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CHAPTER 2.01

Corporate Authority; Form of Government

2.01.010 General powers.

The Town shall have all the powers of local self-government and home rule and all power possible under the Constitution and the laws of the State. The Town shall and may exercise all municipal powers, functions, rights and privileges of every nature whatsoever. The enumeration of the particular powers in this ordinance and in the Charter of the Town shall not be deemed to be exclusive of others. (Ord. 1.39 §1(2.01 §1), 1990)

2.01.020 Form of government.

The municipal government shall be known as council-administrator government. (Ord. 1.79 §1, 1995; Ord. 1.39 §1(2.01 §2), 1990)

2.01.030 Governing body.

The corporate authority of the Town is vested in an elective council of six (6) Councilmembers and a Mayor elected at large from the entire Town. (Ord. 1.39 §1(2.01 §3), 1990)

2.01.040 Elected officers.

The elected officers of the Town shall consist of the Mayor and Councilmembers. (Ord. 1.39 §1(2.01 §4), 1990)

2.01.050 Corporate seal.

The corporate seal for the Town shall be as follows: A seal, bearing the words "TOWN OF PARKER STATE OF COLORADO" between two (2) concentric circles and the word "SEAL" within the inner circle. (Ord. 1.39 §1(2.01 §5), 1990)

2.01.060 Indemnification.

The Town hereby indemnifies the Mayor, the Town Council, any appointed officials and any employee of the Town against any expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred to the extent provided in Section 15.18 of the Charter. (Ord. 1.71 §1, 1994)

2.01.070 Emergency meetings.

(a) Consistent with Subsection 3.9(a) of the Charter, in the event a quorum is unable to meet at the day, hour and place fixed by the rules and procedures of the Town Council because meeting in person is not practical or prudent due to a health pandemic or other extraordinary emergency affecting the Town, meetings may be conducted by telephone, electronically or by other means of communication so as to provide maximum practical notice.

(b) Meetings may be held by telephone, electronically or by other means of communication if the following conditions are met:

(1) The Town Administrator determines that meeting in person is not practical or prudent because of a health pandemic or declaration of emergency affecting the Town;

(2) All members of the Town Council can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

(3) Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;

(4) At least one (1) member of the Town Council is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration;

(5) All votes are conducted by roll call;

(6) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

(7) To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some Town Council members may participate by telephone, electronically or by other means of communication and the right of the public to monitor the meeting from another location. (Ord. 1.352 §1, 2009)

CHAPTER 2.02

Town Mayor

2.02.010 Duties and powers.

(a) The Mayor shall be the chief executive officer of the Town. The Mayor shall be the recognized head of the Town government for all ceremonial and legal purposes.

(b) The Mayor shall preside at the meetings of the Town Council. The Mayor shall have no vote in any question except in the case of a tie-vote, when he or she shall be allowed to vote. The Mayor shall have the authority within twenty-four (24) hours to veto any ordinance or resolution passed by the Town Council. In the event of such a veto, the ordinance or resolution shall be void and no effect unless the Town Council shall at a following regular meeting approve the ordinance or resolution by a two-thirds ($\frac{2}{3}$) vote of the total Town Council. The Mayor shall execute and authenticate legal instruments requiring his or her signature as such official. The Mayor shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him or her by the Charter or ordinances of the Town.

(c) The Mayor as presiding officer of the Town Council shall sign the ordinances, resolutions, proclamations and contracts passed or adopted by the Town Council. The absence or omission of the signature of the Mayor shall not affect the validity of any such ordinance, resolution or proclamation

or the validity of the approval of any such contract by the Town Council. (Ord. 1.79 §2, 1995; Ord. 1.39 §1(2.02 §1), 1990)

2.02.020 Election and qualifications.

(a) The Mayor shall be elected from the Town at large for a term of four (4) years. The candidate receiving the highest number of votes at the regular municipal election at the end of any four-year term shall be elected Mayor.

(b) The Mayor when nominated and elected shall be a citizen of the United States and a qualified elector residing within the limits of the Town and shall have been a resident within the limits of the Town and shall have been a resident of the Town for at least one (1) year next preceding his or her election. (Ord. 1.39 §1(2.02 §2), 1990)

2.02.030 Mayor Pro Tem.

The Mayor Pro Tem shall be elected by the Town Council from its own membership at the first meeting following each biennial election. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor. The Mayor Pro Tem shall serve until the Council meeting following the next regular Town election, unless sooner removed by a majority of the entire Council. (Ord. 1.39 §1(2.02 §3), 1990)

2.02.040 Compensation for Mayor and Councilmembers.

(a) The Mayor's salary shall be seven hundred fifty dollars (\$750.00) per month until November 4, 2008, at which time the salary for Mayor shall be one thousand two hundred dollars (\$1,200.00) per month.

(b) The salary for Councilmembers shall be six hundred dollars (\$600.00) per month until November 4, 2008, at which time the salary for Councilmembers shall be nine hundred dollars (\$900.00) per month.

(c) The compensation of the Mayor and Councilmembers shall be reviewed every second year after the year 2000 (beginning in 2002) based upon a survey of municipalities located within the Denver Metropolitan area. Any increase or decrease in compensation shall not take effect until after the regular Town election in November. (Ord. 1.297 §1, 2007; Ord. 1.255.1 §1, 2005; Ord. 1.255 §1, 2004; Ord. 1.162 §1, 2000; Ord. 1.118 §1, 1998; Ord. 1.83.1 §1, 1995; Ord. 1.83 §1, 1995; Ord. 1.51, 1991)

CHAPTER 2.03

Other Appointed Officials

2.03.010 Appointment.

The Town Council shall appoint a Town Attorney and such other officials as are hereinafter established by ordinance. (Ord. 1.66 §1, 1994; Ord. 1.39 §1(2.03 §1), 1990)

2.03.020 Town Administrator; functions and duties.

(a) The Town Council, pursuant to Section 4.4 of the Charter, hereby creates the position of Town Administrator.

(b) The Town Administrator shall in general have the following functions and duties:

(1) Enforce the laws and ordinances of the Town.

(2) Appoint, suspend, transfer and remove all employees of the Town subject to the personnel regulations of the Town adopted by the Town Council.

(3) Prepare a proposed budget annually and submit it to the Town Council, and be responsible for the administration of the budget after its adoption.

(4) Prepare and submit to the Town Council as of the end of the fiscal year a complete report on finances and administrative activities of the Town for the preceding year and, upon request of the Town Council, make written or verbal reports at any time concerning the affairs of the Town under his or her supervision.

(5) Keep the Town Council advised of the financial condition and future needs of the Town, and make such recommendations to the Town Council as he or she may deem necessary or expedient. He or she shall cause to be provided to the Town Council a monthly statement and a quarterly statement summarizing the revenues and expenditures of the Town to date and contrasting the same with the approved budget for that fiscal year.

(6) Exercise supervision and control over all administrative departments, and recommend to the Town Council any proposal he or she thinks advisable to establish, consolidate or abolish administrative departments.

(7) Enforce all terms and conditions imposed in favor of the Town and its inhabitants in any contract or public utility franchise, and upon knowledge of any violation thereof, report same to the Town Council for such action and proceedings as may be necessary to enforce the same.

(8) Attend Town Council meetings.

(9) Establish a system of accounting and auditing for the Town.

(10) Act as a purchasing agent for the Town.

(11) Obtain engineering, architectural, maintenance, construction and work equipment services required by the Town.

(12) Perform such other duties as may be prescribed by ordinance or by the Town Council.

(c) Neither the Mayor nor any member of the Town Council shall be appointed Town Administrator during the term of office for which he or she has been elected or appointed, or within one (1) year after the expiration of the term of office of Mayor or Town Councilmember.

(d) The Town Administrator shall have the following qualifications:

(1) The Town Administrator shall be selected solely on the basis of administrative qualifications with special reference to training and experience.

(2) The entire time and business interest of the Town Administrator shall be devoted to the management of the Town's affairs, and the Town Administrator shall not, while in office, be an employee of, or perform any executive duty for any person, firm, corporation or institution other than the Town except where approved by Council.

(e) The Town Administrator shall have the following additional functions and duties:

(1) To coordinate the administration and enforcement of all laws and ordinances of the Town, save and except to the extent that the administration of such enforcement is confided to other Town officials by law or by ordinance.

(2) To be responsible to the Council for the administration of all departments and offices of the Town, save and except the Municipal Court and the Town Attorney.

(3) To issue such administrative regulations and outline such general administrative procedures applicable to areas and departments confided to the Town Administrator's supervision, in the form of rules which are not in conflict with the Town Charter, the personnel regulations of the Town and the laws of the State or the ordinances of the Town.

(4) To keep the Council fully informed as to the financial condition and future needs of the Town.

(5) To recommend to the Council for adoption such measures, resolutions, acts and policies as the Town Administrator may deem necessary or desirable for the efficient and proper operation of the Town and the performance of its functions.

(6) To supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of Town services for amounts up to and including one hundred thousand dollars (\$100,000.00), receive sealed bids for purchases or contracts not in excess of one hundred thousand dollars (\$100,000.00). No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the Council. No contract in excess of one hundred thousand dollars (\$100,000.00) shall be let except by the Town Council. The Town Administrator may issue such rules governing purchasing policies within the administrative organization as the Council shall approve.

(7) To coordinate the activities of the various boards, commissions and committees of the Town with the activities and policies of the Council.

(8) To cause full and complete records to be kept of the governmental, proprietary and financial business of the Town, including the maintenance of a system of accounts of the Town which shall conform to any uniform system required by the Town Council and to generally accepted principles and procedures of governmental accounting. The Town Administrator shall

submit financial statements to the Town Council quarterly, or more often as the Town Council directs.

(9) To prepare and submit to the Council an annual report of the Town's affairs, including a summary of the activities of each department.

(10) To propose for adoption by the Council, at any time or from time to time, a plan of administrative organization of the Town government, which plan shall be adopted by the Council by resolution or ordinance.

(11) To prepare and submit to the Council such reports as may be required by that body.

(12) To establish, by regulation, fees up to and including one thousand dollars (\$1,000.00) to be charged for Town services which are not services generally provided by the Town unless such fees are otherwise set by ordinance or resolution adopted by the Town Council.

(13) To sell surplus Town property, without Town Council approval, when the estimated value of the item is less than five thousand dollars (\$5,000.00).

(14) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

(15) To see that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.

(16) To exercise and perform all administrative functions of the Town that are not imposed by the Charter or this Article upon some other official. Notwithstanding any other provisions in the Charter to the contrary, the Town Administrator may, in the event of an emergency, exercise complete administrative authority over any department, department head or Town employee and all Town-owned property. The Town Administrator shall determine when such emergency exists. It is the intent of this Paragraph to delegate to the Town Administrator the authority within Sections 15.14 and 15.15 of the Charter to provide for the continuity of government and to provide for the necessary organization, powers and authority to enable the timely and effective use of all available Town resources to prepare for, respond to and recover from civil emergencies, emergencies or local disasters. It is also intended to grant as broad a power as permitted within the letter of the Charter and the Town Council-Town Administrator form of government, including but not limited to, upon the declaration of an emergency, the authority to establish a curfew, order an evacuation, regulate distribution of food and water, close businesses, limit sales of alcohol, firearms and explosives, close streets, buildings and transportation routes, commandeer private property, appropriate funds, temporarily close governmental offices, including the Municipal Court, in the event that conducting court operations is not practical or prudent, and issue any order believed necessary to protect the Town. The Town Council retains the power to direct the Town Administrator during the pendency of a declaration.

(17) To adhere to any policies established by the Town Council concerning contacts with the media and release of information under the Colorado Public Open Records Act.

(18) To perform such other functions and duties as may be prescribed by Charter or ordinance or resolution of the Council.

(f) The Town Administrator is authorized to delegate the following:

(1) The Town Administrator shall have the authority to delegate to a deputy or assistant appointed by the Town Administrator, to the heads of departments or to other officers or employees designated by the Town Administrator, such part of the power and authority vested in the Town Administrator by this Section as the Town Administrator shall deem necessary and proper, at any time and from time to time.

(2) The Town Administrator shall have the further authority to delegate any power, jurisdiction or authority vested by Town ordinance or by law in a Town officer subordinate to the Town Administrator, to the deputy or assistant or to other officers or employees designated by the Town Administrator, at any time and from time to time.

(g) The relationship of the Council to the Town Administrator is as follows:

(1) To recommend to the Town Council for adoption such measures as the Town Administrator may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote.

(2) The Council and its members shall deal with that portion of the administrative service for which the Town Administrator is responsible solely through the Town Administrator, and neither the Council nor any member thereof shall give orders to any subordinate officer or employee of the Town either publicly or privately. *Administrative service* means and includes every department, officer, function and service for which or for whom the Town Administrator is responsible under the provisions of this Section.

(3) Neither the Town Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the Town Administrator or any of the Town Administrator's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the Town. Except for the purpose of inquiry, the Town Council and its members shall deal with the administrative service solely through the Town Administrator and neither the Town Council nor any member thereof shall give orders to any subordinates of the Town Administrator, either publicly or privately.

(4) Directives issued by the Council concerning policies or operations of the Council affecting the administrative service of the Town or directing the Town Administrator in the administration of the government of the Town shall be made so as to direct the Town Administrator to accomplish the desired purposes, objectives or action. A majority of Council shall direct the Town Administrator to accomplish specific desired purposes, objectives or action, and not individual Councilmembers.

(h) Whenever in any part of this Code or ordinances of the Town a reference is made to the Town Administrator, such reference shall mean the Town Administrator of the Town.

(i) The Council may appoint or designate an acting Town Administrator during the period of vacancy in the office of Town Administrator. During the absence of the Town Administrator from the Town, the Town Administrator may appoint or designate an acting Town Administrator during the period of absence not to exceed fourteen (14) consecutive days unless Town Council approval is obtained by the Town Administrator. In the event of a disability of the Town Administrator, the Council may appoint or designate an acting Town Administrator during the absence of the Town Administrator. Such acting Town Administrator shall, while in such office, have all the responsibilities, duties, functions and authority of the Town Administrator.

(j) Violations. Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein by Paragraph (e)(16) of this Section shall be deemed guilty of violating this Section of the Code and, upon conviction thereof, shall be subject to a fine of not more than nine hundred ninety-nine dollars (\$999.00). Each day a violation of this Section continues shall constitute a separate offense. (Ord. 1.367 §1, 2010; Ord. 1.80.4 §1, 2009; Ord. 1.80.2 §1, 1997; Ord. 1.80.1 §1, 1996; Ord. 1.80 §1, 1995; Ord. 1.79 §3, 1995; Ord. 1.66 §2, 1994; Ord. 1.39 §1(2.03 §2), 1990)

2.03.030 Term; compensation.

All appointed officials shall serve at the pleasure of the Town Council, and at such compensation as the Council may by resolution from time to time establish. (Ord. 1.39 §1(2.03 §3), 1990)

2.03.040 Supervision; certain appointed officials.

The Town Administrator shall have the power and duty to supervise and control the department administrators of the Town. (Ord. 1.79 §4, 1995; Ord. 1.66 §3, 1994; Ord. 1.57 §1, 1993)

CHAPTER 2.04

**Parker Cultural and
Scientific Commission**

2.04.010 Purpose.

It is the primary purpose of this Chapter, which is established pursuant to Article VI of the Town Charter, to create a Cultural and Scientific Commission to foster, implement and participate in providing opportunities for cultural and scientific experiences for the community of Parker. The responsibilities of this Commission include qualifying for funding through granting entities in order to achieve the primary purpose of this Chapter. (Ord. 12.05.11 §1, 2009; Ord. 12.05.10 §1, 2007; Ord. 12.05.5 §1, 1997; Ord. 12.05.2 §1, 1995; Ord. 12.05.1 §1, 1993; Ord. 12.05 §1, 1992)

2.04.020 Parker Cultural and Scientific Commission created; membership; compensation.

The Town Council shall appoint a Cultural and Scientific Commission composed of as many members and as many alternates as the Town Council may determine sufficient by resolution and a member of the Town Council to serve as an ex officio member of the Cultural and Scientific

Commission. The Town Council shall appoint the chair of the Cultural and Scientific Commission to serve as the chair for a term which is at the discretion of the Town Council. The Chair will usually be appointed when board members are appointed, as provided in this Section. After the membership of the Cultural and Scientific Commission is determined by the Town Council, it may be expanded or contracted from time to time at the discretion of the Town Council by resolution. Board members serve at the pleasure of the Town Council and may be removed at any time with or without cause by vote of the Council. All board members serve without compensation. At the Town Council's discretion, compensation may be established by resolution. Board members and representatives of the Cultural and Scientific Commission need not reside within the boundaries of the Town. (Ord. 12.05.11 §1, 2009; Ord. 12.05.8 §1, 2003; Ord. 12.05.7 §1, 2001; Ord. 12.05.6 §1, 1999; Ord. 12.05.5 §1, 1997; Ord. 12.05.4 §1, 1996; Ord. 12.05.2 §1, 1995; Ord. 12.05.1 §1, 1993; Ord. 12.05 §2, 1992)

2.04.030 Terms of office.

(a) Board members shall serve for a period of one (1) or two (2) years or until a successor takes office. Terms shall be staggered to promote continuity on the Board.

(b) The Cultural and Scientific Commission shall at all times include as a member at least one (1) Town Councilmember to serve as an ex officio member of the Cultural and Scientific Commission. (Ord. 12.05.11 §1, 2009; Ord. 12.05.8 §2, 2003; Ord. 12.05.5 §1, 1997; Ord. 12.05.2 §1, 1995; Ord. 12.05.1 §1, 1993; Ord. 12.05 §3, 1992)

2.04.040 Rules and procedures.

(a) The "Rules of Procedure and Conduct for the Parker Cultural and Scientific Commission," dated November 16, 2009, are hereby adopted and made a part of this Title (the "Rules"). The Rules shall only be amended by Town Council resolution.

(b) The Cultural and Scientific Commission shall choose one (1) of its members to serve as vice chair, secretary and art in public places liaison. These positions shall exist for one (1) year after appointment of the chair by the Town Council and appointment of the vice chair, secretary and art in public places liaison by the Cultural and Scientific Commission.

(c) Meetings of the Cultural and Scientific Commission shall be held at least four (4) times during any calendar year at a regularly scheduled time and location. The Cultural and Scientific Commission may also hold special meetings from time to time as it deems necessary. Special meetings shall be at the call of a chair of the Cultural and Scientific Commission or on request of a majority of board members. A complete record shall be kept of all proceedings of the Cultural and Scientific Commission, which shall be available for public examination during regular business hours.

(d) In the event there is no business pending before the Cultural and Scientific Commission, the regular quarterly meeting may be cancelled upon posted notice to the public. (Ord. 12.05.11 §1, 2009; Ord. 12.05.8 §3, 2003; Ord. 12.05.7 §2, 2001; Ord. 12.05.5 §1, 1997; Ord. 12.05.2 §1, 1995; Ord. 12.05.1 §1, 1993; Ord. 12.05 §4, 1992)

2.04.050 Duties.

(a) The duties and responsibilities of the Cultural and Scientific Commission shall be to serve in an advisory capacity to the Town Council. This advisory position is in reference to the Cultural and Scientific Commission's mission to foster, implement and participate in providing opportunities for cultural and scientific experiences for the community of Parker.

(b) The Cultural and Scientific Commission shall provide advocacy and leadership in the arts and make recommendations to Town staff and Town Council regarding cultural and scientific issues.

(c) The Cultural and Scientific Commission shall work in partnership with staff to recommend a vision and master plan for cultural and scientific activities to the Town Council.

(d) The Cultural and Scientific Commission shall, in carrying out its duties and responsibilities, have the authority to conduct open public meetings. Whenever a public hearing is held before the Cultural and Scientific Commission, public notice shall be published within the Town at least seven (7) days prior to the scheduled hearing. (Ord. 12.05.11 §1, 2009; Ord. 12.05.10 §2, 2007; Ord. 12.05.8 §4, 2003; Ord. 12.05.5 §1, 1997; Ord. 12.05.2 §1, 1995; Ord. 12.05.1 §1, 1993; Ord. 12.05 §5, 1992)

CHAPTER 2.05

Code of Ethics

2.05.010 Definitions.

For the purpose of this Chapter the terms listed below shall have the following meaning:

Board member means any person appointed to a Town board or commission by the Town Council or the Mayor under authority of the Charter, ordinance or State law (collectively referred to as *board*).

Confidential or privileged information means matters required by state or federal law or regulation to be kept confidential, attorney-client communications, and other matters which may be discussed in executive session.

Councilmember means a member of the Town Council (collectively referred to as *Council*).

Member means any board member or Councilmember. (Ord. 1.61 §1, 1994)

2.05.020 Restrictions generally.

(a) Members shall not disclose or use any confidential or privileged information in furtherance of any personal or pecuniary interest or to further the personal or pecuniary interest of any other person.

(b) Members shall not vote or render a final decision on an issue that directly affects a business or project in which the member either has a financial interest or is engaged as counsel, consultant, representative or agent.

(c) Members shall not solicit or accept any gift, compensation, reward, gratuity or any item of value which would tend to influence a reasonable person in the member's position to depart from the faithful and impartial discharge of their public duties; or which the member knows or which a reasonable person in a similar position should know is primarily for the purpose of influencing public action.

(d) Members shall not assist any person for a fee or other compensation in obtaining any contract, claim, license, permit, permission, approval or other economic benefit from the Town.

(e) Members shall not hold a substantial financial interest in any business or enterprise which is a party to a Town contract made by the Council or board upon which the member has been appointed or elected.

(f) Members shall not accept a fee, contingent fee or any other compensation for promoting or opposing passage of legislation, except the member's official compensation as provided by the Town Charter, ordinance or contract.

(g) Members shall not appear on behalf of any private person, business or entity before the Council or board upon which the member has been appointed or elected. (Ord. 1.61 §1, 1994)

2.05.030 Appearances by members.

(a) Members shall not appear on their own behalf before the Council or board upon which they are a member. If the member is affiliated with a person or organization appearing before the Council or board, it is conclusively presumed that there is a conflict of interest, and the member must comply with Section 2.05.060 below.

(b) No member shall appear on behalf of another person concerning any matter before the Municipal Court, unless ordered to do so by subpoena of the Court.

(c) Nothing in this Section shall be construed as prohibiting members from addressing a Council or board of which they are not a member. (Ord. 1.61 §1, 1994)

2.05.040 Misuse of confidential information.

A member shall not knowingly disclose confidential or privileged information to any third party, unless the Council authorizes the disclosure of the information. This Section is not intended to impair or limit public access to information that is otherwise publicly available. (Ord. 1.61 §1, 1994)

2.05.050 Participation in civil lawsuits.

Members who are attorneys shall not represent or affiliate with law firms that represent persons in their transactions with the Town, unless the Council permits otherwise. (Ord. 1.61 §1, 1994)

2.05.060 Disclosure of conflict of interest.

(a) Members who have any personal or property interest, or any other kind of interest which may conflict or interfere with, influence or be perceived by the public as influencing the member's conduct shall prior to acting or voting disclose the nature of the conflict.

(b) The remaining members of the Council or board shall establish by a majority vote whether the interest does in fact constitute a conflict of interest. In deciding whether there is a conflict of interest, it shall consider, among other criteria, the following:

- (1) Whether the conflict of interest impedes independence of judgment;
- (2) The effect of the member's participation on the public confidence in the integrity of the governing body;
- (3) Whether the member's participation is likely to have any significant effect on the ultimate disposition of the matter; and
- (4) The member's fiduciary obligations to the Town.

(c) If the majority concludes that there is no conflict, then the member may perform the official act involved. However, the member shall state for the record the nature of the interest at the time of performing the act. Such disclosure shall constitute an affirmative defense to a violation of this Chapter. (Ord. 1.61 §1, 1994)

2.05.070 Disqualification from voting and influencing.

(a) If a majority of the Council or board concludes there is a conflict, the member shall be disqualified from acting or voting on the matter or any related business. In addition, the disqualified member shall refrain from attempting to influence the decisions of other members of the Council or board in voting on the matter, and refrain from participating in any manner in the deliberations of the Council or board.

(b) The disqualification of the member shall not preclude the existence of a quorum, nor result in the loss of a quorum, of the Council or board. However, the disqualification of a member from voting on an issue that requires the affirmative vote of a specific number of votes shall automatically be reduced by the number of members disqualified, except for matters before the Council. (Ord. 1.61 §1, 1994)

2.05.080 Enforcement.

(a) The Council shall have primary responsibility for enforcement of this Chapter. The Council shall have the power to investigate any complaint and to initiate any suit. Any person who believes a violation of this Chapter has occurred may file a complaint with the Council, which shall promptly investigate such complaint. The Council may thereafter take such action as it shall deem to be appropriate.

(b) The Council may retain a special prosecutor to investigate or prosecute any violation of this Chapter. In all cases the determination of the Council as to whether there has been a violation shall be final.

(c) The various provisions of this Chapter are cumulative, and not exclusive, and shall not be construed to limit any administrative, civil or criminal action or proceeding which may be instituted by the Town pursuant to Colorado statutes. (Ord. 1.61 §1, 1994)

2.05.090 Hearing.

Upon the sworn complaint of any Council member alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Council shall conduct a public hearing in accordance with all of the requirements of due process of law, and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct alleged and shall take whatever action necessary to address the improper conduct. (Ord. 1.61 §1, 1994)

2.05.100 Violations and penalties.

Members who violate any of the provisions of this Chapter shall be subject to the following penalties: In the case of a Council member, the Council may officially reprimand the Council or board member if a violation is established to a majority of the Council by clear and convincing evidence; or expel or remove the Council or board member if good cause is shown by clear and convincing evidence and two-thirds ($\frac{2}{3}$) of the Council vote to expel or remove the member. The Council shall have good cause to expel or remove if a member knowingly violates this Chapter. (Ord. 1.61 §1, 1994)

CHAPTER 2.06

Elections

2.06.010 Election code adopted.

The Town adopts as a primary code by reference the Colorado Municipal Election Code of 1965 (Section 31-10-101, et seq., C.R.S.) as such code is amended in the 1994 cumulative supplement of the 1986 replacement volume 12B, C.R.S., and as it may be amended from time to time. (Ord. 1.77 §1, 1995)

2.06.020 Mail Ballot Election Act adopted.

The Town adopts as a primary code by reference the Mail Ballot Election Act (Section 1-7.5-101, et seq., C.R.S.), as it may be amended from time to time, for the purpose of conducting mail ballot elections. (Ord. 1.77 §1, 1995)

2.06.030 Copies on file.

At least three (3) copies of the Colorado Municipal Election Code of 1965 (Section 31-10-101, et seq., C.R.S.) and copies of the Mail Ballot Election Act (Section 1-7.5-101, et seq., C.R.S.) are on file with the Town Clerk and are open for public inspection. (Ord. 1.77 §1, 1995)

2.06.040 Contents.

The Colorado Municipal Election Code of 1965 contains procedures and requirements governing elections generally; the Mail Ballot Election Act contains procedures and requirements for the holding of mail ballot elections. (Ord. 1.77 §1, 1995)

2.06.050 Affidavit of intent for write-in candidates for municipal office.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election; the affidavit of intent shall indicate that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 1.92 §1, 1996)

2.06.060 Campaign contribution limits.

(a) Candidate campaign contributions are limited to five hundred dollars (\$500.00) per person per candidate.

(b) Issue campaign contributions are limited to five hundred dollars (\$500.00) per person per issue. Contributions in kind are limited to five hundred dollars (\$500.00) per person per issue.

(c) The contribution and contribution in kind limits of this Section shall apply on a per election basis.

(d) No person shall solicit, or cause to be solicited, contributions or contributions in kind to a candidate campaign or issue campaign from a Town employee while on Town property or while the Town employee is on duty.

(e) For the purposes of this Section, the following words shall have the following meanings:

Candidate means any person who seeks election to any public office which is to be voted for in the Town at any election. A person is a candidate if the person has filed nominating petitions for public office in a nonpartisan election, has been chosen to fill any vacancy or has publicly announced an intention to seek election for public office and has received a contribution in support of the candidacy.

Contribution means:

a. The payment, loan, pledge or advance of money, or guarantee of a loan, made to any candidate, candidate committee or issue committee.

b. Any payment made to any third party for the benefit of any candidate, candidate committee, political committee or issue committee.

c. The fair market value of any gift or loan of property made to any candidate, candidate committee, political committee or issue committee.

d. Anything of value given, directly or indirectly, to a candidate, political committee or issue committee.

Contribution does not include services provided without compensation by individuals volunteering their time on behalf of any candidate or political committee. Any transfer of money between political committees is an expenditure by the political committee which dispenses the money and is a contribution to the political committee which receives money.

Contribution in kind means a gift or loan of any item of real or personal property, other than money, made to or for any candidate or political committee for the purpose of influencing the passage or defeat of any issue or the nomination, retention, election or defeat of any candidate. Personal services are a contribution in kind by the person paying compensation therefor; volunteer services are not included. *Contribution in kind* does not include an endorsement of candidacy or issue by any person. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used.

Issue means any proposition or initiated or referred measure which is to be submitted to the electors for their approval or rejection, and includes recall of an elected official. (Ord. 1.151.2 §1, 2009; Ord. 1.151.1 §1, 2008; Ord. 1.151 §§1, 2, 1999; Ord. 1.142 §1, 1999)

CHAPTER 2.07

Reserved

CHAPTER 2.08

Nepotism Policy

2.08.010 Purpose.

Relatives working together in an organization may cause serious conflicts and problems within that organization, such as claims of partiality in treatment and favoritism. Personal conflicts from outside the work environment may also be carried into day-to-day working relationships. The policy set forth in this Chapter is intended to prevent such conflicts and problems and conflicts among elected and appointed Town officials and members of Town boards and commissions. (Ord. 1.164 §1, 2000)

2.08.020 Applicability.

This Chapter shall apply to all elected and appointed Town officials, and any elected or appointed member of any Town board or commission. By way of example, but not limitation, this includes members of the Town Council, the Parks and Recreation Commission, the Cultural Commission, the Landmarks Commission and the Planning Commission. (Ord. 1.164 §1, 2000)

2.08.030 Definition.

For purposes of this Chapter, *relative* includes: spouses and former spouses; parents; children; brothers and sisters; brothers- and sisters-in-law; fathers- and mothers-in-law; stepparents, stepbrothers, stepsisters and stepchildren; foster parents; grandparents and grandchildren; aunts and uncles; nieces and nephews; and individuals who are not legally related to but who reside with an employee, elected or appointed Town official or member of any Town board or commission. (Ord. 1.164 §1, 2000)

2.08.040 Policy.

(a) A relative of any elected or appointed Town official or any member of a Town board or commission is not eligible for employment with the Town.

(b) A relative of any elected or appointed Town official or any member of a Town board or commission is not eligible to serve on any Town board or commission, or to become an elected or appointed Town official.

(c) In the event a Town employee's relative is elected or appointed to Town Council or any other Town board or commission, the employee shall be terminated from Town employment during the term of office of the relative. Once the term of office for the relative has ended, the employee may re-apply for Town employment as vacancies occur. (Ord. 1.164 §1, 2000)