deliberate in many voices, but speak with one”
 - Recognize that, while there may be dissension or disagreement, the CEO (the City Manager) is accountable only for directions *given by the body as a whole*
 - Is the voice directed at the CEO, the governing body’s sole employee?

Honoring the Governance- Management Distinction

- Why is this a liability issue?
 - Public officials have protection from liability when they are within the “scope of employment” – term used in Colorado Governmental Immunity Act
 - “Scope of employment” means everyone must respect the parameters of your job description
 - So to the extent your Charter sets out parameters that include an allocation of responsibilities (and it does so very well), those parameters are part of your job description; honoring those parameters will help keep you within the “scope of employment”
 - Liability coverages also hinge on your being within the scope of your authorized duties
 - If you are going outside the parameters, you could be outside the scope of your job description...and outside the scope of your liability protections!
 - If you’re doing management/administration, then who’s doing the governance? And what about those who are supposed to be doing the management/administration? What are they doing?

Transparency and Public Participation - Meetings

- Transparency is a basic expectation of the citizens for meetings of the governing body
- Citizens take great interest in the goings-on of their community, how/when those goings-on are discussed, and opportunities to listen in on and/or participate in the discussion
- “Watchdogs” may be present to ensure transparency is maintained and appropriate participation is afforded
- A lack of transparency or a perception of inadequate or ineffective opportunities for public participation can cause massive trust and credibility issues

Honoring Transparency

- Open Meetings Law (OML) applies to all meetings of the governing body, boards, commissions, committees, etc.
- Applies to 3 or more or a quorum, whichever is less
- Requires discussion/action on all public business to take place only at a meeting open to the public and of which timely notice has been given
- Permits executive sessions only for limited and specified purposes and following specified procedures
- It's critical to conform to the letter and the spirit of the OML in conducting meetings

Orderly and constructive public participation

- Lay the groundwork for orderly public meetings
- Council rules of procedure/rules of conduct should address matters such as:
 - Time limits for speakers
 - Be consistent about enforcing time limits
 - No “out of order” comments
 - Recess or adjournment for disruptions

Public participation, cont'd

- Governing body presiding officer (Mayor) is crucial in maintaining order
- Culture of civility flows from the top down – if members practice incivility towards one another or towards staff/citizens, they can expect incivility from citizens in return
- Maintain a degree of formality at meetings – use titles, insist that speakers come to podium to be recognized, etc.
- Discreet law enforcement presence can be helpful

Public meetings, cont'd

- For high profile or controversial agenda items, take special precautions
 - Have overflow area with closed circuit TV, or move to a larger venue
 - Arrange to have officers present and stationed at appropriate locations
 - Uniformed, plainclothes, or both?
 - Presiding officer or members should be prepared to ask for recess if emotional tenor of meeting starts to get out of hand
 - Arrange a “retreat” path for members that does not require them to go through the audience
 - CIRSA training session on orderly meetings available

Public participation, cont'd

- Are “public comment” periods turning into “public inquisition” periods or “public argument” periods?
- What are the dynamics that are allowing this to happen?
 - “I’d like to respond to what you just said.”
 - “I’d like to answer that question.”

Public participation, cont'd

- Elected officials should not be baited into responding inappropriately when someone says something inflammatory
 - You always have the last word: you're the decider. You don't need to engage in argument, stop the offending remarks, or try to have the last word during "public comment."
 - If you forget that you're the decider, things may escalate....

Public participation, cont'd

- <http://www.westword.com/news/eric-f-ck-cops-brandt-files-free-speech-suit-against-mayor-who-had-him-arrested-6051358>
- “[D]uring the public-comments section of the August 11 ... City Council meeting, which was captured on audio, [Eric Brandt] speaks calmly and thoughtfully about his reasons for coming before officials -- at first, anyhow. But soon into the address... [the] Mayor ... **interrupts to say Brandt can't continue speaking due to a pending lawsuit against the city.**”
- “When Brandt tries to continue, [the Mayor]... insists that he can't do so and will be forcibly removed if he tries. In response, Brandt begins speaking louder and becomes upset when someone lays hands on him. He can be heard complaining passionately as he's led away.”

Public participation, cont'd

- “The suit reveals that Brandt was placed in handcuffs and taken to jail... then transferred to a detention center in Adams County on charges of obstructing a police officer and resisting arrest. However, all charges against him were dismissed on August 21.”
- **"This was absolutely appropriate speech with no F-bombs," [the citizen's attorney] points out. "And as political speech, it's the highest protected speech that exists. Speech doesn't get any more protected than that."**



Public participation, cont'd

- http://www.reporterherald.com/news/ci_28638008/county-resident-sues-city-councilor

Home

News

Story

County resident sues city councilor

Stacy Lynne sues Councilor Joan Shaffer on allegations of false accusations, defamation

By Saja Hindi

Reporter-Herald Staff Writer

POSTED: 08/13/2015 08:11:26 PM MDT

Larimer County resident Stacy Lynne is suing Loveland City Councilor Joan Shaffer for alleged defamation during a City Council meeting.

The lawsuit states that Shaffer is being sued "in her individual capacity" when she was "acting outside the scope of her official duties."

Public participation, cont'd

- “At council's July 21 meeting, Lynne spoke during public comment about the pending litigation against Detective Brian Koopman and Chief Luke Hecker, as she has done previously, urging councilors to take action and fire several city employees”.
- “Lynne spoke about alleged document destruction, fraud and child pornography, mentioning not only Koopman, the police department and city's alleged involvement.”
- “Shaffer responded after Lynne's comments and said **...that Hecker was slandered in Lynne's comments.**”

Public meetings, cont'd

“In the future, everyone will be famous for 15 minutes.” ~Andy Warhol

“In Council meetings, everyone gets to speak his or her mind for the allotted number of minutes.” ~Tami Tanoue

- Don't try to suppress the content of citizen speech! It's not just unlawful, it's futile! People do not take well to being suppressed.
- But if someone is being disruptive, engaging in personal attacks, etc., then a response may be appropriate.
 - “Disarm” a tense situation. **Don't** match tone for tone, and “out-shouting” doesn't work.
 - If a response is necessary, lower your tone to below the speaker's.
 - De-escalate, don't escalate!
- Establish and communicate shared norms for meetings, e.g., “We appreciate everyone's viewpoints, but not personal attacks. Personal attacks are unproductive and unhelpful. Please redirect your comments towards the issues, and away from personalities.”

Honoring Transparency and Public Participation

- Why is this a liability issue?
 - We tend to see the same firms over and over in litigation against municipalities for alleged OML violations
 - CIRSA has “executive session defense cost coverage” for its member governing bodies for this reason
 - Efforts are made, through litigation, to “push the envelope” on OML interpretations that are not favorable to public entities...don’t be the one to “make bad law”!
 - You may suffer the embarrassment of having your executive session discussions being made public
 - Thwarting public participation can likewise bring about litigation for suppressing speech – we’ve now seen a couple of instances of this

Personal Conduct

- The way you conduct yourself in relation to other members of the body, staff, and the community greatly impacts your effectiveness as a governing body member
- The incivility and divisiveness that characterize partisan politics need not be imported into nonpartisan local government!

Personal Conduct

- With respect to one another:
 - Is someone maintaining the “outsider” perspective even after becoming the ultimate “insider”?
 - You may have started as a “critic” of the status quo, or been propelled to seek public office because of one particular issue of interest to you, but changes to your focus and perspective may need to change once you are in public office
 - Is someone not recognizing that a governing body member’s power can be exercised only through the body as a whole? Acting as “I” rather than “we”?
 - Is there an “imbalance of information” on the governing body?
 - Is there a sense of distrust among one another? Is there constantly the same split vote on every issue with the same people lining up on the same side every time?
 - This could mean that the entire power of the governing body is always being given over to the one “tie breaker”!

Personal Conduct

- With respect to staff:
 - Is staff viewed as “the enemy”?
 - Is there frequent second-guessing of staff, or a desire on the part of one or more governing body members to do individual “research” on staff recommendations?
 - Is staff frequently blindsided by issues that are raised for the first time only in the middle of a governing body meeting?
- With respect to the community:
 - Are “public comment” periods turning into “public inquisition” periods or “public argument” periods? (see previous slides)
 - Is “staff bashing” or “elected official bashing” happening at governing body meetings?

Honoring Personal Conduct Guidelines

- Why is this a liability issue?
 - CIRSA's observation: How a governing body interacts with one another and with staff is a great predictor of liability. A dysfunctional governing body inevitably attracts claims.
 - A governing body that mistreats staff or citizens is modeling bad behavior organization-wide. "You know what" rolls downhill!
 - A governing body that creates or allows chaos in the chain of command is asking for employment claims!
 - A governing body that is over-involved in administrative matters is straying away from its "job description" as well as its best areas of immunity.

Conclusion

- Ethical behavior is not just about instances where a financial or other conflict of interest may exist
- In a larger sense, ethical issues are present in all of your dealings with one another, staff, and the community
- The ethical choices you make in those dealings will either enhance or reduce your effectiveness, and enhance or reduce your liability
- Following best practices for maximizing your effectiveness as a governing body member also maximizes your liability protections!

About CIRSA

- 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 intergovernmental agreement of our members
- Total membership today stands at 266 member municipalities and affiliated legal entities
- Out of 271 incorporated municipalities in Colorado:
 - 81% are members of our PC pool
 - 45% are members of our WC pool

About CIRSA

- Member-owned, member-governed organization
 - No profit motive – sole motive is to serve our members effectively and responsibly
 - Have returned over \$30,000,000 in contributions to our membership
- CIRSA Board made up entirely of municipal officials
- Seek to be continually responsive to the liability-related needs of our membership – coverages and associated risk management services, sample publications, training, and consultation services, as well as specialty services such as home rule charter review
- We have the largest concentration of liability-related experience and knowledge directly applicable to Colorado municipalities



TOWN OF AVON

HOME RULE CHARTER

1978

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

AVON HOME RULE CHARTER

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PREFATORY SYNOPSIS

The members of the Charter Commission of the Town of Avon, Colorado, herewith submit to the voters of the Town a proposed Home Rule Charter, which we have framed in conformity with Article XX of the Colorado Constitution and Municipal Home Rule Act of 1971.

The Charter Commissioners have worked long and hard to achieve a simple and direct form of local government based on sound principles of public administration and tailored to the present and future needs of the citizens of Avon. We believe this Charter provides a sound and yet flexible framework for the governance of our municipal government through local self-determination. Key provisions of the Charter are set forth below.

Under the proposed Charter, initially a Council-Mayor form of government is established. The Charter further provides for a Council-Manager form when the Council determines such form is appropriate. The Council is established as the policy-making legislative body of the Town. It consists of seven Councilmembers elected at large and the Mayor elected by Council. Councilmembers are elected for four-year terms of office and the Mayor for a two-year term.

The Mayor presides at all Council meetings, but votes only in case of tie.

The executive power can be vested in a Town Manager who is appointed by and serves at the pleasure of the Town Council. The Charter also establishes guidelines for the establishment of a Personnel Merit System for all Town employees except major department heads.

Municipal elections are held on the first Tuesday after the first Monday in May of even-numbered years, with the first regular general election under this Charter to be held on May 6, 1980. The Charter provides that all elections are to be non-partisan and conducted in accordance with the Colorado Municipal Election Code.

The Charter requires a vote of the electorate before any use tax, occupation tax, or excise tax is enacted. The Council has the authority to establish a Town sales tax not to exceed four per cent (4%) by Council ordinance alone. Under the Charter, the Town has flexible funding and borrowing procedures, but has a general debt limit not to exceed 25 per cent of the assessed valuation of the taxable property within the Town, or the sum of \$15,000,000., whichever amount shall be greater.

Additional matters covered in this Charter for the future framework of Avon municipal government relate to General Council Procedures, Legislation, Initiative and Referendum Powers of the People, Municipal Administration Guidelines, Legal and Judiciary Appointments, Municipal Boards and Commissions, Town Finances and Budget, Municipal Borrowing Procedures, Improvement Districts, Intergovernmental Relations, Public Utilities and Franchises, General Provisions and Organization Procedures.

The proposed Charter is very much a compromise of your Commission's deliberations. But this document vests the People of the Town of Avon with every major political power permitted any home rule community under the Constitution of the State of Colorado. We believe this Charter provides a structure for quality government in the Town of Avon which will endure for many years to come.

**HOME RULE CHARTER FOR THE
TOWN OF AVON, COLORADO**

PREAMBLE

We the People of Avon, Colorado, under the authority of the Constitution of the State of Colorado, do hereby ordain, establish and adopt this Home Rule Charter for the Town of Avon, State of Colorado.

AS ADOPTED BY THE AVON CHARTER COMMISSION

Angelo V. Alpi, Chairman
Leslie Allen, Secretary
Ron Allred
Richard Casserley
Daniel Doyle
David Gaines
Garth Henley
Aleta Nottingham
David Richards

May 5, 1978

CHAPTER I

NAME; BOUNDARIES

Section 1.1 Name and Boundaries.

The municipal corporation heretofore existing as the Town of Avon in the County of Eagle, State of Colorado shall remain and continue a body politic and corporate and under this Charter and shall be known as the Town of Avon, with the same boundaries until changed in a manner authorized by law.

CHAPTER II

MUNICIPAL POWERS

Section 2.1 Powers, Rights and Liabilities.

(a) By the name of the Town of Avon the municipal corporation shall have perpetual succession, shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the Town of Avon and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said Town of Avon; may, by the name of the Town of Avon, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

(b) The Town shall have all the power of local self-government and home rule and all power possible for a town to have under the Constitution of the State of Colorado. The Town shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the Town.

(c) All ordinances of the Town of Avon in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provisions of this Charter or shall be amended or repealed by ordinances enacted under the authority of this Charter.

Section 2.2 Form of Government.

The municipal government provided by this Charter shall be the "mayor-council" form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the Town shall be vested in an elected Council.

CHAPTER III

ELECTIONS

Section 3.1 Laws Governing Elections.

Special and general municipal elections shall be governed by the Colorado Municipal Election Code of 1965 as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precinct. The Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

Section 3.2 Municipal Elections.

A general municipal election shall be held on the first Tuesday after the first Monday in November of 1986, and of each even numbered year thereafter. Any special municipal election may be called by resolution or ordinance of the Council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day. (Ord. 84-8 §1)

Section 3.3 Precincts.

The election precincts of the Town shall remain as they existed on the effective date of this Charter until altered by the Council as hereinafter provided. The council shall by resolution from time to time establish convenient election precincts in accordance with this Charter and statutes.

Section 3.4 Non-Partisan Elections.

All municipal elections shall be non-partisan. No candidate for any municipal office shall run under a party label of any kind.

Section 3.5 Recall.

Any elected official or elected officer of the Town may be recalled at any time after 90 days in office by the electors entitled to vote for a successor of such incumbent through the procedure in the manner provided for in Article XXI of the State Constitution. Consistent with the Constitution and this Charter, the Council may provide by ordinance for further recall procedures.

CHAPTER IV

COUNCIL AND MAYOR

Section 4.1 Town Council.

The Town Council shall consist of seven (7) members, one of whom shall serve as Mayor and one of whom shall serve as Mayor Pro-Tem. The Mayor and Mayor Pro-Tem shall be elected from within and by the Council as hereinafter provided.

Section 4.2 Terms of Office - Mayor and Councilmembers.

(a) The terms of office of the Councilmembers, hereinafter to be elected in accordance with the provisions of this Charter, shall commence on their taking the oath of office at the ensuing organizational meeting of the Town Council held after the election in the year elected and shall continue during the term for which they shall have been elected until their successor shall have been elected and duly qualified; provided, the terms of office of the Councilmembers elected at the regular municipal election held on May 4, 1982, shall extend to the regular municipal election to be held on the first Tuesday after the first Monday in the year 1986, and the terms of office of the councilmembers elected at the regular municipal election held on May 8, 1984, shall extend to the regular municipal election to be held on the first Tuesday after the first Monday in November in the year 1988.

(b) On the first Tuesday after the first Monday in November in the year 1988, and thereafter on the first Monday in November in the year 1992 and every four (4) years thereafter at the regular municipal elections, three Councilmembers shall be elected for four (4) year terms.

(c) On the first Tuesday after the first Monday in November in the year 1986, and thereafter on the first Tuesday after the first Monday in November in the year 1990, and every four (4) years thereafter at the regular municipal elections, four Councilmembers shall be elected for four (4) year terms.

(d) The terms of office for Councilmembers shall be four (4) years provided, however, that no member shall serve for more than eight (8) consecutive years, that the terms of office for Councilmembers elected at the regular municipal election held on May 4, 1982, shall be four (4) years, six (6) months and two (2) days, and provided further a Councilmember who is appointed to fill a vacancy as well as any Councilmember who was initially elected in the election which took place on August 8, 1978, may serve, in addition to the initial term a total of no more than eight (8) additional years. Councilmembers who are serving prior to the regular municipal election to be held on the first Tuesday after the first Monday in November in the year 1986 shall have an additional six months added to their terms of office. (Ord. 84-8 §§2—5)

Section 4.3 Election of Mayor and Mayor Pro-Tem.

The Mayor and Mayor Pro-Tem shall be elected from amongst the duly elected Council members by the concurring vote of four (4) Council members at its first organizational meeting held after final certification of the election results after each regular municipal election or as soon as practical after a vacancy of the position of Mayor or Mayor Pro-Tem occurs. Any vacancy of the position of Mayor or Mayor Pro-Tem shall be filled in accordance with the procedures in this Section. (Ord. 11-13 §3)

Section 4.4 Mayor and Mayor Pro-Tem - Powers and Duties.

The Mayor shall preside at meetings of Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or the ordinances of the Town. The Mayor shall have the power to vote on all matters in accordance with procedures adopted by Council by motion or resolution. The Mayor shall be recognized as the head of the Town government for all ceremonial, dignitary and legal purposes and he shall execute and authenticate legal instruments requiring his signing as such official. In the absence or disability of the Mayor, the Mayor Pro-Tem shall preside at meetings of Council and shall have all powers and duties of the Mayor. (Ord. 11-13 §3)

Section 4.5 Acting Mayor.

In the absence or disability of the Mayor and Mayor Pro-Tem, the Council may appoint by motion a Council member to serve as the Acting Mayor at such meeting who shall preside at the meeting and shall have all powers and duties of the Mayor as regards final actions taken by Council at such meeting. (Ord. 11-13 §3; Ord. 84-3 §1)

Section 4.6 Qualifications.

(a) No person shall be eligible to hold office as an elected official, unless, at the time of his nomination and election he be a qualified elector as defined by the laws of the State of Colorado, a resident and qualified elector of the Town as defined by ordinance.

(b) No elected official shall be a salaried employee of the Town during his term of office, other than as provided in this Charter.

(c) The Town Council shall be the judge of election and qualifications of its own members.

(d) Commencing with the election for Councilmembers to be held in May, 1980, and for all subsequent elections for Councilmembers when nominated and elected shall have resided in the Town or any territory thereafter annexed for a minimum period of one (1) year immediately proceeding said election.

Section 4.7 Vacancies.

(a) A vacancy of a Council member position occurs by resignation, recall, removal from office, incapacitation, death, failure of Town residency, or conviction of felony.

(b) Within seventy-five (75) days after the date which the Council accepts or recognizes the act or event which constitutes a vacancy, the remaining Council members shall appoint a duly qualified person to fill such Council vacancy by a majority vote of the quorum present. He or she shall hold office only until a successor has been elected at the next general municipal election and duly qualified for office. Such successor shall serve the unexpired term, if any, as to which the vacancy occurred. If four or more vacancies exist simultaneously, the remaining Council members shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days and provided that their successors have not previously been elected. (Ord. 11-13 §3; Ord. 83-17 §1)

Section 4.8 Compensation.

The members of the Council shall receive such compensation, and the Mayor such additional compensation, as the Council shall prescribe by ordinance; provided, however, that the compensation of any member during his or her term of office shall not be increased or decreased. The Mayor and Council may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office. (Ord. 11-13 §3)

Section 4.9 Powers of Council.

The Council shall constitute the legislative and governing body of the Town and shall have all legislative powers and functions of municipal government, except as otherwise provided in the Constitution

of the State of Colorado, this Charter or by Statutes applicable to Home Rule Towns and/or cities and shall have the power and authority to adopt such laws, ordinances, resolutions and rules as it shall deem proper.

Section 4.10 Oath of Office and Bond.

(a) Every elected officer under this Charter, before entering upon the duties of his office, shall take an oath or affirmation of office, that he will support the Constitution and the laws of the United States and of the State of Colorado, and this Charter and the ordinances of the Town and will faithfully perform the duties of his office upon which he is about to enter. The Town Clerk shall file each oath, together with any bond required by this Charter, or by the Council.

(b) In case of failure to comply with the provisions of this Section within ten (10) days from the date of his appointment, or within ten (10) days from the date prescribed in this Charter to take office, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by motion or resolution, extend the time in which such officer may qualify as above set forth.

CHAPTER V

COUNCIL PROCEDURE

Section 5.1 Regular Meetings.

The Council shall meet regularly at times to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings. (Ord. 11-13 §3)

Section 5.2 Special Meetings.

Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any four (4) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence or place of business, and written notice posted in at least three (3) public places, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof writing.

Section 5.3 Business at Special Meeting.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. (Ord. 11-13 §3)

Section 5.4 Quorum; Adjournment of Meeting.

Four (4) members of Council shall be a quorum for the transaction of business at all Council meetings; but in the absence of a quorum, a lesser number may adjourn any meeting to a later date or time. (Ord. 11-13 §3)

Section 5.5 Organization and Rules of Council.

The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) Minutes of the proceedings of each regular or special meeting shall be kept in the English language by the Clerk and shall be signed by the Presiding Officer and Clerk of the meeting at which the minutes are approved.

(b) The affirmative concurring vote of four (4) Council members shall be required for the adoption of an ordinance, resolution, order for appropriation, approval of contract, or approval of intergovernmental agreement. The vote of yes or no of each Council member shall be taken and recorded in the minutes of Council proceedings in accordance with rules and procedures adopted by Council. Every Council member who is present must vote upon all voting matters unless excused by the Town Code of Ethics, this Charter, or rules and procedures for Council meetings adopted by ordinance. The Mayor shall not vote until after all other Council members present at a meeting who are eligible to vote have had a reasonable opportunity to vote.

(c) The affirmative vote of a majority of the quorum Council members present who are eligible to vote shall be required for motions that do not include appropriations, approval of contracts or approval of intergovernmental agreements. Only Council members present at a Council meeting may vote on the adoption of meeting minutes for such Council meeting and Council members absent from a meeting shall be excused from voting on the adoption of such meeting minutes.

(d) Council shall adopt a Town Code of Ethics which shall set forth ethical standards and standards of conduct for elected and appointed officials of the Town. (Ord. 11-13 §3)

Section 5.6 Meetings to be Public.

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold such study sessions and executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided, however, no formal and legally binding action by the Council for the Town shall be taken at any such executive or study session.

CHAPTER VI

LEGISLATION

Section 6.1 Council Acts.

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. (Ord. 11-13 §3)

Section 6.2 Single Subject.

All ordinances and resolutions shall be confined to one subject except in case of repealing ordinances. Ordinances making appropriations shall be confined to the subject of appropriations. (Ord. 11-13 §3)

Section 6.3 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money,

levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to the adoption of the budget and levying of an ad valorem tax, as provided in the Charter.

Section 6.4 Form of Ordinance; Effective Date.

All ordinances shall be introduced in written or printed form and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be "Be it ordained by the Town Council of the Town of Avon, Colorado." The effective date of ordinances shall be thirty (30) days after the date of final passage unless a later date is prescribed in the ordinance, except that ordinances which are deemed necessary for the immediate preservation of the public health or safety shall become effective immediately upon final passage. (Ord. 11-13 §3)

Section 6.5 Procedure for Passage of Ordinances.

Except for ordinances necessary to the immediate preservation of the public health or safety, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.

(b) The ordinance shall be read in full, or in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting, said ordinance may be read by title only.

(c) After the first reading of the ordinance, the same shall be approved, rejected, tabled or continued by a vote of the Council.

(d) If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The Council shall set a day, hour and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.

(e) The ordinance shall be introduced at Council a second time, at a meeting not earlier than six (6) days after first publication for final approval, rejection, or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the Council.

(f) All ordinances shall be published in full after final passage.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the Town Clerk. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance. (Ord. 11-13 §3)

Section 6.6 Ordinances Necessary to the Immediate Preservation of Public Health and Safety.

(a) An ordinance which is declared therein to be necessary to the immediate preservation of the public health and safety may be enacted and finally adopted by one (1) reading at a regular or special meeting by the affirmative concurring vote of at least five (5) Council members provided that a public hearing is held and notice of such public hearing is published at least 24 hours prior to the public hearing.

(b) No ordinance granting any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money or fixing rates charged by any Town owned utility shall ever be passed as an ordinance necessary to the immediate preservation of public health and safety. (Ord. 11-13 §3)

Section 6.7 Publication of Ordinances.

Ordinances shall be published or posted in the manner and medium prescribed by Council by ordinance. (Ord. 11-13 §3)

Section 6.8 Codification.

The Council shall cause the ordinances to be codified and maintained thereafter in current form. Revisions to the codes may be accomplished by reference as provided in this Charter.

Section 6.9 Codes Published by Reference.

Standard codes, promulgated by the Federal Government, the State of Colorado, or by an agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference; provided the publication of the ordinance adopting any such code shall advise that copies thereof are available for inspection at the office of the Town Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance.

Section 6.10 Disposition of Ordinances.

A true copy of every ordinance, as adopted by Council shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signature of the Mayor, the Mayor Pro-Tem, or Acting Mayor and the Town Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the Town, shall be separately numbered and recorded commencing with "Peoples' Ordinance No. 1." But the failure to so file and authenticate such ordinance shall not invalidate it or suspend its operation. (Ord. 11-13 §3)

CHAPTER VII

INITIATIVE AND REFERENDUM

Section 7.1 Initiative.

(a) Any proposed ordinance, except an ordinance pertaining to the Town budget, setting of rates, fees, and charges for any purposes, appropriation of funds, levy of taxes, salaries and tenure of Town officials or employees, zoning or rezoning of property and acquisition or disposition of municipal properties, may be

submitted to the Council by petition signed by qualified electors of the Town equal in number to the percentage hereinafter required.

(b) An initiative petition accompanying the proposed ordinance signed by qualified electors of the Town equal in number to 15 per cent of the total vote cast in the last general municipal election, shall be filed with the Town Clerk at least sixty days prior to any general or special municipal election, and shall contain a request that said proposed ordinance be submitted to a vote of the people if not passed by the Council. The Council shall within thirty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition either (a) pass said ordinance without alteration, or (b) call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the Town.

(c) An initiated ordinance shall be published in like manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly the nature and it shall contain the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." If a majority of the qualified electors voting thereon shall vote in favor thereof, the same shall thereupon without further publication become an ordinance of the Town.

(d) The provisions of this Section shall in no way affect nor preclude the procedures for recall of any elected official or officer in this Charter.

Section 7.2 Referendum.

(a) The referendum shall apply to all ordinances passed by the Council, except ordinances relating to or levying municipal taxes, Town budget, appropriation of funds, calling a special election, authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, emergency ordinances, ordinances to meet contractual obligations of the Town salaries and tenure of Town officials or employees, acquisition or disposition of municipal properties.

(b) If, at any time within thirty days after the final passage of an ordinance to which the referendum is applicable, a petition signed by qualified electors equal in amount to at least ten per cent of the total vote cast in the last general municipal election be presented to the Council protesting against the going into effect of any ordinance, the same shall thereupon be suspended and the Council shall reconsider such ordinances; and if the same be not entirely repealed shall submit the same to a vote of the qualified electors of the Town in a manner as provided in respect to the initiative at the next regular municipal election, or at a special election called therefor. If a majority of the qualified electors vote in favor of such ordinance, it shall go into effect without further publication.

(c) The Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the people in a manner as in this Charter provided.

(d) If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

Section 7.3 Certificate of Clerk, Amendment of Petition.

Within ten days from the filing of any initiative or referendum petition, the Town Clerk shall ascertain whether the petition is signed by the requisite number of qualified electors, and if sufficient shall attach thereto a certificate of sufficiency showing the result of such examination. If the petition is insufficient, the

Clerk shall forthwith in writing notify one or more of the persons designated as filing the same on the petition. The petition may then be amended within ten days from the filing of the certificate. The Town Clerk, within five working days after such amendment, shall make the examination of the amended petition and attach thereto a certificate of the result. If still insufficient, the Clerk shall return the petition to one of the persons designated thereon at filing it, without prejudice to the filing of a new petition for the same purposes, but such petition shall not be refiled within one year after return by the Clerk.

Section 7.4 Prohibition of Amendment or Re-enactment.

An ordinance adopted by the electorate may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed provided however, that ordinances may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the Council on its own motion.

Section 7.5 Implementation

The Council may adopt such additional rules and regulations as are deemed necessary to implement this Chapter.

CHAPTER VIII

MUNICIPAL ADMINISTRATION

Section 8.1 Town Manager

The Council shall appoint a Town Manager by the affirmative concurring vote of four (4) Council members. The Town Manager shall be the chief executive and administrative officer of the Town. The appointment of the Town Manager shall be without definite term and shall be at a salary to be fixed by the Council provided however that Council shall not agree to provide severance payment in excess of four (4) month's salary. The Manager shall be appointed without regard to any consideration other than his or her fitness, competency, training and experience as a Manager. (Ord. 11-13 §3)

Section 8.2 Acting Town Manager

The Council may appoint an acting Town Manager during the period of vacancy in the office, or during the absence or disability of the Town Manager. Such acting Town Manager shall, have all responsibilities, duties, functions and authority of the Town Manager until the Town Manager is appointed. (Ord. 11-13 §3)

Section 8.3 Powers and Duties.

The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town placed in his charge, and to that end the Town Manager shall have the power and duty and be required to: (a) be responsible for the enforcement of the laws and ordinances of the Town; (b) hire, suspend, transfer and remove Town employees; (c) make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform; (d) cause a proposed budget to be prepared annually and submit it to the Council and be

responsible for the administration of finances and administrative activities of the Town for the preceding year, and upon request of the Council make written or verbal reports at any time concerning the affairs of the Town under his supervision; (f) keep the Council advised of the financial condition and future needs of the Town and make such recommendations to the Council for adoption as the Town Manager may deem necessary or expedient; (g) exercise supervision and control over all executive and administrative departments except as otherwise herein provided, and recommend to the Council any proposal he or she thinks advisable to establish, consolidate or abolish administrative departments; (h) be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same; (i) attend Council meetings and participate in discussions with the Council in an advisory capacity without right to vote; (j) establish a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town; (k) provide for engineering, architectural, maintenance and construction services required by the Town; and (l) perform such other duties as may be prescribed by this Charter, or by ordinance, or required of him or her by Council which are not inconsistent with this Charter. (Ord. 11-13 §3)

Section 8.4 Removal of Town Manager.

The Council at a regular or special meeting may, upon the vote of the majority of the entire Council, remove the Town Manager from office. (Ord. 11-13 §3)

Section 8.5 Relationship of Council to Administrative Service.

Neither the Council, its members, the Mayor, nor any council committee shall dictate the appointment of any person to office by the Town Manager except as otherwise provided in this Charter or in any way interfere with the Town Manager or other Town officer exercising judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council, its members, the Mayor and any Council committee shall deal with the administrative service solely through the Town Manager and neither the Council, its members, the Mayor, nor any Council committee thereof shall give orders to any of the subordinates of the Town Manager. (Ord. 11-13 §3)

Section 8.6 Town Clerk.

The Town Manager shall appoint a Town Clerk, who shall be custodian of the Town seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The Clerk shall have power to administer oaths and take acknowledgments under seal of the Town, and shall perform such other duties as required by this Charter, the Council, or the Manager. (Ord. 11-13 §3)

Section 8.7 Bonding of Employees.

All Town officials and employees dealing directly with municipal funds or substantial inventories of materials and supplies shall post bond in an amount and under such conditions as required by Council, and at the expense of the Town.

Section 8.8 Administrative Departments.

The administrative functions of the Town shall be performed by such departments as the Council may hereafter establish by ordinance, upon recommendation of the Town Manager. The Council may, by ordinance, upon recommendation of the Town Manager, consolidate or merge any departments, whether set

forth in this Charter or established by ordinance. All departments of the Town shall be under the supervision and control of the Town Manager. (Ord. 11-13 §3)

CHAPTER IX

PERSONNEL

Section 9.1 Town Employment Status.

All Town employees, including the Town Manager, serve at the will of the Town, and shall have no property interest in continued employment with the Town. Any personnel or employment policies adopted by the Town and any agreements entered into by the Town shall not create any property interest in employment with the Town nor shall such policies or agreements be construed to create any property interest in employment with the Town. The Town may enter into employment agreements that provide a maximum of four (4) month's severance payment based upon the monthly base salary and benefits but may not enter into any employment contract that creates a greater financial liability. Any agreement or policy in contravention of this section shall be deemed null and void and unenforceable against the Town. (Ord. 11-13 §3; Ord. 84-2 §1)

CHAPTER X

LEGAL AND JUDICIARY

Section 10.1 Town Attorney.

The Council shall appoint a Town Attorney to serve at the pleasure of Council. The Town Attorney shall be an attorney-at-law admitted to practice in Colorado, having been in active practice at least five years prior thereto. The Town Attorney shall be the legal representative of the Town and shall advise the Council Town officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the Town Attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the Town Attorney employ special counsel. Council shall establish compensation for the Town Attorney, his or her assistants and special counsel. (Ord. 11-13 §3)

Section 10.2 Municipal Court.

(a) **Municipal Judge.** There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the Council for a specified term of not less than two years. The Council may reappoint the municipal judge for a subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the Council after the next general election. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado, having been in active practice at least five years prior thereto.

(b) **Deputy Judges.** Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judge shall have all the powers of the municipal judge when called on to act by the

municipal judge or the Council. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and serve at the pleasure of the Council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judges may receive such compensation for services rendered as Council may determine.

(d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed for cause if:

1. He is found guilty of a felony or any other crime involving moral turpitude;
2. He has a disability which interferes with the performance of his duties, and which is, or is likely to become permanent;
3. He has willfully or persistently failed to perform his duties; or
4. He is habitually intemperate.

CHAPTER XI

BOARDS AND COMMISSIONS

Section 11.1 Existing Boards and Commissions.

All existing Boards and Commissions shall continue as established by ordinance, except as otherwise provided by ordinance or this Charter.

Section 11.2 Right to Establish, Amend and Abolish.

(a) Council may create any Boards and Commissions including Advisory and Appeal Boards. Advisory Boards may be created by resolution. All other Boards and Commissions shall be created by ordinance, which shall prescribe the powers and duties delegated by Council. Initial appointments by the Council to any Board or Commission shall specify the term of office of each member in order to achieve overlapping tenure. Council shall also make appointment to fill vacancies for unexpired terms. Each Board and Commission shall elect its own chairman and vice-chairman from among its members. Each Board and Commission shall operate in accordance with its own rules of procedure, except as otherwise directed by Council. Appointees shall be subject to removal for just cause at the pleasure of the Town Council by majority vote of the entire Council in office at the time the vote is taken.

(b) The Council may increase, reduce, or change any or all of the powers, duties and procedures of any Boards or Commission existing at the time of this Charter, or created by ordinances or resolutions thereafter.

(c) Any Board or Commission existing at the time of this Charter or created under this provision which is not required by statute or this Charter may be abolished by Council.

(d) No member of the Town Council, the Mayor, any Town employee, nor any appointed Town official shall serve on any permanent Board or Commission heretofore established by Council during his tenure as Councilmember, Mayor, Town employee or appointed Town official.

CHAPTER XII

FINANCE AND BUDGET

Section 12.1 Fiscal Year.

The fiscal year of the Town and all of its agencies shall begin on the first day of July and end on the last day of June of each year. Provided, however, Council may by ordinance change the fiscal year of the Town.

Section 12.2 Proposed Budget and Message.

Prior to the beginning of each fiscal year, the Town Manager, or if there shall not be a Town Manager, then the Mayor shall prepare and submit to the Council a recommended budget for the next fiscal year and an accompanying message.

Section 12.3 Budget Message.

The Town Manager's message shall explain the budget both in fiscal terms and in terms of the work program. It should contain the proposed financial policies of the Town for the next fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the Town's debt position, give the balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated surpluses or deficits in the various funds, and include such other material as the Manager deems necessary or which the Council may require.

Section 12.4 Budget Content.

The budget shall provide a complete financial plan of all municipal funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Council may require. In organizing the budget, the Town Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall include the following in separate sections unless otherwise provided by ordinance:

(a) Anticipated revenues classified as cash surplus, miscellaneous revenues, and amounts to be received from property tax; cash surplus being defined for purposes of this article as the amount by which cash is expected to exceed current liabilities and encumbrance at the beginning of the next fiscal year;

(b) Proposed expenditures for current operations during the next fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

- (c) A reasonable provision for contingencies;
- (d) A capital depreciation account;
- (e) Required expenditures for debt service, Judgments, cash deficient recovery and statutory expenditures;
- (f) Proposed capital expenditures during the next fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure;
- (g) Anticipated net surplus or deficit for the next fiscal year for each utility owned or operated by the Town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget;
- (h) The bonded and other indebtedness of the Town, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (i) Such other information as the Council may request.

Section 12.5 Capital Program.

- (a) The Manager, with such assistance as the Council may direct, shall prepare and submit to the Council a long-range capital program, simultaneously with his recommended budget.
- (b) The capital program shall include the following, unless otherwise provided by ordinance:
 - 1. A clear general summary of its contents;
 - 2. A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement;
 - 3. Cost estimates, method of financing and recommended schedules for each such improvement;
 - 4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
 - 5. Such other information as the Council may request.

This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 12.6 Public Hearing.

A public hearing on the proposed budget and proposed capital program shall be held before its final adoption at such time and place as the Council may direct. Notice of such public hearing and notice that the proposed budget is on file for public inspection in the municipal building shall be published one time at least seven days prior to the hearing.

Section 12.7 Council Action on Budget.

(a) Amendments. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for estimated cash deficit.

(b) Adoption. The Council shall adopt the budget by resolution on or before the final day established by law for the certification of the next year's tax levy to the county. If it fails to adopt the budget by this date, the amounts appropriated for the operation of the current fiscal year shall be deemed adopted for the next fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts the budget for the next fiscal year.

(c) Balanced Budget. The total of the proposed expenditures and provisions for contingencies shall not exceed the total of estimated revenue.

(d) Tax Levy. Adoption of the budget by Council shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. Council shall cause the same to be certified to the appropriate authorities as required by law.

Section 12.8 Contingencies.

The budget may include an item for contingencies. Except in those cases where there is no logical amount to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the Council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 12.9 Public Records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public in the municipal building.

Section 12.10 Amendments After Adoption.

(a) Supplemental Appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of any fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The Council shall then take action to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

(d) Transfer of Appropriations. Any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, agency or object to another.

(e) Limitation - Effective Date. No appropriation for debt service may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 12.11 Independent Audit.

An independent audit shall be made of all Town accounts at least annually, and more frequently if deemed necessary by the Council. Such audit shall be made by certified or registered public accountants, experienced in municipal accounting, selected by the Council. Copies of such audit shall be made available for public inspection at the municipal building.

Section 12.12 Lapse of Appropriation.

Every appropriation, except an appropriation for a Capital Expenditure Fund or Special Fund, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a Capital Expenditure Fund or Special Fund shall continue in effect until the purpose for which it has been made has been accomplished or abandoned or it is transferred as permitted in Section 12.10.

CHAPTER XIII

TAXATION

Section 13.1 Tax Authority and Limitations.

The Council shall have authority to levy and impose any and all forms of taxes for municipal purposes subject only to the limitations imposed by the Colorado Constitution or other applicable laws; and to provide for their collection. The authority of the Council to levy a sales tax without an election shall be limited to a cumulative maximum of four (4%) per cent. Council shall also have authority to levy and provide for collection of special assessments for local improvements as provided in this Charter or by ordinance.

Section 13.2 Collection of Taxes.

(a) Unless otherwise provided by ordinance, the County Treasurer shall collect Town ad valorem taxes in the same manner and at the same time as general ad valorem taxes are collected. In like manner, the Council may provide for collection of special improvement assessments by the said Treasurer.

(b) All laws of this State for the assessment of property and the levy and collection of ad valorem taxes, sale of property for taxes and the redemption of the same, shall apply and have the full force and effect in respect to taxes for the Town as to such general ad valorem taxes, except as may be modified pursuant to this Charter.

Section 13.3 Authority to Acquire Property.

In addition to all other power which it has to acquire property, the Town is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes or special assessments. The Town may also dispose of any property acquired under this authority in like manner as any other property.

CHAPTER XIV

MUNICIPAL FUNDING

Section 14.1 Forms of Borrowing.

The Town may borrow money for any municipal purpose as provided herein and issue the following securities to evidence such indebtedness:

- (a) Short-term notes;
- (b) General obligation bonds and other like securities;
- (c) Revenue bonds and other like securities;
- (d) Special or local improvement bonds and other like securities;
- (e) Any other legally recognized security which the Council may provide.

Section 14.2 Short-Term Notes.

The Town, upon the affirmative vote of the majority of the entire Council in office at the time the vote is taken, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed except as is permitted in the provision of this Charter pertaining to Emergency Appropriations.

Section 14.3 General Obligation Bonds.

(a) No bonds or other evidence of indebtedness payable in whole or in part from the proceeds of general property taxes and/or sales taxes and/or other municipal taxes, or to which the full faith and credit of the Town is pledged, shall be issued, except in pursuance of an ordinance adopted and approved by two-thirds ($\frac{2}{3}$) vote of the entire Council, or until the question of their issuance shall, at a general or special election, be submitted to a vote of the electors and approved by a majority of those voting on the question.

(b) The Council shall determine which of the aforementioned methods of approval of such securities shall be utilized subject to the limitations of subsection 14.3(c) below.

(c) Pursuant to subsection (a) above, the Council may, without voter approval, issue such securities in amounts not to exceed a total cumulative outstanding bonded indebtedness of the Town in the amount of \$5,000,000.00.

(d) General obligation bonds issued for acquiring water and rights thereto, or acquiring, improving or extending a Town water system or sewer system or any combination of such purposes may be so issued without an election and upon a vote of approval by a majority of two-thirds ($\frac{2}{3}$) vote of the entire Council, without the restrictions contained in this section.

(e) The provisions of this Section shall not apply to Short-Term Notes, Revenue Bonds, Refunding Bonds, nor Special or Local Improvement District Bonds, which are provided for elsewhere in this Charter.

Section 14.4 Revenue Bonds.

The Town, pursuant to ordinance, and without an election, may borrow money, issue bonds, or otherwise extend its credit for purchasing, constructing, condemning, otherwise acquiring, extending or improving a water, electric, gas or sewer system, or other public facility or income-producing project or for any other capital improvement; provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or other such project or capital improvement- and provided, further, that any two or more of such systems, utilities, projects or capital improvements may be combined, operated and maintained as joint municipal systems, utilities, projects or capital improvements, in which case such bonds or other obligations shall be made payable out of the net revenue derived from the operation of such joint systems, utilities or capital improvements.

Section 14.5 Funding of Revenue Bonds.

In addition to the provisions of Section 14.4 relating to Revenue Bonds, the Town shall have the authority to issue revenue bonds payable from the revenue and income of the project, facility, or improvement to be constructed or installed with the proceeds of the bond issue, or payable in whole or in part from the available proceeds of a Town sales and/or use tax which may be imposed pursuant to this Charter.

Section 14.6 Refunding Bonds.

(a) The Council may authorize, by ordinance, without an election, issuance of refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the Town as the same mature, or in advance of maturity, by means of an escrow or otherwise.

(b) Any refunding bonds or other like securities issued for the purpose of refunding revenue bonds or other revenue securities shall be payable from the revenues of the system, utility, income-producing project or other capital improvement that was acquired, extended or improved with the proceeds of the original bond issue.

Section 14.7 Limitation of Indebtedness.

The aggregate amount of bonds or other evidences of indebtedness of the Town shall not exceed twenty-five percent (25%) of the assessed valuation of the taxable property within the Town as shown by the last preceding assessment for Town purposes; or the sum of \$15,000,000.00, whichever amount shall be greater

provided, however, in determining the amount of indebtedness, there shall not be included within the computation:

(a) Bonds or other evidences of indebtedness, outstanding or authorized to be issued for the acquisition, extension or improvement of a municipal water-works system or municipal storm sewer, sanitary sewer, combined storm and sanitary sewers, or sewage disposal systems;

(b) Short-term notes;

(c) Special or local improvement securities;

(d) Securities payable from the revenues of an income-producing system, utility, project, or other capital improvement or from Town sales or use taxes.

(e) Long-term installment contracts other than real property acquisitions, rentals and leaseholds pursuant to Section 14.9.

Section 14.8 Bonds; Interest, Sale, Prepayment.

(a) The terms and maximum interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold to the best advantage of the Town.

(b) Any refunding bond may be exchanged dollar for dollar for a bond refunded.

(c) All bonds may contain provisions for calling the same at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

Section 14.9 Long-Term Installment Contracts, Rentals and Leaseholds; Town Property.

(a) In order to provide necessary land, buildings, equipment and other property for governmental or proprietary purposes, the Town is hereby authorized to enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.

(b) The Council is authorized and empowered to provide for the said payments by a tax levy imposed upon property included within the boundaries of the Town, or by rates, tolls or service charges imposed for the use of such property or any part thereof by others, or by any other available municipal revenue, or by any one or more of the above sources.

(c) The obligation created hereunder shall not constitute an indebtedness of the Town within the meaning of the legal limitations on contracting of indebtedness by cities.

(d) Property owned, held or used by the Town shall be exempt from taxation so long as it is owned, held or used by the Town for authorized Town functions.

CHAPTER XV

IMPROVEMENT DISTRICTS

Section 15.1 Power to Create Special or Local Improvement Districts.

(a) The Town shall have the power to create Special or Local Improvement Districts within designated districts in the Town, to contract for, construct or install special or local improvements of every character within the said designated districts, to assess the cost thereof, wholly or in part upon the property benefited in such district, and to issue special or local improvement bonds therefor.

(b) The Council shall, by ordinance, prescribe the method and manner of creating such improvement, of letting contracts therefor issuing and paying bonds for construction or installation of such improvements, including the costs incidental thereto, for assessing the costs thereof and for all things in relation to the authority herein created.

(c) Except as otherwise provided by Charter or by ordinance, the Statutes of the State of Colorado shall govern the creation and organization of Special or Local Improvement Districts, the assessment of costs, the issuance of bonds therefor and all things in relation thereto.

Section 15.2 Creation of Special or Local Improvement Districts.

Special or Local Improvement Districts created pursuant to this Chapter may be so created by:

(a) Ordinance; or

(b) On a petition by the owners of more than fifty per cent (50%) of the area of the proposed district, provided that such majority shall include not less than fifty (50%) percent of the land owners in the proposed district subject in either event, to protest by the owners of the frontage area to be assessed. Right to protest and notice of public hearing shall be given as provided by Council by ordinance. All protests shall be considered but if the public welfare warrants, Council shall have final decision. Such improvements shall confer special benefits on the real property within the said districts and general benefits to the Town-at-large. The Council shall by ordinance prescribe the method and manner of making such improvements, of assessing the cost thereof, and issuing and paying bonds for costs and expenses of constructing or installing such improvements.

Section 15.3 Improvement District Bonds; Levy for General Benefit to Special Fund; Pledge of Credit.

(a) In consideration of general benefits conferred on the Town at large from the construction or installation of improvements in Special or Local Improvement Districts, the Town Council may contract by ordinance prior to the issuance of any bonds of any Special or Local Improvement District, that the payment of such bonds, both as the principal, interest and cost appertaining thereto become due, is additionally secured by a Special Fund herein created, and pursuant thereto may levy annual taxes on all taxable property within the Town at a rate not exceeding fifteen (15) mills in any one (1) year, to be disbursed as determined by the Council, for the purpose of paying for improvements, pursuant to Section 15.4, for the payment of any assessment levied against the Town itself in connection with said bonds issued for Special or Local Improvement Districts, for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of said bonds or for any prior redemption premium appertaining to such bonds.

(b) The proceeds of such taxes shall be placed in a Special Fund and shall be disbursed only for the purposes specified in this Section, provided, however, that in lieu of such tax levies, the Council may annually transfer to such Special Fund any available money of the Town,, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited.

1. As long as any bonds issued for Special or Local Improvement Districts hereafter organized, remain outstanding, the tax levy or equivalent transfer of money to the Special Fund created for the payment of said bonds shall not be diminished in any succeeding year until all of said bonds and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such bonds and interest are paid by the Town as provided in Section 15.4 of this Chapter.

(c) After the bonds have been retired in full, any monies remaining in such Special Funds shall be transferred as provided in Section 15.4.

(d) Bonds of any Special or Local Improvement District payable from special assessments, which payment may be additionally secured as provided in this Section, shall not be subject to any debt limitation nor affect the Town's debt incurring power, nor shall such bonds be required to be authorized at any election; and such bonds shall not be held to constitute a prohibited lending of credit or donation, not to contravene any constitutional, statutory or Charter limitation or restriction.

Section 15.4 Surplus and Deficiency Fund - Payment of Bonds by Town.

(a) Where all outstanding bonds of a Special or Local Improvement District have been paid and money remains to the credit of the district or in a Special Fund created pursuant to Section 15.3 for the said bond issue, it may be transferred, in whole or in part, by ordinance, to a Surplus and Deficiency Fund, and whenever there is a deficiency in any Special or Local Improvement District fund to meet the payment of outstanding bonds and interest due thereon, the deficiency shall be paid out of the said fund; or in the alternative, Council, may by ordinance transfer all or part of any unencumbered balance from a Special or Local Improvement District Fund or a Special Fund created pursuant to Section 15.3 for the said bond issues to any other Town fund.

(b) Whenever a Special or Local Improvement District has paid and cancelled three-fourths ($\frac{3}{4}$) of its bonds issued and for any reason the remaining assessments are not paid in time to redeem the final bonds of the district, the Town shall pay the bonds when due and reimburse itself by collecting the unpaid assessments due the district.

Section 15.5 Review of Improvement District Proceedings.

No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the performance of the issue or collection of any bonds, or the levy or collection of any assessments authorized by this Chapter, or for any other relief against any acts or proceedings of the Town done or had under this Chapter, shall be maintained against the Town, unless commenced within thirty (30) days after the performance of the act of the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XVI

INTERGOVERNMENTAL RELATIONS

Section 16.1 Regional Service Authorities.

In the interest of governmental services provided on a regional or area-wide basis and the benefits realized by the Town of Avon from said services, the Council may by ordinance provide grant of municipal funds and services on a regional or area-wide basis, existing at the time this Charter becomes effective or thereafter created. The Council shall also have the authority to allow Town participation in said service authorities in any manner it deems desirable.

Section 16.2 Intergovernmental Contracts.

The affirmative concurring vote of five (5) Council members shall be required for contracts or agreements with other governmental units of every kind and character for the joint use of buildings, equipment, or facilities, or for furnishing or receiving commodities or services of public benefit which exceed ten (10) years in duration. (Ord. 11-13 §3)

CHAPTER XVII

UTILITIES AND FRANCHISES

Section 17.1 General Powers.

The Town shall have and exercise with regard to all utilities and franchises, all municipal powers, including without limitation, all powers now existing and which may be hereafter provided by the Constitution and statutes. The right of the Town to construct, lease, purchase, acquire, condemn or operate any public utility, work or way, is expressly reserved. Except as otherwise provided by Constitution, or this Charter, all powers concerning the granting, amending, revoking, or otherwise dealing in franchises, shall be exercised by the Council.

Section 17.2 Water Rights.

The Town shall have the authority to buy, sell, exchange, lease, own, control and otherwise deal in water rights.

Section 17.3 Utility Rates.

The Council shall, by ordinance, establish rates, rules and regulations and extension policies for services provided by Town owned utilities, both within and outside the corporate limits of the Town.

Section 17.4 Management of Municipal Utilities.

All municipally owned or operated utilities shall be administered as a regular department of the Town.

Section 17.5 Use of Public Places by Utilities.

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall

protect and save the Town harmless from all damages arising from said use. Every such public utility may be required by the Town to permit joint use of its property and appurtenances located in the streets, alleys, or other public places of the Town by the Town and by other utilities insofar as such joint use may be reasonably practicable.

Section 17.6 Granting of Franchises.

The Council shall establish by ordinance the terms, fees, compensation, conditions, and any other matters related to granting of franchises.

Section 17.7 Transit Facilities.

Council may require by ordinance and by fair apportionment of the cost, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts and other conveniences in good condition with proper approaches and safety devices.

Section 17.8 Revocable Permits.

The Council may grant a permit at any time for the temporary use of occupation of any street, alley, or Town owned place, provided such permit shall be revocable by the Council at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Section 17.9 Franchise Records.

The Town shall cause to be kept in the office of the Town Clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record, a complete history of all such franchises, shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual reports and such other matters of information and public interest as the Council may from time to time require.

CHAPTER XVIII

GENERAL PROVISIONS

Section 18.1 Eminent Domain.

The Town shall have the right of eminent domain within or without its corporate limits as provided by the State Constitution and the statutes.

Section 18.2 Reservation of Power.

The power to supercede any law of this State now or hereafter in force, insofar as it applies to local or municipal affairs shall be reserved to the Town, acting by ordinance, subject only to restrictions of Article XX of the State Constitution.

Section 18.3 Restrictions on Sale of Municipally-Owned Real Property.

The Town shall not sell or dispose of municipally-owned buildings or real property in use for public purposes without first obtaining the approval of a majority of the electors voting thereon.

Section 18.4 Bequests, Gifts and Donations.

Council, on behalf of the Town, may receive or refuse bequests, gifts and donations of all kinds of property in fee simple or trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Section 18.5 Severability of Charter Provisions.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 18.6 Charter Amendments.

This Charter may be amended at any time in the manner provided by statute. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 18.7 Interpretations.

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender-and neuter, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 18.8 Definitions.

As used in this Charter, the following words and phrases shall have the following meaning:

- (a) Appropriation. The authorized amount of monies set aside for expenditure during a specified time for a specific purpose.
- (b) Town, Town of Avon, Colorado, a municipal corporation.
- (c) Council. The Town Council of the Town of Avon.
- (d) Manager. The Town Manager of the Town of Avon, appointed pursuant to this Charter.

(e) Franchise. An irrevocable privilege granted by the Town permitting a specified use of public property for a specified length of time.

(f) Employee. A person employed by the Town of Avon.

(g) General Municipal Election. A municipal election held every two years at which candidates for elective offices of the Town are voted upon in accordance with this Charter.

(h) Public Utility. Any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the Town.

(i) Officer and/or Official. Any person elected to office or appointed by Council, including appointees to boards and commissions.

(j) Constitution. The Constitution of the State of Colorado.

(k) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

(l) Elector. A resident of the Town qualified to vote under the Constitution and statutes of the State of Colorado.

Section 18.9 Chapter and Section Headings.

The chapter, section and subsection headings are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provisions therein.

CHAPTER XIX

ORGANIZATION PROVISIONS

Section 19.1 Effective Date of Charter.

This Charter shall become effective immediately upon voter approval, except those provisions relating to the election of Council shall become effective at the first regular municipal election scheduled under this Charter to be held on the 1st Monday in May, 1980 and also excepting those provisions relating to finance and budget as provided in this Charter which shall become effective with the fiscal year beginning July 1, 1980.

Section 19.2 Organization; First Election of Officers.

Immediately upon voter approval of this Charter, the Election Commissioners appointed pursuant to an Order of the District Court in and for the County of Eagle, State of Colorado, in Civil Action Number 3496, "In the @latter Of the Proposed Incorporation Of The Town Of Avon, Colorado," shall proceed to the first election of officers and to completion of incorporation of the Town of Avon, pursuant to Part 1, of Article 2, Title 31, Colorado Revised Statutes, 1973, as amended. All members of the first Council of the Town of Avon shall serve until the first regular municipal election, at which time the provisions relating to the election of Councilmembers shall become effective. At said first regular municipal election those three (3)

members of the Council having received the three lowest number of votes cast, respectively, in the first election of members of the Council shall be required to run for election. In the event of tie votes, the Town Clerk shall determine by lot the members who shall be required to run for election.

Section 19.3 Financing and Budget.

With respect to the first budget for the Town of Avon, Colorado, upon its organization, Chapter 12 - "Finance and Budget" of this Charter shall be modified as necessary to effectuate and implement the budget and related finance matters.

Section 19.4 Compensation of Councilmembers.

With respect to compensation of Councilmembers first elected as Councilmembers of the Town of Avon, said first members of said first Council may, by ordinance, set their compensation not to exceed \$25.00 per member for each official meeting attended; but in no event to exceed \$150.00 per month. With respect to the Mayor, he shall receive in addition to his compensation as a Councilmember, the additional sum of \$10.00 per meeting for each meeting attended; but in no event to exceed an additional sum of \$60.00.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Town of Avon Charter Commission, duly elected by the people of Avon, Colorado, at a special election held on April 18, 1978, or duly appointed according to law, under authorization of Article XX, Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Avon, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Commission on the 4th day of May, 1978, for submission to the people of Avon at a special election to be held on June 13, 1978.

Executed at Avon, Colorado, this 5th day of May, 1978.

/s/
Angelo V. Alpi
Chairman

/s/
Leslie Allen, Secretary

/s/
Garth Henley

/s/
Ron Allred

/s/
Aleta Nottingham

/s/
Richard Casserley

/s/
David Richards

/s/
Daniel Doyle

/s/
David Gaines

STATE OF COLORADO)
) ss
COUNTY OF EAGLE)

Subscribed and sworn to before me this 5th day of May, 1978.

My commission expires Nov. 4, 1978.

Witness my hand and official seal.

(S E A L)

Notary Public

I hereby certify that the foregoing document is the Charter adopted by a majority of the voters at an election of the Town of Avon, Colorado, held Tuesday, June 13, 1978.

By: /s/
Angelo V. Alpi, Chairman
Town of Avon Election Commission

Avon Town Council Simplified Rules of Order

These Simplified Rules of Order establish rules and procedures for Avon Town Council meetings. The intent is to set forth simplified rules which are readily accessible and usable by the Avon Town Council members and understandable by the general public. The provisions of the Home Rule Charter, the Avon Municipal Code, or any ordinance adopted by the Avon Town Council shall govern and apply in the event there is any conflict with these Simplified Rules of Order. Unless otherwise indicated, any reference to “Mayor” shall also mean the “Mayor Pro-Tem” or “Acting Mayor” in the absence of the Mayor, as set forth in the Avon Home Rule Charter.

I. Standards of Conduct for Avon Town Meetings: The Avon Town Council finds that the foundation of municipal democracy rests on open, respectful and informed discussion and debate balanced with the necessary efficiency required to take action in the public interest. Reasonable persons will often disagree on many public matters which arise before elected and appointed officials. The process of discussion and debate is essential to the ability of elected and appointed officials to render the best decisions possible for the Avon community. The following standards of conduct are considered the minimum standards for elected and appointed officials.

- A. Elected and appointed officials shall conduct themselves in a mature manner that is becoming of public officials, shall respect one another and shall respect members of the public.
- B. Elected and appointed officials shall refrain from profanity, rude behavior or personal attacks and shall promptly apologize to both the board and the recipient of any such behavior in the event of a temporary lapse of appropriate behavior.
- C. The Mayor shall be responsible for maintaining civility, decorum and order throughout the meeting.
- D. Members of the Avon Town Council shall not communicate between or amongst themselves by text message, e-mails or other forms of electronic communication during a Council meeting.
- E. Members of the Avon Town Council shall promptly disclose and announce the sending or receipt by a Council member of a text message, e-mail or other form of electronic communication during a Town Council meeting, to or from any person, for any such communication that concerns a matter on the Town Council agenda for that meeting.

II. Mayor: Every meeting of the Avon Town Council shall be presided over by the Mayor. If the Mayor is absent the Mayor Pro-Tem shall preside over the meeting. If the Mayor has a conflict of interest on a matter then the Mayor Pro-Tem shall preside over the meeting for such matter. If the Mayor and Mayor Pro-Tem are absent, or if they both have conflict of interest on a matter, then a quorum of Council members shall appoint an Acting Mayor by motion who shall then preside over the meeting or shall preside over such matter for which the Mayor and Mayor Pro-Tem have conflict of interest. The Mayor shall strive to moderate Council meetings with impartiality, shall strive to allow input from all other Council members on matters before expressing his or her opinion, and shall refrain from making a motion or seconding a motion until it is apparent that no other member of the Council will do so.

Adopted January 28, 2014 by Resolution No. 14-03

Amended and Re-Adopted on July 26, 2016 by Resolution No. 16-20

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III. Agendas: The following rules and procedures shall apply to agendas:

- A.** The Mayor shall determine the agenda in consultation with the Town Manager. The Town Council may direct items to be included on an agenda. Individual Council members may contact the Mayor to request inclusion of a matter on an agenda. The Mayor shall consult with the Town Manager and exercise discretion to determine if the matter should be included on the agenda as a discussion item or an action item.
- B.** After roll call, the Council shall approve the agenda by motion by a majority of the quorum present with any additions or deletions Council deems appropriate.
- C.** The Council may take action by motion at any time during a meeting to schedule discussion or action items on a future agenda which shall be scheduled by Town Staff.
- D.** Noticing for action items and public hearings shall be in accordance with applicable law.

IV. Motions: All official Town Council actions are initiated by motion. These following rules and procedures apply to motions. There are two basic motions: action motions and procedural motions. Only one action motion may be on the floor at a time. A procedural motion may be proposed, discussed and acted upon when an action motion is on the floor or at any other time.

- A. Basic Motion:** The basic motion to take action is stated as, “I move to” Every motion requires a second. Once a motion is made no further discussion can continue until a second is made to support the motion.
- B. Discussion:** All Council members have the right to discuss the motion on the floor. Discussion cannot be concluded unless (1) all Council members present consent or (2) a majority of Council members present approve a procedural motion to “Call the Question” and end debate.
- C. Withdraw a Motion:** The maker of a motion may choose to withdraw the motion at any time prior to the vote on the motion and may interrupt a speaker to withdraw the motion and consent of the Council member who seconded the motion is not required. The motion is immediately withdrawn; however, the Mayor may then ask the Council member who seconded the withdrawn motion and any other Council member if such Council member wishes to make the motion.
- D. Amendment to Motion:** Any Council member may request an amendment to a pending motion. The maker of the pending motion and Council member who seconded the motion must consent to the proposed amendment. Any Council member may also propose a substitute motion to a pending motion which also requires consent of the maker of the pending motion and the Council member who seconded the pending motion.
- E. Procedural Motion:** A procedural motion may be made at any time and may impose or modify any procedural rule provided that such procedure is not in conflict with the Avon Home Rule Charter, any ordinance adopted by the Town, or any applicable state law. Procedural motions require a majority vote of the quorum present.
- F. Motion to Call the Question or End the Discussion:** A motion to “call the question” (also known as a motion to end the discussion) is a procedural motion to end debate and discussion. A motion to call the question cannot be made until each Council member has had at least one reasonable opportunity to ask questions and express his or her opinion on

the matter. Once a motion to call the question is made and seconded, it shall be the Mayor's discretion to allow any further discussion on such procedural motion for the purpose of clarifying any technical, procedural or legal issue related to the procedural motion. A motion to call the question requires a majority vote of the quorum present. Once a motion to call the question is approved, the pending action motion on the floor must be voted upon promptly or, if no action motion is pending, the Mayor shall proceed to the next agenda item.

- G. Motion to Continue:** A motion to continue an agenda item must include a specific future Council meeting date, time and place for the continued matter to be considered again without re-noticing a required public hearing.
- H. Motion to Table:** A motion to table places the agenda item on hold and does not require a specific time for the return of the agenda item.
- I. Motion to Suspend Rules:** A motion to suspend rules may allow suspension of any rule in this Simplified Rule of Order. Such motion may be made and requires a supermajority vote of a majority of the quorum present plus one for approval. A motion to suspend rules may not supersede the procedural requirements of the Avon Home Rule Charter, any ordinance adopted by the Town, or any applicable state law.
- J. A Motion to Reconsider:** A Motion to Reconsider allows the Council to reconsider a vote on a matter. A Motion to Reconsider may only be made and considered if made and acted upon less than twenty-eight (28) days after the date of the Council action to be reconsidered and may be made only by a member of Council who voted in the majority on the motion which is proposed for reconsideration.

V. Meeting Conduct

- A. Point of Privilege:** A Council member may interrupt the speaker to raise a matter related to the comfort of the meeting, such as room temperature, distractions, or ability to hear speaker.
- B. Point of Order:** A Council member may raise a Point of Order at any time that the Mayor permits meeting conduct which does not follow these Simplified Rules of Order or otherwise fails to maintain civility and decorum by the Council and the general public.
- C. Appeal:** A Council member may move to appeal the ruling of the Mayor on any procedural matter or other decision related to the conduct of the meeting. If the motion is seconded and, after debate, it such motion passes by a simple majority vote of the quorum present, then the ruling or conduct of the Mayor shall be overruled and reversed.
- D. Call for Orders of the Day:** A Council member may call for Orders of the Day when such Council member believes that Council discussion has strayed from the agenda. No second or vote is required. If the Mayor does not return to the agenda, then such ruling may be appealed.
- E. Adjournment:** The Mayor may announce the meeting adjourned when there are no further items on the agenda which have not been addressed. The Council may adjourn a meeting at any time by motion, second and approval by a majority of the quorum present.

VI. Public Comments: Council agendas shall include a general item labeled "Public Comment" near the beginning of all Council meetings. Members of the public who wish to

provide comments to Council greater than three minutes are encouraged to schedule time in advance on the agenda and to provide written comments and other appropriate materials to the Council in advance of the Council meeting. The Mayor may permit public comments during any agenda item provided that such invitation does not hinder the ability of Council to conduct official Town business in an efficient manner. For matters which may involve substantial public comment by numerous members of the public, the Mayor or Council may propose limiting public comment to no less than 3 minutes per individual, which limitation on public comment must be approved by a majority of the quorum present.

VII. Public Hearing: The following general rules shall apply to the order and conduct of public hearings. These rules may be modified or suspended by Motion to Suspend Rules.

- A. The Mayor shall open the public hearing by announcing the topic of the agenda item. The Mayor shall at all times during public hearings strive to maintain civility, decorum and order.
- B. The Mayor and/or appropriate Town Staff person shall introduce the topic, explain the applicable procedures and laws, and provide any presentation by the Town.
- C. The applicant, licensee or appellant shall have the opportunity to present information, provide testimony, or respond to any comments or details in the Town's presentation.
- D. The Council shall have the opportunity to ask technical questions of the appropriate Town staff, Town officials and the applicant, licensee or appellant but Council members shall not express opinions on the matter prior to opening the public hearing for public comment.
- E. The Mayor shall officially open the public hearing for public comment and shall allow for members of the public to provide comment to the Council. The Council may approve a time limitation not less than 3 minutes for individual public comment and may approve sign-up sheets or other public comment procedures to promote order and efficiency by a majority vote of the quorum present provided that individuals shall be permitted to yield his or her public comment time to another speaker. After all public comments are received, or if the Council determines that the volume of public comments requires additional time and moves to continue the public hearing, the Mayor shall close the public comment portion of the public hearing.
- F. The Council may discuss the merits of the topic of the public hearing and take such action as deemed appropriate after the public comment portion of the public hearing is concluded. If the volume of public comments requires a continuation, if additional information is required to consider the public hearing matter, or if the Council determines that additional time is warranted to consider the matter of the public hearing, the Council may continue the public hearing to a later date and may re-open the public comment portion of the public hearing at any continued public hearing.

VIII. Executive Sessions: Council may convene into executive session at any time by the affirmative vote of 2/3rds of the quorum present and by announcing the specific statutory citation and purpose of the executive session in accordance with the Colorado Open Meetings Law, CRS §24-6-402(4). The Council is not permitted to take official, final action on any matter in executive session.

EXHIBIT A: AMENDMENTS TO AVON TOWN CODE OF ETHICS

Town Code of Ethics

2.30.010 Citation.

This Chapter shall be known and may be cited as the "Avon Town Code of Ethics."

2.30.020 Declaration of policy.

The proper operation of democratic government requires that public officers be independent, impartial and responsible to the people; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all Town eOfficers is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such eOfficers by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such eOfficers of private financial or other interests in matters affecting the Town.

2.30.030 Finding of local concern.

The Town Council finds and determines that the matter of ethical municipal government is a matter of local concern upon which home rule municipalities in Colorado are fully empowered to legislate and to supersede conflicting state statutes.

2.30.040 Effect of common law.

This Chapter shall supersede and override the common law as to the subject matter of this Chapter.

2.30.050 Definitions.

As used in this Chapter, unless the context requires otherwise:

Business means any corporation, limited liability corporation, partnership, sole

proprietorship, trust or foundation, or other individual or organization carrying on a business operated for private profit.

Confidential information means all information, whether transmitted orally, electronically or in writing, which is intended to be confidential and which does not constitute a public record under the Colorado Open Records Act set forth in C.R.S. §24-72-200.1 *et. seq.* including but not limited to attorney-client confidential and privileged communications and information received in an executive session.

Council or Town Council means the Town Council of the Town of Avon.

Council Member means any member of the Town Council.

Officer means any person holding a position by election or appointment in the service of the municipality, whether paid or unpaid, including the members of the Town Council, any other Town board, committee or commission, any employee and any independent contractor.

Official act or official action means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Substantial financial interest means an interest owned or held by an eOfficer which is:

- a. An ownership interest in a business;
- b. A creditor interest in a business;
- c. An ownership interest in real or personal property;
- d. A loan or any other debtor interest;
- e. A directorship or officership in a business.

An officer shall be presumed to have a *substantial financial interest* in any of the

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abovementioned interests owned, held or controlled by such ~~an~~ Officer's spouse or dependent children.

2.30.060 Conflict of interest.

A Town Officer shall not:

(1) Disclose or use confidential information acquired in the course of such Officer's duties (a) in order to further a business or other undertaking in which such Officer has a substantial financial interest or (b) for any use which would be detrimental to the Town;

(2) Engage in a substantial financial transaction for his or her private business purposes with a person whom such ~~an~~ Officer inspects or supervises in the course of his or her official duties;

(3) Perform an official act which directly and substantially affects to its economic benefit a business or other undertaking in which such Officer has a substantial financial interest;

(4) Perform an official act which directly and substantially affects a business or other undertaking by whom the ~~an~~ Officer is employed, or by whom such Officer is engaged as counsel, consultant, representative or agent;

(5) Acquire or hold an interest in any business or undertaking which such Officer has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the agency over which he or she has substantive authority;

(6) Perform an official act directly and substantially affecting to its economic detriment any business or other undertaking when such Officer has a substantial financial interest in a competing business or undertaking;

(7) Solicit or accept a present or future gift, favor, loan, service or thing of value from a

person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, service or thing of value was made or given primarily for the purpose of influencing or attempting to influence such ~~an~~ Officer in connection with an official act, or as a reward for official action he or she has previously taken. The provisions of this Subsection shall not apply to those circumstances described in Subsection 2.30.070(3);

(8) Perform any official act under circumstances which give rise to appearance of impropriety on the part of the Officer;

(9) Make or accept any ex parte communication or contact concerning a matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing;

(10) Appear on behalf of any private person, business or entity, other than himself or herself, his or her spouse, or minor children, before the Town Council, any Town Commission or the Municipal Court; ~~or,~~

(11) For members of Town Council, seek or obtain employment or compensation concerning matters upon which he or she took an Official Act during his or her term of office for six (6) months following expiration or termination of office, if such Official Act occurred less than four years prior to such employment or compensation, provided that this provision may be waived by a majority of the disinterested Town Council members.

2.30.070 Exemptions.

The provisions of Section 2.30.060 shall not prohibit an Officer from:

(1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act;

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(2) Taking official action when such Officer is similarly situated to other Town residents, such as adopting general land use regulations, owning property within a special or local improvement district, voting for taxes or bonds, adopting ordinances of general applicability or otherwise acting upon matters involving the common public interest, except that this exemption shall not apply to interests of Officers of the Avon Urban Renewal Authority in any project or in any property included or planned to be included in any project and the provisions of C.R.S. §31-25-104(3) shall control;

(3) Soliciting or accepting gifts or loans which are:

a. Campaign contributions reported as required by law;

b. An occasional nonpecuniary gift, insignificant in value;

c. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;

d. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence or attendance at a convention or other meeting at which such Officer is scheduled to participate;

e. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the position held by such Officer;

f. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational, or cultural events;

g. Payment for speeches, debates, or other public events, reported as honorariums to the Town Manager;

h. A loan at a rate of interest which is not substantially lower than the commercial rate then currently prevalent for similar loans within the Town.

(4) Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget or other similar official action.

2.30.080 Disclosure of conflict of interest in Town Council action.

Any member of the Town Council who believes he or she has a conflict of interest as defined in Section 2.30.060 on any matter proposed or pending before the Town Council shall disclose such potential interest to the Town Council. Any member of the Council who believes that another member of the Council has a conflict of interest shall bring the matter to the attention of the Council prior to Council consideration of the issue involving the alleged conflict. The Council shall determine whether a conflict of interest exists. The Council member who has an alleged conflict of interest shall not vote on the determination of whether a conflict of interest exists; ~~however, such Council member may participate in the discussion and may remain in the room with the consent of the majority of the remaining Council members.~~ If the Council determines that an actual conflict of interest exists, the Council Member shall not attempt to influence other members of the Town Council in connection with such matter, and, except as provided in Section 2.30.100, the Council Member shall not vote upon such matter. The Council Member shall leave the room during Council's discussion and action on the subject, and shall return only when the council has taken up the next agenda item.

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2.30.090 Disclosure of conflict of interest in Planning Commission action.

Any member of the Planning Commission who believes he or she has a conflict of interest as defined in Section 2.30.060 on any matter proposed or pending before the Planning Commission shall disclose such potential interest to the Planning Commission. Any member of the Planning Commission who believes that another member of the Planning Commission has a conflict of interest shall bring the matter to the attention of the Planning Commission prior to Planning Commission consideration of the issue involving the alleged conflict. The Planning Commission shall determine whether a conflict of interest exists. The Planning Commission member who has an alleged conflict of interest shall not vote on the determination of whether a conflict of interest exists; ~~however, such Planning Commission member may participate in the discussion and may remain in the room with the consent of the majority of the remaining Planning Commission members.~~ If the Planning Commission determines that an actual conflict of interest exists, the member of the Planning Commission shall not attempt to influence other members of the Planning Commission in connection with such matter, and, except as provided in Section 2.30.100, the member of the Planning Commission shall not vote upon such matter. The member of the Planning Commission shall leave the room during the Planning Commission's discussion and action on the subject, and shall return only when the Planning Commission has taken up the next agenda item.

2.30.100 When Council Member or member of the Planning Commission with conflict of interest may vote.

Notwithstanding the provisions of Sections 2.30.080 and 2.30.090, a Council member or member of the Planning Commission may vote upon a matter as to which he or she has a conflict of interest if:

- (1) His or her participation is necessary to obtain a quorum or to otherwise enable the Council or Planning Commission to act, and
- (2) he or she complies with the disclosure provisions of Section 2.30.110, and
- (3) a majority of the Council members or Planning Commission members present at a meeting who do not have a conflict of interest find that the participation of such Council member or Planning Commission member will not be contrary to the public interest and vote to permit such Council member or Planning Commission member to vote despite the conflict of interest.

2.30.110 Voluntary Disclosure to Secretary of State.

A Town eOfficer may, prior to acting in a manner which may impinge on his or her fiduciary duty and the public trust, disclose the nature of his or her private interest to the Colorado Secretary of State. Such Town eOfficer shall make the disclosure in writing to the Colorado Secretary of State, listing the amount of his or her financial interest, if any, the purpose and duration of his or her services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his or her interest. If he or she then performs the official act involved, he or she shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction under this Town

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Code of Ethics or any other local, state or other code of ethics or standards of conduct.

2.30.120 Public contracts.

(a) The Town shall not enter into any contract with a Town Officer (including spouse or minor children of the Town Officer) to provide any compensation from the Town for the provision of goods or services and shall not approve any vendor permit or privilege to conduct commercial business on Town property during such Officer's term, appointment or employment with the Town; provided that this restriction shall not apply to compensation provided to any Town Officer for performance of official duties for the Town. This section shall not operate to restrict the Town from entering into contracts or approving vendor permits and privileges to an organization which employs a Town Officer if such Town Officer is not an owner or controlling officer of such organization that receives such compensation, permits or privileges and such Town Officer declares a conflict of interest in accordance with Section 2.30.060(3) and does not participate in any Town decision related to such public contract. For the purposes of this section, ownership in an organization shall include any ownership interest that is greater than 1%.

(b) The provisions of Subsection (a) of this Section shall not apply to:

(1) Investments or deposits in financial institutions which are in the business of loaning or receiving money; or,

(2) with respect to which the Town Officer has voted therein in accordance with Section 2.30.100.

(c) It shall be a violation of this Code of Ethics for any Town Officer to enter into a contract with the Town or receive compensation or

receive vendor permits or privileges from the Town in violation of this section.

(d) Any contract approved by the Town or vendor permit or privilege granted by the Town in violation of this section shall be unenforceable against the Town.

~~(a) Except as provided in Subsection (b) of this Section, no Officer shall have an interest in any contract made by the Town.~~

~~(b) The provisions of Subsection (a) of this Section shall not apply to:~~

~~(1) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;~~

~~(2) Merchandise sold to the highest bidder at public auctions;~~

~~(3) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;~~

~~(4) A contract between the Town and an officer if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of contract. It shall be presumed that the Town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the Town is greater than ten percent (10%) of a contract with an officer or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period;~~

~~(5) A contract with respect to which the officer has disclosed his or her personal or financial interest to the Town Council and has not voted thereon, or with respect to which the officer has voted therein in accordance with Section 2.30.100.~~

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~~(e) No Town officer shall be a purchaser or vendor in connection with any sale or purchase made by him or her in his or her official capacity. The provisions of this Subsection shall not apply to those contracts described in Subsection (b) of this Section.~~

2.30.130 Limitation on subsequent employment.

A former Town ~~o~~Officer may not, within six (6) months following the termination of his or her office with the Town, contract with or become employed by an employer who contracts with the Town involving matters with which such ~~o~~Officer was directly involved during such Officer's ~~the~~ term of office ~~or~~ with the Town.

2.30.140 Enforcement.

(a) The Town Council shall have the primary responsibility for the enforcement of this Chapter. It shall have the power to investigate any complaint, to initiate any suit and to prosecute any criminal or civil action on behalf of the Town wherein it believes such action is appropriate.

(b) The Town Council may direct the Town Attorney to investigate or prosecute any apparent violation of this Chapter or the Council may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one (1) or more persons of this Chapter. In the event the alleged conflict of interest involves a Council member (or multiple Council members), the Council member(s) who has an alleged conflict of interest shall not vote upon whether to investigate or prosecute the alleged conflict of interest.

(c) Any person who believes that a violation of any portion of this Chapter has occurred may file a complaint with the Town Council, which shall promptly investigate such complaint and

take such action thereon as the Council shall deem to be appropriate.

(d) The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the Avon Town government. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such Town ~~o~~Officer.

2.30.150 Penalties and remedies.

(a) It is unlawful for any person to violate any provision of, or to fail to comply with any of the requirements of this Chapter. Any person who violates any provisions of this Chapter shall be punished in accordance with the provisions of Section 1.08.010 of this Code. Additionally, upon conviction such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.

(b) Upon conviction for any violation of this Chapter such ~~o~~Officer shall immediately forfeit his or her office or position. Nothing in this Chapter shall be construed to prohibit such public ~~o~~Officer from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Chapter.

(c) Any court of competent jurisdiction called upon to enforce the provisions of this Chapter may, with the consent of the Town Council, exempt from the provisions of this Chapter any conduct of a Town Officer upon the finding that the enforcement of this Chapter with respect to such Officer's conduct would not be in the public interest.

2.30.160 Distribution of code of ethics.

The Town Clerk shall cause a copy of ~~this code of ethics~~ the Avon Town Code of Ethics

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to be distributed to every Officer of the Town within thirty (30) days after enactment of the ordinance adopting this Chapter. Each Town Officer elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office.

2.30.170 Gift Reporting.

(a) In accordance with §7, Article XXIX of the Colorado Constitution, the requirements of Article XXIX of the Colorado Constitution shall not apply to the Town of Avon. It is the intention and purpose that this section 2.30.170, Chapter 2.30 Avon Town Code of Ethics of the Avon Municipal Code, and any other applicable Avon Home Rule Charter provision, ordinance or resolution adopted by the Town of Avon shall completely address all matters set forth in Article XXIX of the Colorado Constitution.

(b) Any Town Officer who receives any present, or offer of future, individual gift, favor, loan, service or thing of value in excess of \$50.00 and such gift is offered due to such person's status as a Town Officer then such Officer shall report such gift and the estimated value to the Town Clerk. The Town Clerk shall promptly disclose gifts received, or offer of future gifts, to the Town Council. The failure of a Town Officer to report a gift to the Town Clerk shall constitute a violation of the Avon Town Code of Ethics.

(c) Council shall determine if gifts received or offered in the future constitute a conflict of interest in accordance with the Avon Town Code of Ethics. Council members who are the recipient or intended recipient of a gift shall not vote on whether such gift constitutes a conflict of interest unless such gift is offered to Council as a whole or offered to Town generally.

(d) Gifts which are given by an individual who is a relative or personal friend of the recipient

on special occasions shall not be deemed a conflict of interest. Gifts which are given without the purpose or intent to influence a Town Officer in connection with an official act or as a reward for an official act performed and gifts which do not create the appearance of impropriety shall not be a conflict of interest.

(e) Gifts which are received which are determined by Council to be a conflict of interest shall be returned. The receipt of a gift or the failure to return a gift or reimburse the equivalent value when Council determines such gift is a conflict of interest shall constitute a violation of the Avon Town Code of Ethics.

TO: Honorable Mayor Fancher and Town Council Members
FROM: Eric J. Heil, Town Attorney
RE: Council and Management Authority for Contracts, Expenditures, Leases and Licenses
DATE: December 8, 2016

Summary: This memorandum discusses delegation of authority to Management for executing contracts, expenditures, leases and licenses. The purpose of this memorandum is in part to review existing contract authority and the scope of agreements which the Town enters and to solicit Council direction, input and/or confirmation on policies and practices related to authority to execute contracts, leases, licenses and other agreement documents on behalf of the Town. A similar memorandum was provided in 2014. Since that time, the Town Manager and I have become aware of more categories of contracts and intergovernmental agreements which may be more efficient for administrative approval. The Town contracts with Eagle County for many services (e.g. Animal Control Services) which are fairly routine and which do not create any significant legal or financial liability for the Town.

General Authority: The Avon Charter, Sections 4.9, Colorado Revised Statutes, Title 31 Article 15, and other statutes sets forth authority for the Council to enter into contracts, approve expenditures, and execute leases, easements and license agreements. The Town Manager's powers and duties are set forth in Avon Charter Section 8.3. The enumerated powers in Section 8.3 do not expressly include the authority to enter into contracts or sign other documents on behalf of the Town, but do include the general authority of Council to prescribe duties, ". . . the Town Manager shall have the power and duty and be required to: (l) perform such other duties as may be . . . required of him or her by Council . . ."

Prior to the current management, all contracts and other agreement documents were referred to Council for approval. This requirement was not efficient for the volume of business which Avon conducts. Typically, the governing body in very small municipalities approve nearly all contracts and other agreement documents whereas in larger municipalities the Town Manager and town staff has a designated level of defined authority to enter into agreements on behalf of the Town. Over the last few years we have developed form documents with Council for Professional Service Agreements, Revocable License Agreements for the use of Town right-of-ways, and lease forms for the Avon Recreation Center. Other documents which have been used recently include festival agreements, temporary license agreements for the use of Town parking areas, and deposit agreements for financial security related to public improvements.

Procurement Contracts: With regard to agreements that involve expenditures and procurements, Town Council adopted Resolution 11-08 Authorizing the Town Manager to adopt a Procurement Policy in 2011 in response to federal requirements related to the Transit Facility grant funding. The 2011 Procurement Policy grants broad authority to the Town Manager to execute contracts, which is stated as follows:

The Town Manager has the authority to sign contracts up to and including \$100,000 and any contract identified in an approved budget. All procurements that are not presented in

the annual budget to the Town Council during the initial budget can be presented throughout the year as either a budget amendment or separately, if necessary.

Section 3-701 of the Town's Procurement Policies authorizes the Town Attorney to promulgate policies concerning contract clauses. The specific contract clause topic areas in Section 3-701 are addressed in the Town's form Professional Services Agreement as well as in the form of public works construction contract that we have used in the past. Note that Resolution No. 2011-08 grants authority to the Town Manager to adopt and amend procurement policies. Staff desires to update to the Procurement Policy.

Safeguards for Administrative Contracts: Typical safeguards for administrative contracts include:

1. Limiting contractual expenditures to amounts appropriated in budgets.
2. Requiring any contract longer than 1 year to be subject to annual budget and appropriation.
3. Including a provision to allow the Town to terminate without cause (often, we include the right of the Town to cancel a contract with 30 days notice; however, depending upon the nature of the agreement, some contracts are drafted to allow the Town to cancel immediately and other contracts include 60 or 90 days prior notice to terminate without cause).
4. Including a clause that limits the Town's monetary liability to the contract amount and expressly disallows claims of consequential, indirect or punitive damages.
5. Including a clause that states that Town does not waive any sovereign immunity defense.
6. Including other municipal specific provisions that address affirmative action, employment with illegal aliens, and ownership of documents.

As a general legal guideline, contracts which are acceptable for administrative execution include **(1)** contracts for amounts under \$100,000, **(2)** which reflect expenditures contemplated in the adopted budget, **(3)** do not create multi-year fiscal obligations, and **(4)** do not have any significant potential to create liabilities for the Town in excess of the contract amount. Such guidelines can also include intergovernmental agreements that are for annual terms, including intergovernmental agreements that automatically renew each year without action but can be terminated in any year if the Town so elects.

Contracts to Provide Services: Council in the past has approved the form of a vehicle maintenance service agreement which has then been used for the numerous third parties that use the Town's facilities for vehicle maintenance. Agreements to provide services do not fall under the Procurement Code policies. Generally, we include many of the same safeguards for procurement contracts in any contracts to provide services.

Revocable License Agreements: The Town often uses a Revocable License Agreement to allow the use of, or encroachment upon, a Town right-of-way with terms that allow the Town to revoke the license at any time and which require the Licensee to provide insurance and agree to bear the costs of removal of such improvements (examples include the Northside Cafe parking lot encroachment, a connection pedestrian path from Lakeside into Nottingham Park, and the recent landscaping/retaining wall improvement on Hurd Lane by Hoffman Properties). The Town has established a form Revocable License Agreement that we have used over the last several years. The form Revocable License Agreement generally protects the Town. ***As a general guideline, I suggest that encroachments which do not adversely affect existing***

pedestrian and recreation routes, do not include encroachments into vehicle right-of-ways, and do not restrict the Town's ability to revoke the license to a period greater than one year are acceptable for administrative approval. This approach can also be used for temporary license agreement use of Town parking areas.

Leases: Generally, Town Council approval is required to lease Town facilities or portions of Town buildings. The Town has entered into leases with private entities to use portions of the Avon Recreation Center. Several years ago the Town Council approved a lease agreement form which could be used for additional lease agreements at the Avon Recreation Center without further Council approval. ***Council consideration is requested on whether general leasing authority may be delegated for lease terms not to exceed 1 or 2 years provided that Council is first notified by Town staff of intent to lease a Town facility or portion thereof. NOTE: this was requested in 2014. I do not recall if Council provided direction and I do not believe Council took any formal action by motion or resolution.***

Requested Action: Council consideration and direction is requested for guidance on the delegation of contracting authority to the Town Manager and Avon Town Staff under supervision of the Town Manager. Administrative authority to approve contracts and other agreement documents administratively improves the efficiency and minimizes delay in conducting Town business; however, such delegation of authority diminishes Town Council oversight and has the potential to create liabilities for the Town without direct Council action.

Recommendations: The following recommendations are provided to enhance Avon's business efficiency while providing liability and financial safeguards.

- Amendments to the Procurement Policy should be subject to Town Council review and approval.
- Council may reconsider the \$100,000 limit for the Manager's authority to execute contracts. Although this limit may be in the high side for a community the size of Avon, I have not observed any problems or concerns with this limit.
- Adopt a policy to permit the Manager and town staff to enter into service agreements provided that they are reviewed by the Town Attorney and are (1) no longer than one year or (2) terminable by the Town without cause with 90 days notice or less.
- Adopt a policy to permit the Manager and town staff to enter into intergovernmental agreements provided that they are reviewed by the Town Attorney and are (1) no longer than one year or (2) terminable by the Town without cause with 90 days notice or less (similar to service agreements).
- Council could take action on these recommendations and other recommendations in this memorandum by Resolution or Ordinance. I would recommend an ordinance to amend the municipal code and codify delegation of contract authority, probably under Title 2 Administration and Personnel.

Thank you, Eric

**2016 PRIORITY STRATEGIES
FROM THE
2016/17
STRATEGIC PLAN**



**PRESENTED TO THE AVON TOWN COUNCIL
ON JUNE 28, 2017**

Town Council Strategic Priorities Fiscal Year 2016

SUPPORT A STRONG COMMUNITY, BUILDING ON STRENGTHS AS A YEAR-ROUND MOUNTAIN RESORT COMMUNITY

Tier 1 Priorities

- **Proposed Completion Dates: September 1, 2016**
File a letter with the USFS to execute a study for the reopening of the Metcalf Road access for winter recreation
- **Proposed Completion Dates: October 18, 2016**
Invest in multi-modal improvements prioritizing walkability and bicycle use on streets, with transit, parking and wayfinding
 - Complete E-WBC Boulevard walkability/bike-ability test
 - Finalize E-WBC Boulevard walkability/bike-ability design for bid**The final design will be completed in January.**
- **Proposed Completion Date: December 31, 2016**
Update the comprehensive plan, including demographic data update and consideration of policy support for the millennial generation and seniors
Planning and Zoning began reviewing the updated demographic data in October, and continue to review updates in Work Session at each meeting. The Commission is progressing toward a final draft in the first quarter of 2017. Eagle County is assisting with updating the Existing and Future Land Use Maps using GIS so that they are easier to update in the future.
- **Proposed Completion Dates: December 31, 2016**
Develop diverse options for local working housing through public - private partnerships; study successful models in other resort communities
 - Develop an IGA with The Valley Store to manage all Avon deed restricted housing properties
 - Participate in Eagle County's evaluation of forming a multi-jurisdictional housing authority
 - Continue to pursue private-public partnerships
- **New Strategy; Proposed Planning Dates: September 15, 2016 – September 15, 2017**
Retain qualified consultant services to assist in the preparation of master land use plans for Tract G, Lot 5 and Swift Gulch, building on the Stan Clauson Associates, November, 2015, initial plan. The planning will be an inclusive process with the greatest civic engagement.
Community Development managed the RFP process and selection of a consultant for this planning effort. The contract will be completed before the end of the year, with work commencing in January, 2017. Public involvement was one of the key focus areas during the interview and selection process.

Tier 2 Priorities

- **MOVE to 2017:** Map railroad right-of-way and Town easements to evaluate transportation options
- **Move to 2017:** Work with local merchants on a bike sharing program
- **Delete from Strategies:** Evaluate the pros and cons of zoning Wildridge
- **Move to 2017 as an element of a comprehensive transit planning**
Conduct a survey in the Wildridge development to assess interest in transit ridership, including but not limited to days and hours of operation

On-going

- Maintain a strong partner relationship with our business community, developers, Vail Valley Partnership and the Vail Leadership Institute
- Throughout the year, Liaison Appointees and Town Manager will meet with respective principals for developments in the Town of Avon to discuss current issues, development needs and opportunities

PRESERVE & ENHANCE THE NATURAL ENVIRONMENT

Tier 1 Priorities

- **Move to 2017:** Amend the Town’s landscape code to more effectively replace vegetation which has been removed
Scheduled for second quarter of 2017.

Tier 2 Priorities

- **Proposed Completion Date: December 31, 2016**
Process Annexation and Zoning applications, including surveying and public notification requirements, for the 85.99 acre “Village Parcel” deeded to Town through the Eagle Valley Land Exchange of 2013
Process has not commenced and will be initiated first quarter of 2017.
- **On-going**
Evaluate climate action plan/adaptation needs for public and private properties
 - Once Eagle County completes its *Climate Action Plan*, place on the Town Council agenda for direction.
- **Move Specific Actions to 2017:** Evaluate waste reduction options
- **Proposed Completion Date: July 12, 2016**
Resolve Avon Drinking Water Facility fenced area for ownership and/or lease to the Water Authority; and, in the interim, remediate liability concerns
- **Move to 2017:** Assess the Town's public tree stock in the park and in right-of-ways for timely replacement
This work will be coordinated with Planning and Public works, to coincide with the landscape code updates.

On-going

- Participate as a member of the Urban Run-off Group to evaluate and support, as appropriate, needed Eagle River improvements

DEVELOP INCLUSIVE & DIVERSE ECONOMIC, EDUCATIONAL & CULTURAL OPPORTUNITIES

Tier 1 Priorities

- **On-going:** Fund a diverse program of vibrant arts, educational, cultural and recreational offerings at the Pavilion & Mall
 - Report to Town Council in late September or early October on all 2016 events and festivals for direction regarding mix, size and prominence
- **Move to 2017:** Upgrade and relocate the Nottingham Park Playground, prioritizing this project for a 2016 GOCO grant application
- **Proposed Completion Date: August 9, 2016**
Update the *Avon Trails Plan* to provide a comprehensive, prioritized soft and hard trails plan, including trail connectivity
 - After plan adoption, Council will provide direction regarding trail development priorities
 - Pursue grants

Following an extensive public process, the final Trails Plan was completed and adopted by Council. The Avon Recreational Trails Advisory Group is set to meet in first quarter of 2017 to evaluate the final document and to make recommendations to Council on 2017 improvements.

Tier 2 Priorities

- **Proposed Completion Date: November 1, 2016**
Provide needed improvements to Whitewater Park, its parking and access
- **On-going:** Support regional World Class events and the Walking Mountains School
- **Move to 2017:** Build photo monuments around the commercial core to memorialize Avon's history
- **Proposed Planning Dates: September 15, 2016 – September 15, 2017**
Revised: Help support the formation of a citizen committee, who will evaluate keeping the Hahnewald Barn, Blacksmith Barn and Cabin in the Town of Avon, as a stakeholder group, during the Tract G planning process

On-going

- As appropriate, share the results of the *Community Survey* with potential business interests in terms of types of businesses and services desired in Avon
- Maximize the grant resources available through potential sources available such as through the Office of Economic Development and International Trade, including its new Outdoor Industry Recreation Office; a Scientific & Cultural Facilities District, and Department of Local Affairs

**PROVIDE A RESPONSIVE, CUTTING-EDGE
& EFFECTIVE GOVERNMENT STRATEGIES**

Tier 1 Priorities

- **Updated: Planning & Construction Dates: June 28, 2016 – December 1, 2017**
 - Complete pricing and construction of the new Police Station at the Public Safety Facility
 - With Design Committee oversight, complete planning of the New Town Hall, with Town Council approval of the final layout recommendation; bid and manage construction
 - Plan relocations of all employees in a seamless manner
 - Monitor and adjust as needed the comprehensive community swim program initiated on November 1, 2016 at the Avon Recreation Center

- **On-going**
Maintain Town infrastructure, including all buildings, roads, parks, preserves and trails; appropriating deferred maintenance funds as required, and seeking long term debt approval, when appropriate

- **New Strategy – Proposed Completion Date: December 15, 2016**
Implement Marketing Plan's 2016 priorities, including updating of the website, development of a customized APP and completion of a social media policy

- **New Strategy – Proposed Completion Date: November 1, 2016**
Execute RFP for a comprehensive community swim program at the Avon Recreation Center, select provider(s) and implement. Establish a goal for 100% of Avon residents to Learn to Swim, if not already skilled at a level to utilize the Nottingham Lake. Provide for free-to-reduced fees for populations who will require a subsidy to participate in the Learn to Swim sessions.

Tier 2 Priority

- **Move to 2017**
In a collaborative work group, with Eagle County, its municipalities and major metropolitan districts, review Eagle County's revenues and expenditures apportionment

On-going

- Provide strategic Council leadership, consistently practicing open and transparent government
- Maintain and consistently evaluate a strong civic engagement program, including ad hoc committees, a bi-annual community survey, volunteerism program, etc.
- Maintain fund balances, contingency and reserves to guarantee a fiscal position that is resilient to economic fluctuations; transfer surplus funds to capital projects
- Continue to develop annual department work plans, which are measurable and maintain accountability
- Hold annual or bi-annual sessions in joint meeting settings with government partners

TOWN OF AVON 2017-2018 STRATEGIC PLAN



Adopted by the Avon Town Council

Resolution 16-19, Series of 2016
June 28, 2016

Purpose of the *Strategic Plan*

The *Strategic Plan* is developed and adopted to guide decision-making and provide the structure for ensuring investments and programs reflect Council priorities in achieving the vision and adopted plans of the Town of Avon. This work of the Council has been done since 2013, when the Town's first *Strategic Plan* was developed and adopted at regular Council meetings, with meeting notice.

In July of 2015, the Town Council provided the opportunity for residents and businesses to identify the most important issues in the Town through civic engagement outreach at open houses. The outreach was specific to the development of a community survey, which was distributed to all residential households and businesses in Avon on August 3, 2015. Results were presented to Council on September 22, 2015. The results have aided the Council in identifying priorities over the next several years and have provided information as to other methods to engage the public in the vision and strategic planning of the Town.

The *Strategic Plan* is updated each year to reflect dynamic change, as may be needed, and to present to the Avon community the important work planned by the Town over the planning period.

- The following section presents the *Strategic Plan Vision*, which provides a dynamic overview describing the way of life in Avon, the values the community holds and serves as a comprehensive statement regarding the focus and directed outcomes of the Town's work.
- From the *Strategic Plan Vision*, four key outcomes have been identified to set the prioritized work of the Town. The four outcomes, with successes, challenges and strategies to achieve each vision are detailed, resulting in a *Strategic Plan*.
- Once the *Strategic Plan* is adopted, a budget is prepared to meet the multi-year program, followed by each department submitting a business work plan to the Town Manager identifying the timing and process for implementing each strategy. Progress on the work plans are monitored to ensure outcomes are met.

Strategic Plan Vision

“... To provide a high quality of life, today and in the future, for a diversity of people and interest, and to promote their ability to live, work, visit and recreate in the community.”

TOWN OF AVON COMPREHENSIVE PLAN, REVISED MARCH - 2008

The Town of Avon, surrounded by natural beauty, is today **a strong community, which will maintain a focus on families and workers, and that will build on its strengths** to become a nationally and internationally recognized **year-round mountain resort community**. Committed to providing a high level of municipal services for our citizens and visitors, and the **stewardship of our natural resources**, Avon will **expand its cultural, recreational and educational offerings** in partnership with our broader community and regional public and private sector agencies, thereby ensuring **sustained economic vitality and a vibrant community experience**.

Recent resort-oriented accommodations projects in Avon are of a higher standard than the Town attracted at its founding and in its early years. **It is this superior level of quality development** that Avon believes will be its **comparative advantage in the future**, and, therefore, will work to attract and promote these types of developments by ensuring Town **plans and incentives are constructed in a manner which provides the development community clear and timely information**; and by steadfastly maintaining a professional and solution-oriented municipal business.

The Town will continue to **value and support our full-time and part-time resident population by providing an exceptional level of municipal services** and by working to **retain existing businesses** as the Town seeks to **expand its retail and commercial base**, while fostering our sense of community through both our spirit and the built environment. The importance of vibrancy and activity within the Town will be supported by **attracting an array of new and diverse cultural and recreational events to Avon which are in concert with the values of our community** and serve to nurture a cohesive sense of place and public.

It is the Town of Avon’s elected officials and staff **commitment to fiduciary responsibility**, effectiveness and efficiency in providing government services and a practiced belief in **open and transparent governance** that will lead the successful implementation of this vision for the growth and development of Avon.

Strategic Plan

Fiscal Years 2017-18

SUPPORT A STRONG COMMUNITY, BUILDING ON STRENGTHS AS A YEAR-ROUND MOUNTAIN RESORT COMMUNITY

The Town will continue to value and support our community through a strong and diverse economy, attentive to business retention and proactively partnering with the private sector to expand Avon’s retail and commercial base. The Town’s commitment to planning for future growth; openness to new community development trends; and, recognition of private property interests and the costs of doing business with the Town, sets forth a dynamic relationship for the successful construction of the built environment and business growth.

RECENT SUCCESSES

MEDICAL OFFICE BUILDING TCO/CO - ELEMENTARY SCHOOL STREET SAFETY IMPROVEMENTS - DEVELOPMENT OF E/WBC BLVD WALKABILITY DESIGN TEST & FINAL PLAN - WAYFINDING SIGNAGE - BUS SHELTER CONSTRUCTION – MARKETING PLAN COMPLETED – WILDRIDGE LOT SPLIT REGULATION UPDATE

CURRENT CHALLENGES

SHORTAGE OF AFFORDABLE LOCAL HOUSING FOR WORKERS & SENIORS - FEW HOUSING OWNERSHIP OPPORTUNITIES - CHANGING DEMOGRAPHICS OF THE SKI INDUSTRY & INCREASED COMPETITION

STRATEGIES

Tier 1 Priorities

- Develop *Town of Avon Housing Guidelines*, including but not limited to an employee housing resident goal
- Develop diverse options for local working housing through public –private partnerships
- Invest in multi-modal improvements prioritizing walkability and bicycle use on streets, with transit, parking and wayfinding
 - Bid and construct approved E/WBC Boulevard walkability plan in one or two phases depending on cost
 - Complete walkability plan for the remainder of the Avon core as an initial phase of the development of a comprehensive parking and multi-modal transportation plan, including the remediation of sidewalk gaps
 - Fully support Avon transit as a key element of a walkable community, including funding of a Town late night transit loop; testing taxi, dial-a-ride or transportation network company (e.g., Uber) services for low-ride routes, including Wildridge; stay attentive to the potential role of autonomous cars
 - Determine funding for a Town of Avon internal late night bus
 - Proactively partner with ECO and other Eagle County jurisdictions to fully consider transit consolidation opportunities, expansion of commuter service for employees who work late shifts and other transit initiatives to improve service and efficiency
- With consultant services, prepare master land use plans for Tract G, Lot 5 and Swift Gulch, building on the Stan Clauson Associates, November, 2015, initial plan; and a comprehensive parking plan for the Town’s commercial core. In the Tract G planning, evaluate expansion of the Recreation Center and a parking garage. Engage a citizen committee to serve as a stakeholder group for consideration of the relocation of the Hahnewald Barn, Blacksmith Shop and Cabin in the Town of Avon. The consultant will also prepare

a parking plan for Town of Avon commercial core. The planning will be an inclusive process with the greatest civic engagement from the initial meetings through Planning and Zoning Commission recommending action and Council adoption hearings.

- Analyze the current Real Estate Transfer Tax primary exemption of \$160,000 as a mechanism to increase affordable opportunities for homeownership in Avon to support employee housing shortages for Avon businesses; as well as explore other regulatory and revenue generating options, including voluntary contributions to support the development of employee housing
- Evaluate the tiers of the Avon water tap fee to ensure that the fee accounts fairly for residential home sizes.
- Monitor the status of the Town's request to the USFS, under the Town of Avon – USFS Memorandum of Understanding, to study USFS Road 779, also known as the Metcalf access road, for progress through the planning process and budget funds for the development of the road access and/or parking lot.

Tier 2 Priorities

- Evaluate the formation of a special improvement district to improve the facades of the Avon Center, Comfort Inn, First Bank, and other properties along E/W Beaver Creek Boulevard, including development of public spaces
- Map railroad right-of-way and Town easements to evaluate transportation options
- Work with local merchants on a bike sharing program

On-going

- The Town shall be proactive in outreach to the Elementary School and communities to the west of the school to fully include these populations in 1) decisions of the Town, and 2) assessing and funding service, capital, maintenance and infrastructure needs; with consistent and robust outreach and marketing of the Town's programs, such as Recreation Center swim lessons, to improve accessibility and greater participation in programs and activities
- Work proactively with the owners of vacant commercial property to find leaseholders and/or redevelopment projects and, when appropriate, 1) Utilize Urban Renewal Authority tax increments generated from the existing district or in a potential new Urban Renewal Authority district, and/or 2) Other economic development incentives including tax rebates, zoning amendments, etc.
- Maintain a strong partner relationship with the Avon business community, nonprofits, Walking Mountains Science Center, Vail Leadership Institute/Vail Centre and developers.
- Actively employ the service of the Vail Valley Partnership in meeting and working with Avon's businesses
- Throughout the year, Liaison Appointees and Town Manager will meet with respective principals for developments in the Town of Avon to discuss current issues, development needs and opportunities

Strategic Plan

Fiscal Years 2017-18

PRESERVE & ENHANCE THE NATURAL ENVIRONMENT

Maintaining a strong foundation for the stewardship of Avon’s natural resources is a top commitment by the Town. Avon will promote sustainability through the funding of programs and projects to protect the Town’s and the regions clean waters and clean air.

RECENT SUCCESSES

UERWA UNALLOCATED POLICY ADOPTED – WATER ORIENTATON FOR TOWN COUNCIL – WILDFIRE COORDINATION WITH ERFPD FOR HOMEOWNER OUTREACH – MOUNTAIN STAR FUNDING AGREEMENT -

CURRENT CHALLENGES

POTENTIAL COLORADO WATER COMPACT CALLS & SHORTAGES - WILDFIRE POTENTIAL - POTENTIAL LONG-TERM DROUGHT IMPACTS - EAGLE RIVER PROTECTION - CLIMATE CHANGE - RESOURCE COST ESCALATION

STRATEGIES

Tier 1 Priorities

- Evaluate all Town projects to the greatest extent possible under an objective of climate change mitigation, considering financial feasibility of cost reductions and beneficial impact to the environment
- Amend the Town’s landscape code to more effectively replace vegetation which has been removed
- With the expertise of the UERWA, develop outdoor landscape guidelines/regulations to reduce water use and off-site impacts, such as fertilizer run-off, which can affect the Eagle River
- Assess the Town's public tree stock in the park and in right-of-ways for timely replacement
- Proactively ensure trees on public and private property do not host and spread viruses; remove dead trees with a well-developed landscape program
- In planning for the new Police Station and Town Hall, adopt a paperless strategy to reduce waste and support files, etc.

Tier 2 Priorities

- Consider adopting a “pay-as-you-throw” refuse system and evaluate franchise agreements for waste haulers
- Consider legislation to end the use of plastic bags by retailers in the Town of Avon
- Take the lead role in working with the UERWA to assess and potentially partner with the Aspens Mobile Home Village to improve and/or replace the property’s water distribution system to eliminate water loss
- Develop a plan to improve the visual gateway and corridor along I-70

On-going

- Partner with Eagle County and its political jurisdictions to implement the *Eagle County Climate Action Plan*
- Participate as a member of the Urban Run-off Group to evaluate and support, as appropriate, needed Eagle River improvements

Strategic Plan

Fiscal Years 2017-18

DEVELOP INCLUSIVE & DIVERSE ECONOMIC, EDUCATIONAL & CULTURAL OPPORTUNITIES

The importance of vibrancy and activity within the Town will be supported by partnering with existing special events and attracting an array of new and diverse cultural, educational and recreational events to Avon, which meet the Town's brand and are in concert with the values of our community and serve to nurture a cohesive sense of place and public.

RECENT SUCCESSES

MAIN STREET MALL/PAVILION DIVERSE EVENT & FESTIVAL ACTIVATION - MAIN STREET MALL COMPLETION & ACTIVATION COMPLETION OF REGIONAL TRAIL AND METCALF CLIMBING LANE - EXPANSION OF MOBILE CART PROGRAM AND FOOD TRUCK PROGRAM AT NOTTINGHAM PARK - PLAYGROUND DESIGN COMPLETED WITH CITIZEN COMMITTEE - MARKETING PLAN COMPLETED - TRAILS MASTER PLAN UPDATED

CURRENT CHALLENGES

IDENTIFYING & NURTURING A DIVERSE & SUSTAINABLE YEAR-ROUND SCHEDULE OF CULTURAL EVENTS - SUMMER REVENUE, WHEN MEASURED BY SALES TAX, LAGS WINTER RECEIPTS

STRATEGIES

Tier 1 Priorities

- Prepare, with consultant services, a GOCO grant to relocate and upgrade the Harry A. Nottingham Park Playground; with successful funding and grant match construct the new *Destination Jump, Splash, Learn* playground
- Continue to solicit, develop and fund, in partnership with qualified producers, a diverse program of vibrant arts, educational, cultural and recreational offerings at the Pavilion & Mall, as directed through the annual Town Council review of all offerings. In particular, seek to add live theater as a desired multi-day or evening festival. Expand use of the Pavilion in shoulder seasons to local band productions, which are low key and low budget, such as a battle-of-the-bands or open mike nights.
- Implement the adopted *Avon Recreational Trails Plan* as prioritized and adopted by the Avon Town Council, as soon as possible; pursue construction grants

Tier 2 Priorities

- Build photo monuments around the commercial core to memorialize Avon's history
- Evaluate a Scientific and Cultural District to provide funding to Walking Mountains educational programming and Avon's cultural activities
- Identify locations for the installation of outdoor percussion instruments and fund in the Capital Projects Fund, when feasible

On-going

- When approving Town funded or supported festivals and events which offer alcoholic libations, require that the sponsoring non-profit is an Avon community grant recipient or locally based nonprofit.
- Support regional World Class events and the Walking Mountains School
- As appropriate, share the results of the *Community Survey* with potential business interests in terms of types of businesses and services desired in Avon
- Maximize the grant resources available through potential sources available such as through the Office of Economic Development and International Trade, including its new Outdoor Industry Recreation Office; a Scientific & Cultural Facilities District, and Department of Local Affairs

Strategic Plan

Fiscal Years 2017-18

PROVIDE A RESPONSIVE, CUTTING-EDGE & EFFECTIVE GOVERNMENT

Ensure that Town government is managed and operated as a “competitive” business and in a manner which is client-focused and solution-oriented, meeting the highest standards of fiduciary responsibility, implementing best practices, and using Town resources effectively and efficiently in each department. Ensure the Avon Police Department is fully invested and highly successful as a community policing agency for the Town. Provide for the development of capital projects, which support the community-resort economy, and promote the Town brand through a five-year capital investment plan, utilizing appropriate funding mechanisms such as pay-as-you-go, new mill levy and/or current tax receipt long-term debt. Support a work culture that is flexible, innovative and resilient to change.

RECENT SUCCESSES

COUNCIL STRATEGIC PLAN ADOPTED – POLICE STATION DESIGNED & BALLOT ISSUE FOR FUNDING APPROVED – PURCHASE OF NEW TOWN HALL - BALANCED BUDGETS/RESERVES MAINTAINED - CIVIC ENGAGEMENT PROGRAMS - EXPENDITURE SAVINGS - DEFERRED MAINTENANCE FUNDING

CURRENT CHALLENGES

CIVIC ENGAGEMENT OUTREACH CHALLENGES - LABOR FORCE COMPETITION - COMPETING FOR GRANTS FOR PUBLIC PROJECTS – FULL IMPLEMENTATION OF COMMUNITY POLICING PRACTICES IN THE POLICE DEPARTMENT

STRATEGIES

Tier 1 Priorities

- Complete construction of the new Police Station at the Public Safety Facility and staff relocation, in an amount not exceed \$6.5 million dollars
- With Design Committee oversight, complete construction of the new Town Hall and staff relocation, in an amount not to exceed \$3.0 million dollars
- Expand the participation in the Second Annual Town Clean-up Day with earlier marketing and community picnic after the completion of the clean-up
- Implement the *Marketing Plan’s* 2017 priorities: 1) Pool marketing resources among departments for cross promotion and integrated communication; 2) Develop partnerships with local and regional businesses to keep these entities updated on Town priorities and activities; 2) Continue Town Council festival booth outreach, host coffee chats and create stand-alone displays; 3) Evaluate 2016 wayfinding investments and expand for the visitor/resident experience; 4) Create a regional media strategy; 5) Focus social media by audience; and 6) Rebrand transit
- Support the Police Department under a “community policing” philosophy through outreach to other resort communities to learn about successful practices, implementing and monitoring successful practices; and through analyzing call data and workloads to schedule and direct policing duties under the best practices community policing standards for resort communities
- Participate in the Mountain Connect broadband community; develop a program to ensure fiber is proactively developed in Avon as growth occurs

- Identify location(s) and cost(s) for the development of one or more dog parks in Avon or nearby in partnership with Eagle-Vail
- Develop a pedestrian lighting plan for Nottingham Park to increase late night safety

Tier 2 Priorities

- For Nottingham Road, conduct an engineering assessment to 1) investigate the stability and condition of the road; and 2) ability to expand the paved surface to improve pedestrian safety and access
- In a collaborative work group, with Eagle County, its municipalities and major metropolitan districts, review Eagle County's revenues and expenditures apportionment
- Plan and budget for the development of Lot 5, in the Five Year Capital Improvements Plan, including adding a reserve line item for an equipment and vehicle storage facility and future office space
- Seek a short-term title sponsor for the Avon Performance Pavilion.

On-going

- Maintain Town infrastructure, including all buildings, roads, parks, preserves and trails; appropriating deferred maintenance funds as required, and seeking long term debt approval, when appropriate
- Provide strategic Council leadership, consistently practicing open and transparent government
- Maintain and consistently evaluate a strong civic engagement program, including ad hoc committees, a bi-annual community survey, volunteerism program, etc.
- Maintain fund balances, contingency and reserves to guarantee a fiscal position that is resilient to economic fluctuations; transfer surplus funds to capital projects
- Continue to develop annual department work plans, which are measurable and maintain accountability
- Hold annual or bi-annual sessions in joint meeting settings with government partners