

STATE OF COLORADO )  
COUNTY OF EAGLE ) SS  
TOWN OF AVON )

---

*In accordance with the Avon Municipal Charter, Section 5.2 (Special Meetings), Mayor Rich Carroll requests a special meeting and notice is hereby given that the Avon Town Council will meet on August 7, 2013 at 5:15 pm in the Council Chambers at Avon Town Hall, One Lake Street, Avon, Colorado. This Meeting is being called for the following topic: "Discussion and Potential Action on Investigation of Accusations of Impropriety".*

*If you have any questions, please contact the Town Clerk at 748-4035.*

**TOWN OF AVON, COLORADO**

BY: PATTY MCKENNY  
TOWN CLERK

---

POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE TOWN OF AVON ON  
AUGUST 6, 2013.

- ✓ AVON TOWN HALL
- ✓ AVON RECREATION CENTER
- ✓ AVON PUBLIC LIBRARY
- ✓ AVON TOWN CLERK'S OFFICE



## Patty McKenny

---

**From:** Rich Carroll  
**Sent:** Tuesday, August 06, 2013 4:17 PM  
**To:** Patty McKenny  
**Subject:** FW: Accusation of impropriety / conflict of interest

Rich Carroll, Avon Town Council  
970-949-4744

---

**From:** Chris Evans  
**Sent:** Monday, August 05, 2013 5:01 PM  
**To:** Rich Carroll; Eric Heil  
**Cc:** Virginia Egger  
**Subject:** Accusation of impropriety / conflict of interest

Rich – I'll follow this up with a phone call, but wanted to get this in writing first. I'm sure you are aware of the article in the paper late last week following the public information meeting Todd and I held on behalf of the Wyndham project in Avon. During that meeting there were several accusations of impropriety/conflict of interest leveled at both Todd and I, as well as my company, Evans Chaffee Construction Group, Inc. The people making these accusations are: Tamara Underwood, Amy Phillips, Kristi Ferraro, and Laurie Adler.

I believe that in the case of ANY accusation, regardless of the accuser(s)/accuse(s), that the Town Council has the obligation to investigate and determine if the claim has any merit. This should be done in a public meeting and be done quickly in the effort of full public disclosure and transparency in the local process. The process that I outline below should be followed in every case or accusation of impropriety.

1. The Town Attorney shall investigate the claim and report back to the Town Council the findings of such investigation at the next regularly scheduled Town Council Meeting.
2. The Town Attorney shall contact each person making a public accusation and ask that they provide that accusation in writing along with any supporting documentation, references, and facts.
3. The Town Attorney shall contact each person accused (if more than one) and ask that they provide their response to the accusation in writing along with any supporting documentation, references, and facts.
4. The Town Attorney shall take whatever steps are necessary to validate the accusation and the response to such accusation.
5. At the next regularly scheduled meeting, the Town Attorney shall provide a review of applicable Town Standards and Colorado Statutes for the benefit of the Town Council minus the accused member who shall leave the room.
6. The Town Attorney shall present the written statements and publicly disclose the failure or refusal of any party to provide such written statement to the Town Council.
7. The Town Council shall then determine, with the assistance of the Town Attorney, if the accusation has merit.

I am formally requesting that the above steps be taken and that this case be addressed at the next regular Town Council meeting on 8/13/2013. Additionally, I believe that this should be formalized within the town code of ethics if/when future issues arise.

Chris



## 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.

**TOWN OF AVON, COLORADO  
ORDINANCE NO. 12-01  
SERIES OF 2012**

**AN ORDINANCE AMENDING CHAPTER 2.30 TOWN CODE OF ETHICS  
OF THE AVON MUNICIPAL CODE**

**WHEREAS**, the Town of Avon (“Town”) is a home rule authority municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

**WHEREAS**, pursuant to Section 5.5(d) of the Avon Home Rule Charter states that, “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;” and

**WHEREAS**, Town Council believes that amendments to the Town Code of Ethics which are consistent with the State Code of Ethics will promote application and enforcement of the Town Code Ethics; and

**WHEREAS**, Town Council considered several amendments to this Ordinance on second reading and continued the public hearing on January 24, 2012 to February 14, 2012 to allow the public the opportunity to consider and comment on proposed amendments to the Ordinance from first reading; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the Town Council desires to comply with state law, the Avon Municipal Code and the Avon Home Rule Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies the proposed amendment to the Avon Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO** the following:

**Section 1.**     **Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2.**     **Amendment.** Chapter 2.30 of the Avon Municipal Code is hereby amended by repealing and deleting language shown in strike-out and adopting language depicted by underline as depicted in **EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS** attached to and made a part of this Ordinance.

**Section 3.**     **Codification Amendments.** The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any

typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 5. Effective Date.** This Ordinance shall take effect thirty days after the date of final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

**Section 6. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 7. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 8. Publication by Posting.** The Town Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the Town and posting at the office of the Town Clerk, which notice shall contain a statement that a copy of the Ordinance in full is available for public inspection in the office of the Town Clerk during normal business hours.



**INTRODUCED, APPROVED, PASSED ON FIRST READING, ORDERED POSTED AND REFERRED TO PUBLIC HEARING** and setting such public hearing for January 24, 2012 at the Council Chambers of the Avon Municipal Building, located at One Lake Street, Avon, Colorado, on January 10, 2012.

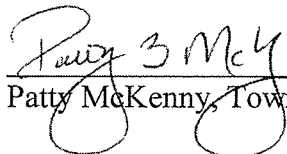


  
\_\_\_\_\_  
Rich Carroll, Mayor

Published by posting in at least three public places in Town and posting at the office of the Town Clerk at least seven days prior to final action by the Town Council.

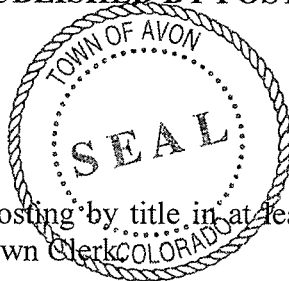
ATTEST:

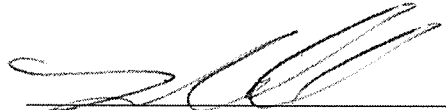
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Patty McKenny, Town Clerk

  
\_\_\_\_\_  
Eric J. Heil, Town Attorney

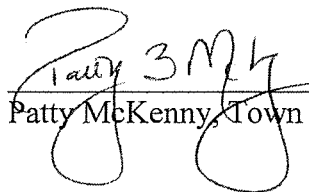
**INTRODUCED, FINALLY APPROVED, AND PASSED ON SECOND READING, AND ORDERED PUBLISHED BY POSTING** on February 14, 2012.



  
\_\_\_\_\_  
Rich Carroll, Mayor

Published by posting by title in at least three public places in Town and posting by title at the office of the Town Clerk

ATTEST:

  
\_\_\_\_\_  
Patty McKenny, Town Clerk

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

### 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 officers is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officers by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such officers 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 officer 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

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

abovementioned interests owned, held or controlled by such 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 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 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 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.

### **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;

(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

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

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.

### **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

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

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

### **2.30.120 Public contracts.**

(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;

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

(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.

(c) 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 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 officer was directly involved during 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 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 officer shall immediately forfeit his or her office or position. Nothing in this

## EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS

Chapter shall be construed to prohibit such public 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 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.

**EXHIBIT A: AVON TOWN CODE OF ETHICS AMENDMENTS**