TOWN OF AVON
TOWN COUNCIL HANDBOOK
OVERVIEW

This Town Council Handbook provides a comprehensive guide and reference for Council members as a benefit for both new and existing Council members. Throughout this Handbook the term “Councilor” references to all Council members, including the Mayor and Mayor Pro-Tem and the term “Charter” refers to the Avon Home Rule Charter.

I. COUNCIL MEETING LOGISTICS

- Council determines the schedule of Council meetings. Generally, Council meets on the 2nd and 4th Tuesday of each month. A draft schedule of Council meetings is presented for Council review and adoption at the beginning of the calendar year. Council may choose to cancel regularly scheduled meetings or schedule special meetings at any time in accordance with Chapter V – Council Procedure of the Charter.
- The Council meeting agenda and packet will be available on the Friday afternoon before the Council meeting, by not later than 5:00 p.m.
- In January 2021 you will receive a Town-owned Apple iPad to access the electronic packet. Electronic packets are available at www.avon.org/councilpacket.
- We currently meet virtually on zoom.us and plan to continue conducting virtual Council meetings until public health orders that limit and discourage gatherings are amended or repealed. Ineke de Jong, General Government Manager, will send you panelist links via email on the day of the meeting. Feel welcome to join 10 minutes early to test your audio/video.
- The remote attendance policies, both the original remote attendance policy adopted in 2015 and the remote attendance policy during the COVID-19 Pandemic, can be found in Appendix 3.
- When we go back to meeting in person a meal will be provided at each Council meeting at least 15 minutes before the start of the meeting. Feel welcome to arrive early. If you have any special dietary needs, please contact Brenda Torres, Town Clerk, at btorres@avon.org or 748-4001.
- When we go back to meeting in person, seating at the Council table is determined by the membership of the Council. As all meetings get recorded, we ask you to please speak directly into the microphone on the desk in front of you during the meeting.

II. THINGS TO KNOW AND DO

1. Contact Information: Town Council has four official positions which are appointed by Council and overseen by Council: Town Manager, Town Attorney, Municipal Judge and Prosecuting Attorney. Section I explains the roles and responsibilities for communication to the Town Manager and the Staff.

Contact information for the direct reports to Council, Department Directors and General Government Staff are provided as follows:
## Mail

Correspondence as mail addressed to the Town Council is copied and distributed to all Councilmembers. Mail is placed in mailboxes, marked with your name, and located in the central mail area on the first floor of Town Hall.

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Contact Info</th>
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3. **Email:** A Town of Avon e-mail address will be provided for all incoming Town Councilmembers to be used for all Town of Avon business.
   - You may access the e-mail account from [https://login.microsoftonline.com](https://login.microsoftonline.com).
   - E-mail correspondence addressed to the Town Council and received by the Town's website or staff, is forwarded to all Councilmembers. The Town Clerk's office retains a copy for the public record.
   - **IMPORTANT INFORMATION FOR THE USE OF TOWN EMAIL:**
     - The Town of Avon uses an e-mail archiver, which retains a copy of every outgoing and incoming email for two years.
     - All Councilmember email should consistently use your Avon email address. If personal email is used to conduct Town business, all personal email may be subject to a public records request.
     - Should an email be addressed to three (3) or more Councilmembers, DO NOT ‘Reply All’ as this can be categorized as a “meeting.” You may respond individually to the other recipients.

4. **Websites, Newsletters & Press Release:** The Town hosts three websites.
   1. The primary and most comprehensive website, [www.avon.org](http://www.avon.org), includes everything related to the town's operations and governance. On this site you can also sign up for automatic email alerts for a variety of the town notifications including general info, construction updates, job postings, youth programs, meeting agendas, and much more.
   2. The Town's second website, [www.discoveravon.org](http://www.discoveravon.org), is devoted to all the ways to enjoy Avon to the fullest, from special events, outdoor activities, dining, shopping, and accommodations.
   3. The Town’s third website, [engage.avon.org](http://engage.avon.org), is a community-engagement platform used to solicit public feedback on a variety of Town Projects. Generally, participants must register to provide feedback, take surveys and share ideas.

We strongly encourage all Councilors sign up for the Town’s monthly newsletter (the Avon Heartbeat) and Town notifications / press releases. Go to [www.avon.org/notifyme](http://www.avon.org/notifyme) to sign up and select the notifications you’d like to receive.
In addition, we encourage Councilors to like and follow the Town’s social media page on Facebook.

4. **Rules and Procedures**: On January 14, 2014, the Avon Town Council adopted the *Avon Town Council Simplified Rules of Order* in order to establish rules and procedures for the Avon Town Council during its meetings. The intent is to set simplified rules which are readily accessible and usable by the Avon Town Councilors and understandable by the general public. The *Simplified Rules of Order* contain the following sections:

- Standards of Conduct for Avon Town Meetings
- Mayor
- Agendas
- Motions
- Meeting Conduct
- Public Comments
- Public Hearing
- Executive Sessions

For your convenience, the *Simplified Rules of Order* have been attached at the end of this *Handbook* in Appendix 2.

5. **Council Compensation, Benefits Enrollment and Federal Forms Packet**: Per Avon Municipal Code Section 2.04.010, compensation for Councilmembers is as follows:

*Council Members shall receive compensation for their service in office in accordance with the following schedule:*

- **(1) Mayor**: One thousand dollars ($1,000.00) per month.
- **(2) Mayor Pro Tem**: Seven hundred fifty dollars ($750.00) per month.
- **(3) All other Council Members**: Five hundred dollars ($500.00) per month.

You are encouraged to contact Human Resources, to set up an appointment time to review and fill out the documents listed below, ask any questions and complete the enrollment process.

- Personnel Action Form
- Employee Data Form
- W-4
- I-9
- EEO – Self Identification Form
- Direct Deposit Authorization Agreement
• 457 Deferred Compensation Retirement Plan Designation of Beneficiary Form
• Town of Avon Health Insurance Enrollment Form
• Town of Avon Flexible Benefit Plan Employee Enrollment Form
• SSA Form
• Work Related Injuries and Illness
• Recreation Center Pass Benefit
• Town of Avon Email Policy
• Town of Avon Social Media Policy
• Avon Town Council Policy for the Apple iPad or Similar Device Use by Town Council
• Employee Acknowledgement Receipt and Understanding of Email Retention Policy
• Employee Assistance Program

6. **Liability Prevention Training Tools**: The Town of Avon’s primary liability insurance company is Colorado Intergovernmental Risk Sharing Association ("CIRSA") which is used by nearly all municipalities and counties in Colorado. CIRSA is a member-owned self-insurance pool. CIRSA has a variety of liability prevention training tools for newly elected officials. All of the training programs are complimentary as a benefit of membership in CIRSA, and you are strongly encouraged to review:
   - *In the Scope of Your Authority: Preventing Public Officials’ Liability*, which is available on YouTube at [https://www.youtube.com/watch?v=r5GK6LvCA7s](https://www.youtube.com/watch?v=r5GK6LvCA7s)

The following sections of this Handbook provide a compilation of important resources and additional information to help you begin your work.

Should you need assistance or want to further review this information, please contact Ineke at 970-748-4013 or idejong@avon.org.
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  EGE AIR ALLIANCE
  VAIL VALLEY PARTNERSHIP (VVP)
  EAGLE RIVER WATERSHED COUNCIL (ERWS)
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SECTION I: BASICS OF TOWN GOVERNMENT

Town Council Role and Responsibilities

Councilors are the leaders and policy makers of the Town. Council has the authority to approve laws and regulations and adopt policies that direct town government. Council appoints the Town Manager, the Town Attorney, the Municipal Court Judge and Prosecuting Attorney. These positions serve at the will of the Town Council.

Council-Manager Form of Government

The Town of Avon has a Council-Manager form of government, which means the Council establishes priorities and policies and the Town Manager implements the Council's directives. The Town Manager is the chief executive officer of the Town and is responsible for carrying out the Council's directives and administering the day-to-day operations of the Town. The Town Council should communicate all directives to the Town Manager and the Town Manager, in turn, directs staff. The Town Council should always avoid managing Town employees. The Home Rule Charter for the Town of Avon, states that the Council shall not give orders to any subordinates of the Town Manager (Home Rule Charter Chapter 8.5).

Town Council/Town Attorney Relationship

The Town Attorney is the legal advisor for the Council, the Town Manager and Department Heads. The general legal responsibilities of the Town Attorney include:

- Provide legal assistance necessary for the formulation and implementation of legislative policies.
- Represent the Town’s interests, as determined by the Town Council, in litigation, administrative hearings, negotiations and similar proceedings.
- Prepare ordinances, contracts and other legal documents.
- Keep the Town Council and staff apprised of court rulings and legislation affecting the legal interests of the Town.

Avon is a Home Rule Municipality

Municipal “Home Rule” is a form of government under the control of local citizens rather than state government. Towns and cities in Colorado can be Home Rule or Statutory. Home Rule municipalities have all the powers not expressly denied by the Colorado Constitution and state statutes. Statutory municipalities
have only the powers expressly given to them by the Colorado Constitution and state statutes. Home Rule municipalities essentially have more power on a local level.

**Town Charter/Town Code**

The Town Charter is akin to a constitution for the Town, the Charter defines organizational forms and the powers and duties of Town officers. Voters in the Town approved the Home Rule Charter in 1978. The laws, rules and regulations that guide the Town’s government are included in the Town Charter and the Town Code. Unlike the Town Code, which can be amended by the Town Council through the adoption of ordinances, The Town Charter can only be amended by a vote of the electors of the Town. The Town Charter and Town Code can be accessed at the following link, which is available on the Town’s website: https://library.municode.com/co/avon.

**General Powers of the Town Council**

It is important that the Town Council act as a body. No member of the Council has any more power than other members of the Council. The Mayor and Mayor Pro-Tem have additional ceremonial and administrative responsibilities (such as signing certain official documents and chairing meetings); however, all members of the Council are equal regarding the establishment of policies.

Policy is established by at least a majority vote of the Council. While individual members of the Council may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action. The Mayor presides at all meetings of the Council. The Mayor does not possess any power of veto and the Mayor votes on matters in the same manner as other Council members. As presiding officer of the Council, the Mayor should communicate the will of the Council majority in matters of policy. The Mayor is also the official head of the Town for all ceremonial purposes (Home Rule Charter Chapter 4.4).

**Boards and Commissions**

Councilors are assigned to serve on various boards and commissions to represent the Town of Avon. The list of Intergovernmental Committees and Authorities that require Council assignments is attached at the end of this Handbook in Appendix 4. Council appointments are approved by motion and by majority vote of the quorum present. It is not a conflict of interest for a Council member to vote for their own appointment to a board or commission. Councilors should keep the Manager and Mayor informed of schedule and actions of such boards and commissions. Council shall be kept informed of substantive actions of such boards and commissions. Appointed Councilors shall strive to solicit Council input and direction on substantive decisions of such boards and commissions which may materially affect the Avon community.
Town Organizational Chart

The Town Organizational Chart is a diagram that details the structure of the organization, including the relationships between departments and relative ranks of positions. For your convenience the most current version of the Town's Organizational Chart is included at the end of this Handbook in Appendix 1.

Staff Communication

Councilors work directly with the Town Manager. Councilors are permitted to ask questions at any time and may ask the Town Manager or ask Staff directly. Questions should be asked by email for efficiency and accountability. Questions to Staff should be limited to Department Directors, the General Government Manager, Communications and Marketing Manager, the Cultural, Arts and Special Events Manager, and the Town Clerk. are to contact the Town Manager for information, special requests, complaints and concerns.

There is no need to contact the Town Manager prior to any communication with the Town Attorney, Municipal Judge or Prosecuting Attorney.
## Section II: Types of Council Actions

### Ordinances

Ordinances are local laws enacted by the Council. Ordinances are required for every act making an appropriation, creating indebtedness, authorizing the borrowing of money, levying a tax, establishing regulations for which a penalty is imposed, placing a burden upon or limiting the use of private property (e.g. zoning and land use regulations), except that the adoption of the budget and levying of an ad valorem tax (i.e. property tax) is adopted by resolution by the Charter. Ordinances are required to be approved by two readings, a first reading and a second and final reading, unless Council approves an emergency ordinance. A public hearing must be held on second reading. Ordinances must be approved by the concurring vote of four (4) Council members except that emergency ordinances require the concurring vote of five (5) Council members.

### Resolutions

Resolutions adopt policies and remain in effect until rescinded or amended by the Council. Resolutions may enact legislation or policy that is not subject to penalties for violation. A resolution may also state Council’s opinion or position on an issue. Resolutions are adopted by a majority of the quorum present.

### Motions

Motions are the basic form of meeting procedure and may also be used to approve matters or take actions that do not require the adoption of an Ordinance or Resolution. A motion is used to indicate action on a procedural matter, such as scheduling a special meeting, approving an agenda item or approving a report. Motions are also used to direct the Manager. Motions are approved by a majority vote of the quorum present. Motions are also the procedure for Council to place an action item on the floor for Council consideration, which requires both a motion and a second. Examples: “I move to approve Ordinance No. 21-XX on first reading.” “I move to approve Resolution No. 21-XX.” “I move to approve the Council meeting minutes.” “I move to direct the Town Manager to do XX.”

### Proclamations

Proclamations are used to express appreciation for an event, organization or individual and are usually requested by a supporting organization. If a group or individual requests a proclamation the Mayor may place the matter on the agenda for Council action.
Voting and Action

A vote to approve an action requires at least one more “yes” vote (or “Aye”) than a “no” vote (or “Nay”). In the event of a tie vote, no action is taken. Pursuant to the Simplified Rules of Procedure, if a tie vote occurs, if the majority of votes are negative, or if an insufficient number of affirmative votes are not provide, then Council may either consider alternatives to the proposed action or may decide to move on to other agenda items.
SECTION III: BUDGET

Town Budget Overview

The annual Town of Avon Budget is the official document which appropriates expenditures for the fiscal year. The Town’s fiscal year begins on the first day of January and ends the last day of December. The Budget consists of two parts: (1) an estimate of revenues; and, (2) a tabulation of the estimated cost of each item in the budget. The Town Manager develops a budget calendar and then prepares a proposed budget for Town Council review and adoption pursuant to Chapter XII – Finance and Budget of the Charter. The Budget contains an operational budget, a capital budget, and variety of supplemental budgets for separate funds. Certification of the Town’s mill levy must be adopted by Resolution no later than December 15 of each year. The Budget is typically adopted on or before December 15 of each year. If the Budget is not adopted then the amounts approved for operation of the current fiscal year are deemed adopted for the next fiscal year on a month-to-month basis until Council adopts the annual budget (Charter - Section 12.7(b)).

The Budget is split into the following funds:

1. **General Fund**
2. **Capital Improvements Projects Fund** (CIP Fund)
3. **Debt Reserve Fund**
4. **Mobility Fund**
5. **Avon Urban Renewal Authority Fund**
6. **Supplemental Funds**, which include:
   a. **Community Enhancement Fund**
   b. **Community Housing Fund, Disposable Paper Bag Fee Fund**
   c. **Exterior Energy Offset Fund**
   d. **Fleet Maintenance Fund and Equipment Replacement Fund**
   e. **Water Fund**.

The 2021 Draft Budget can be found in Appendix 8 and accessed on the Town’s website at www.avon.org/budget. Councilors may receive upon request a hard-copy of the adopted budget once the adopted budget is published.
Budget Message

The Town Manager prepares the annual Budget in accordance with the Charter which is required to include a "budget message". The budget message explains the budget both in fiscal terms and in terms of the work program. The budget message contains 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.

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.

### Capital Improvements Projects Plan

(a) The Manager shall prepare and submit to the Council a long-range capital improvements projects plan ("CIP Plan") simultaneously with the proposed budget. The CIP Plan incorporates and implements the direction and goals of Council.

(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; and,
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.

### Public Hearings

Public hearings 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.

### Council Action on Budget

(a) **Amendments.** After the public hearings, 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.

### 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.

### 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.

### 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.

### 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 IV: COUNCIL ACTING AS OTHER AUTHORITIES

Liquor Licensing Authority

The Avon Town Council serves as the Local Liquor Licensing Authority. Please refer to the following excerpt from Chapter 5.08 of the Avon Municipal Code for more information:

5.08.010 Purpose

Pursuant to the authority of Articles 47 and 48 of Title 12, C.R.S., 1973, as amended, which are specifically adopted by the Town, this Chapter is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the Town by regulating, controlling and licensing the sale of malt, vinous and spirituous liquors. (Ord. 79-22 §1)

5.08.020 Local Licensing Authority – Establishment

There is created and established a Local Liquor Licensing Authority for the Town which shall have and is vested with the authority to grant or refuse licenses for the retail sale of malt, vinous and spirituous liquors, as provided by law, to conduct investigations in connection therewith, and to suspend or revoke such licenses for cause in the manner provided by law. The Local Liquor Licensing Authority shall have all the powers and authority granted by Title 12, Articles 47 and 48, C.R.S., 1973, as amended, and by the terms and provisions of this Chapter. (Ord. 79-22 §2(A))

5.08.030 Local Licensing Authority – membership – organization – compensation

(a) Until such time as the Town Council may determine otherwise by ordinance, the membership of the Local Liquor Licensing Authority shall be composed of each and every member of the Town Council.

(b) At the next meeting of the Local Liquor Licensing Authority following the final passage of the ordinance codified in this Chapter a chairperson and vice-chairperson shall be elected by those members present at that time from among the entire membership of the authority. The chairperson shall preside at meetings, rule on questions pertaining to procedure and admissibility of evidence and perform such other duties as may be necessary. The vice-chairperson shall assume the duties of the chairperson when the chairperson is absent or incapacitated. A quorum shall consist of four (4) members, and a decision of a majority of the members present at any meeting shall control. The chairperson or acting chairperson shall have full voting rights the same as any other member.

(c) Members of the Local Liquor Licensing Authority shall be compensated in the sum of twenty-five dollars ($25.00) for each meeting attended; except that no member shall receive more than fifty dollars ($50.00) in compensation for his or her services rendered during any one (1) month. (Ord. 79-22 §2 (B, C, G))

The Town Clerk coordinates and administers the liquor licensing application process on behalf of the Town of Avon Local Liquor Board and the State of Colorado Liquor Enforcement Division.
Council has delegated authority to the Town Clerk to administer routine liquor license applications, including:

- Renewals of Liquor Licenses
- Modifications
- Special Event Permits

The Local Liquor Licensing Authority Board reviews the following applications:

- Applications for new liquor licenses
- A change in premise of liquor licenses
- Routine applications reviewed by the Town Clerk if there are any violations or new matters revealed in a background check.

**Board of Appeals**

The Avon Town Council serves as the Board of Appeals. Please refer to the following excerpt from Chapter 15.06 of the Avon Municipal Code for more information:

**15.06.010 - Appeals to Town Council**

A person shall have a right to appeal a decision of the Building Official to the Town Council acting in the capacity of the Board of Appeals. An application for appeal shall be filed with the Town Clerk within twenty (20) days after the date of the decision of the Building Official. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted. The application must state the specific order, decision or determination being appealed and include documentation to support the appeal. The Board shall render a decision within thirty (30) days of receipt of the appeal. The decision of the Board shall be by resolution, and copies shall be furnished to the appellant and to the Building Official. The Building Official shall take immediate action in accordance with the decision of the Board.

**15.06.020 - Limitations on authority**

An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The Town Council acting in the capacity of the Board of Appeals shall have no authority to waive requirements of this Code.

**15.06.030 - Limitation of liability**

Any member of the Town Council, acting in good faith and without malice for the Town in the discharge of his or her duties, shall not thereby render himself or herself personally liable. The members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of their duties. Any suit brought against a member or members of the Town Council because of any act or omission performed by them in the discharge of their duties shall be defended by the Town until final termination of the proceedings.
Urban Renewal Authority

The Avon Urban Renewal Authority ("AURA") is a separate governmental entity created by the Town of Avon. AURA is responsible for conducting urban renewal activities throughout the Town of Avon. AURA was created in August 2007 to help the Town of Avon improve its Town Center Core and includes plans to enhance the West Town Center area, Nottingham Park and the Main Street Mall. The AURA has tax increment financing authority which allows the AURA to retain the "increment" (i.e. increase) in property tax from new development for all taxing authorities and use that revenue for capital improvements in the West Town Center Investment Plan area. The AURA's tax increment finance authority for the West Town Center Investment Plan area expires in 2032.

The purpose of the AURA is to alleviate blight and promote economic vitality and investment interest in the West Town Center Plan area. Since its inception, the AURA constructed Lake Street (in connection with the Westin hotel development), improved the Main Street Mall and Lettuce Shed Lane (in connection with the Wyndham timeshare development), and completed tenant finish of the new Town Hall building. Future projects are focused on improvements to Nottingham Park which support economic activity and recreational enhancements as well as additional improvements to the Main Street Mall.

AURA is governed by the Town Council who serve as the seven-member Board of Commissioners. The Town Manager serves as the Executive Director, who performs all administrative activities for AURA and serves as project manager for all ongoing projects and activities.

Below is a copy of the Town Center West Area Urban Renewal Plan: Boundary Map
SECTION V: PLANNING AND ZONING COMMISSION

Planning and Zoning Commission Overview

The Town of Avon has a Planning and Zoning Commission ("PZC") which is appointed by the Council and which serves a significant role in reviewing development applications, revisions to the Development Code (Title 7 of the Avon Municipal Code), and amendments to the Comprehensive Plan document. A Planning and Zoning Commission is a common entity that nearly all municipalities and counties have appointed. The scope of duties and authority involve review of development and land use changes that affect constitutional property rights and due process rights of both property owners and nearby residents and property owners that may be affected by such application. As such, the PZC meetings and actions are highly structured to provide notice and conduct public hearings as set forth in the Development Code.

The Development Code was adopted in 2010 which was the culmination of a two year process to consolidate and update the former Avon Municipal Code titles for zoning and subdivision. The Development Code is typically amended once each year for routine updates and refinements.

The purposes of the PZC are stated in Section 7.04.030 of the Development Code as follows:

7.04.030 - Purposes.

The Development Code is intended to promote and achieve the following goals and purposes for the Avon community, including the residents, property owners, business owners and visitors:

(a) Divide the Town into zones, restricting and requiring therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specified uses; regulate the intensity of the use of lot areas; regulate and determine the area of open spaces surrounding such buildings; establish building lines and locations of buildings designed for specified industrial, commercial, residential and other uses within such areas; establish standards to which buildings or structures shall conform; establish standards for use of areas adjoining such buildings or structures;

(b) Implement the goals and policies of the Avon Comprehensive Plan and other applicable planning documents of the Town;

(c) Comply with the purposes stated in state and federal regulations which authorize the regulations in this Development Code;

(d) Avoid undue traffic congestion and degradation of the level of service provided by streets and roadways, promote effective and economical mass transportation and enhance effective, attractive and economical pedestrian opportunities;
(e) Promote adequate light, air, landscaping and open space and avoid undue concentration or sprawl of population;

(f) Provide a planned and orderly use of land, protection of the environment and preservation of viability, all to conserve the value of the investments of the people of the Avon community and encourage a high quality of life and the most appropriate use of land throughout the municipality;

(g) Prevent the inefficient use of land; avoid increased demands on public services and facilities which exceed capacity or degrade the level of service for existing residents; provide for phased development of government services and facilities which maximizes efficiency and optimizes costs to taxpayers and users; and promote sufficient, economical and high-quality provision of all public services and public facilities, including but not limited to water, sewage, schools, libraries, police, parks, recreation, open space and medical facilities;

(h) Minimize the risk of damage and injury to people, structures and public infrastructure created by wild fire, avalanche, unstable slopes, rock fall, mudslides, flood danger and other natural hazards;

(i) Achieve or exceed federal clean air standards;

(j) Sustain water sources by maintaining the natural watershed, preventing accelerated erosion, reducing runoff and consequent sedimentation, eliminating pollutants introduced directly into streams and enhancing public access to recreational water sources;

(k) Maintain the natural scenic beauty of the Eagle River Valley in order to preserve areas of historical and archaeological importance, provide for adequate open spaces, preserve scenic views, provide recreational opportunities, sustain the tourist-based economy and preserve property values;

(l) Promote architectural design which is compatible, functional, practical and complimentary checking to Avon's sub-alpine environment;

(m) Achieve innovation and advancement in design of the built environment to improve efficiency, reduce energy consumption, reduce emission of pollutants, reduce consumption of non-renewable natural resources and attain sustainability;

(n) Achieve a diverse range of attainable housing which meets the housing needs created by jobs in the Town, provides a range of housing types and price points to serve a complete range of life stages and promotes a balanced, diverse and stable full time residential community which is balanced with the visitor economy;

(o) Promote quality real estate investments which conserve property values by disclosing risks, taxes and fees; by incorporating practical and comprehensible legal arrangements; and by promoting accuracy in investment expectations; and

(p) Promote the health, safety and welfare of the Avon community.
The PZC also serves as a Design Review Board for the Town. The purposes of the PZC when acting as the design review board are as follows:

- To ensure that the architectural design of vertical structures and their materials and colors conform with the Town's overall appearance, with surrounding development if appropriate, with natural and existing landforms, with the standards identified in the Development Code and with officially approved development plans, if any, for the areas in which the structures are proposed to be located;

- To ensure that the location and configuration of vertical structures, including signs and signage, are contextually appropriate to their sites and with surrounding sites and structures if appropriate and that the structures and signage conform to the requirements of the Development Code;

- To ensure that plans for the landscaping of property and open spaces conform with the rules and regulations as prescribed by the Town and to provide appropriate settings for vertical structures on the same site and on adjoining and nearby sites as determined by the Development Code; and

- To prevent excessive or unsightly grading of property that could cause disruption of natural watercourses or scar natural landforms.

The PZC is composed of seven (7) members appointed by Town Council for a two (2) year term. The current Planning Commissioners and their respective terms are:

- Donna Lang Arenschield  Term Expires May 2022  Rebecca Smith  Term Expires May 2021
- Jared Barnes  Term Expires May 2021  Vacant  Term Expires May 2021
- Sara Lanious  Term Expires May 2022  Vacant  Term Expires May 2022
- Steven Nusbaum  Term Expires May 2021

Please click here for the zoning map.
Public comment can be submitted to Staff on behalf of the P&Z Commission at pzc@avon.org.
SECTION VI: CITIZEN COMMITTEES

Overview of Citizen Committees

Council established three separate Citizen Committees in 2019 to increase input and involvement from the Avon community. The three Citizen Committees include the Culture, Arts & Special Events Committee, the Finance Committee, and the Health & Recreation Committee.

Culture, Arts & Special Events Committee

The Culture, Arts & Special Events ("CASE") Committee was adopted by Resolution 19-12 in May 2019, to formalize and establish a permanent citizen committee after two years of an initial Ad Hoc Special Events Committee. To date, CASE has primarily provided input on the strategic planning and investment in special events held from Spring through Fall.

The purposes and duties of the CASE Committee are as follows:

- To provide advice concerning the Cultural Plan for the Town of Avon, as may be amended from time to time;
- To review, research and provide guidance and advice on culture, arts and special event programming in the Town of Avon;
- To review applications for Town funding allocated for special events and provide recommendations to the Avon Town Council, and to develop applications forms and procedures and review criteria related to such funding applications;
- To conduct surveys and prepare reports related to special events as appropriate and as directed by Council;
- To attend joint meetings with the Avon Town Council to review past, present and future special events, review and evaluate implementation of the Cultural Plan, review annual appropriations to support culture, arts and special events, and to review policies, procedures and practices for culture, arts and special events and CASE; and,
- To perform such other tasks related to culture, arts and special events in or near Avon as the Avon Town Council may direct.

The CASE Committee is composed of seven (7) voting members and two (2) Ex-Officio Non-Voting Council members appointed by Town Council. The current CASE Committee members and their respective terms are:

Pedro Campos Term Expires February 2022
Chris Cofelice Term Expires February 2022
The Finance Committee was adopted by Resolution 19-15 in July 2019. The purposes and duties of the Finance Committee are as follows:

- To review, research and study the Town's tax and fee structure and sources of revenue, including but not limited to:
  1. comparisons to both incorporated and unincorporated peer communities,
  2. potential volatility associated with various revenue sources, and
  3. determining the percentage of revenues attributable to residents, second homeowners, visitors and businesses;
- To review, research and study the Town's economy as it relates to the Town's finances;
- To prepare reports as appropriate to assist the Town Council and the general public to better understand the Town's finances;
- To make recommendations to the Town Council consist with this Resolution; and,
- To perform such other tasks related to the Town's finances as the Town Council may request.

The Finance Committee is a temporary, non-permanent advisory board and shall automatically expire on January 31, 2022 unless terminated earlier by Council resolution or unless the expiration date is extended by Council by resolution. The committee is composed of five (5) voting members and two (2) Ex-Officio Non-Voting Council members appointed by Town Council. The current Finance Committee members and their respective terms are:

- Linn Brooks  Term Expires January 31, 2022  Scott Prince  Council member
- Steve Coyer  Term Expires January 31, 2022  Sarah Smith Hymes  Council member
- Markian Feduschak  Term Expires January 31, 2022
- Craig Ferraro  Term Expires January 31, 2022
- Dee Wisor  Term Expires January 31, 2022

The Resolution adopting the Finance Committee is attached at the end of this Handbook in Appendix 5.
Health & Recreation Committee

The Health & Recreation Committee was adopted by Resolution 19-16 in July 2019. The purposes and duties of the Health & Recreation Committee are as follows:

- To review, research and study the Town of Avon's health and recreation, including but not limited to: (i) “healthy community” issues, planning, policies and implementing strategies for improving overall community health, (ii) comparisons to both incorporated and unincorporated peer communities of recreation facilities and programs, and (iii) the design, programming and estimated cost of recreational facility improvements, including but not limited to remodeling and expansion of the Avon Recreation Center;
- Conducting community outreach, studies and surveys to determine community preferences for recreation programming, recreation facilities and healthy community policies;
- Serve as a liaison to Eagle County health communities efforts; and
- To provide recommendations to the Town Council concerning healthy community, recreation programming and recreation facilities.

The Health & Rec Committee is a temporary, non-permanent advisory board and shall automatically expire on January 31, 2022 unless terminated earlier by Council resolution or unless the expiration date is extended by Council by resolution. The committee is composed of four (4) voting members and two (2) rotating Ex-Officio Non-Voting Council members appointed by Town Council. The current Health & Rec Committee members and their respective terms are:

- Tom Kiddoo Term Expires January 31, 2022
- Pat Nolan Term Expires January 31, 2022
- Kathy Ryan Term Expires January 31, 2022
- Pam Warren Term Expires January 31, 2022
- Ex Officio Council members are:
  - Scott Prince
  - Sarah Smith Hymes
  - Lindsay Hardy

The resolution adopting the Health & Recreation Committee is attached at the end of this Handbook in Appendix 5.
SECTION VII: MUNICIPAL LAWS

Overview

The Town of Avon is a municipal corporation formed pursuant to the laws of the State of Colorado. As a municipal corporation there are a wide variety of laws that apply to the Town of Avon as a local government entity. Council members should have a basic familiarity with the municipal laws described in this Section.

Home Rule Authority

Avon citizens adopted home rule authority for the Town of Avon in 1978 at the time that Avon was incorporated in conformity with Article XX of the Colorado Constitution. This authority is primarily documented and described in the Avon Home Rule Charter ("Charter") which is included in the Avon Municipal Code. There are a total of 96 home rule municipalities in Colorado, including 61 cities and 35 towns.

Home rule authority provides the Town of Avon with greater authority to legislation on matters of local concern, with the limitation that the Town cannot infringe upon federal or state constitutional rights. There are a number of areas considered matters of “state concern” where the State of Colorado has “preempted regulations” and where the Town cannot adopt different regulations (e.g. fire arms, liquor laws, drinking water quality, vehicle registration) and other areas that are considered matters of “mixed local and state concern” where the Town of Avon has authority to regulate to the extent that such regulations do not conflict with state regulations.

Open Meetings Law

Colorado first adopted the open meetings laws (aka “Colorado Sunshine Law”) in 1972. Basically, the rule is local government meetings must be open to the public and must be noticed at least 24 hours in advance of such meeting. The Colorado Open Meetings Law allows public access to all meetings, with the exception of executive sessions. Executive sessions (closed door meetings) must meet specific legal criteria and be for the purpose of receiving legal advice on a specific legal matter, negotiation, a personnel matter, or another subject that is protected by law. A request to meet in executive session must be voted on and approved by 2/3rds of Council members at the meeting before Council may convene into executive session. Please view this Quick Guide to Executive Sessions.

The Open Meeting Law defines a “local public body” as any board, committee, commission or other policy making, rulemaking, advisory or formally constituted body of a political subdivision of the state such as municipalities. The Open Meetings Law defines a “meeting” as any kind of gathering, convened to discuss public business, in person, by telephone, electronically or by other means of communication.
The Openness Requirement: Whenever three or more members of the Town Council (the local “public body”) get together and public business is discussed, or formal action may be taken, the gathering is considered a “meeting.” The law requires that the public be given timely notice of meetings; this means that meetings must be noticed (i.e. posted in designated locations in Town) at least twenty-four hours in advance.

Meetings conducted by telephone, electronically or by other means of communication: Technological advancements have provided many methods for public officials to confer such as conference calls, text messaging, and e-mails. Consequently, the Open Meeting Law now includes “electronic” as well as “other means” of communication under the statutory definition of “meeting.” The Open Meeting Law now explicitly subjects the e-mail communication of elected officials that discusses pending legislation or other public business to the requirements of the law.

Social Gatherings: The Open Meetings Law provides that chance meetings or social gatherings of public officials at which discussion of public business is not the central purpose are not subject to the provisions of the law. Council members should not discuss any Town business if three or more Council members encounter each other a chance meeting or social gathering.

Colorado Open Records Act

The Colorado Open Records Act (“CORA”) statute provides public access to public records in the possession of all levels of government in Colorado, including municipalities. CORA requires that public records must be produced upon request to the public. A “public record” includes all writings and electronic documents and records that are made, maintained or kept by the Town. There are some exceptions to records that are in the Town’s possession which are not “public records” including confidential records.

CORA is a very detailed and highly structured act that creates regular duties for the Town Clerk, as the official custodian of public records, to respond to public records requests. The Public Records Policy is available on the Town’s website.

Meeting Minutes and Recordings

The Town Clerk takes minutes of every regular, special and emergency Council meeting and presents a draft of meeting minutes for Council adoption. Minutes are a summary of the meeting that indicates the actions taken and shall include brief descriptions of discussions which occur on various matters. The Town Clerk records all regular, special and emergency meetings of the Council. Meeting minutes are available on the Town’s website under the government menu.
The Town Clerk is responsible for records retention based on the [Colorado Municipal Records Retention Schedule](#).

Some examples are listed in the table below:

<table>
<thead>
<tr>
<th>Example</th>
<th>Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.010 administrative proceedings records</td>
<td>3 years after proceeding concludes</td>
</tr>
<tr>
<td>40.020 affidavits of publication</td>
<td>6 years or until ordinance is repealed or reenacted, whichever is later</td>
</tr>
<tr>
<td>A. Affidavits of Publication – Ordinances</td>
<td>6 years</td>
</tr>
<tr>
<td>B. Other Affidavits of Publication</td>
<td>6 years</td>
</tr>
<tr>
<td>40.030 agreements and contract</td>
<td>6 years after expiration, fulfillment of all terms of agreement or contract or resolution of any disputes, whichever is later, provided that audit has been completed and agreement or contract no longer has any binding effect; except prior to destruction, evaluate for continuing legal, administrative or historical value</td>
</tr>
<tr>
<td>40.040 awards and honors</td>
<td>Until no longer useful</td>
</tr>
<tr>
<td>40.090 complaints, routine service requests and nonbinding petitions</td>
<td>2 years after response or action or 2 years if no response or action is required</td>
</tr>
<tr>
<td>40.200 open records requests and supporting documentation</td>
<td>2 years after request is answered</td>
</tr>
</tbody>
</table>

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**Town Code of Ethics**

The Code of Ethics provisions in the Town Code prohibit Council members, Town employees and Town officers from taking action in their capacity as a Town official when there is a conflict of interest. The conflict of interest restrictions primarily concern matters in which a Town official may have a financial interest, including a potential future financial interest. They also include The Code of Ethics also allows Council to determine a conflict of interest exists when an actional conflict does not exist but finds that the appearance of a conflict exists. The Town Code of Ethics also includes provisions on gift restrictions and reporting.

You are encouraged to review the Code of Ethics section of the Town Code, which is located in [Chapter 2.30 Town Code of Ethics](#).
Council members are required to disclose conflicts of interest, refrain from attempting to influence other members of the Council on the matter, refrain from discussing the matter with other council members, may not vote on the matter and must leave the Council Chambers when the matter is being discussed. A general rule is if the matter involves anything in which a council member has or might have a direct or indirect financial interest, except for matters of common public interest, such matters constitute a conflict of interest that must be disclosed.

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 Paragraph shall not apply to those circumstances described in Paragraph 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 (4) years prior to such employment or compensation, provided that this provision may be waived by a majority of the disinterested Town Council members.

Consult with the Town Attorney whenever there is any question about whether you have a conflict of interest.

Quasi-Judicial Decisions (Due Process)

Council acts in legislative, administrative, and “quasi-judicial capacity” capacity. “Quasi-judicial” actions are actions that affect the property and due process rights of an application or appellant. They typically involve the require to review an application or appeal from the decision of a Town officer or the PZC, the requirement to review the matter in accordance with established review criteria and the requirement to provide a hearing with prior notice to the applicant/appellant and often notice to the general public.

Council is required to provide a fair, unbiased hearing pursuant to constitutional Due Process considerations when serving in a "quasi-judicial" capacity. Council members may not formulate an opinion on such matters prior to the close of a hearing and consideration of all facts presented. One important restriction is that Council members may not engage in “ex-parte communication” prior to the hearing with either the applicant/appellant or interested members of the general public. Council members may also not base their decision on any information not presented at the hearing or base their decision on reasons that do not related to established review criteria.

Quasi-judicial decisions of the Town Council may be appealed to District Court.

Legal Actions: Rule 106(a), Section 1983 Claims, and Other Claims

There is always the potential for lawsuits against the Town of Avon to challenge a Town action, attempt to compel a Town action or seek damages against the Town. Although a complete review of potential legal challenges is not possible, several common claims against municipalities are highlighted for Council’s awareness.

Council Members Named Individually: It is typical for most lawsuits against a municipality to name the Town of Avon as a municipal organization and then also name Council members individually. That general rule is that the Town of Avon defends actions and decisions of individual Council member while serving in their official capacity. The exception to this rule is if a Council member is acting unlawfully (i.e. a violation of
Council oath to uphold laws) in a knowing or reckless manner. An example would be if a Council member attempted to approve a contract as an individual that obligated the Town to payments or created Town liability when the contract was not authorized by Council or Town Manager. Such instances are very rare and typically involve some form of knowing and intentional financial conflict of interest.

**Rule 106(a) Actions**: Colorado Rules of Civil Procedure include the ability to legally challenge and invalidate a local government decision as “arbitrary and capricious” under Rule 106(a). The local government decision that is subject to a Rule 106(a) challenge is typically a “quasi-judicial” decision. A Rule 106(a) challenge must be filed in District Court within 28 days after the date of the final decision of the Town of Avon. The Avon Municipal Code is structured to allow any administrative decision or PZC decision to be appealed to the Council so that for nearly all instances it is only the final decision of Council that may be challenged in District Court. Rule 106(a) challenges can arise from any land use decision, code enforcement action, decision on the payment of a tax, fee or fine, or decision affecting a business interest such as a business license or liquor license.

Rule 106(a) challenges are a review of the “record of decision” where all materials considered for the decision, including Staff reports, applicant information, and public comment, and a transcript of the public hearing. Often times a “Record of Decision” is prepared and formally adopted by Council which documents all the materials and the Council “findings of fact” that serve as the basis for a decision. The most important aspect to understand is that Council must base its quasi-judicial decisions on specific “findings of fact” that relate to adopted review criteria to survive a legal challenge that a Council decision is arbitrary and capricious.

**Section 1983 Actions**: Section 1983 actions refer to a section of the federal code which allows individuals to sue governmental entities for violations of federal constitutional rights under “color of law”. These actions allow for potential recovery of attorneys' fees and damages. Examples of Section 1983 claims include land use decisions that result in a “taking” of private property or denial of “due process”, alleged practices by police departments that discriminate against persons based on race, nationality or ethnicity, and local government practices that infringe upon free speech. Awareness and compliance with constitutional law is a routine and fundamental function of the Town of Avon as a local government entity.

**Tort Claims**: Tort claims involve claims for damages when someone experiences personally injury or property damage that is the result of the Town having a duty in some manner to the individual, breaches the duty, and such breach causes the damages. Tort claims against local government are highly regulated the Colorado Governmental Immunity Act, which is discussed more below. Avon, local nearly all local governments, routinely receives “notice of claims” and coordinates response to such claims with CIRSA. The most direct areas of tort claims for concern are road hazards (i.e. open excavation in travelled roadway) and entrances to public buildings.

**Breach of Contract**: The Town of Avon is subject to breach of contract claims, and may bring breach of contract claims, in the same manner as private parties. There are some contract terms that are unique to local governments and municipalities. Generally, the Town uses standardizes forms, or incorporates standardized municipal provisions, that are commonly used by municipalities which protect the Town from liability. When retaining a party to provide services the Town generally structures contracts to receive services first and pay after performance of services.
Local Government Statutory Claims: There are numerous statutory requirements for local government, such as compliance with the Colorado Open Records Act and Colorado Open Meetings Law, that establish the right of individuals to bring legal actions for non-compliance.

Statute of Limitations: The last legal concept to mention is the Statute of Limitations which creates deadlines to bring legal actions, whether against the Town or by the Town. There are different rules for enforcement of code violations, recovery of taxes and fees, breach of contract, collection of debts and filing claims based in tort.

Governmental Immunity

Sovereign immunity is the state’s immunity from most kinds of lawsuits unless the state consents to be sued. Governmental immunity is generally understood to be that portion of the state’s sovereign immunity which extends to local governments.

Governmental immunity bars tort claims against local governments for injuries caused by their employees or agents acting within the scope of their duties in the performance of governmental functions. It does not protect a local government from tort claims arising from the performance of proprietary functions. Much of the case law involving governmental immunity focuses on whether (1) the employee who caused the injury was acting within the scope of the employee’s duties and (2) whether the activity in which the employee was engaged was governmental or proprietary.

Colorado Intergovernmental Risk Sharing Agency (CIRSA)

The Colorado Intergovernmental Risk Sharing Agency (CIRSA), is a public entity formed over 30 years ago by Colorado municipalities for Colorado municipalities. With more than 270 communities and public entities, CIRSA is a self-insurance pool and member-owned organization which provides member-influence over the programs and services CIRSA offers. As a member, the Town’s contribution buys an equity interest in CIRSA’s self-insured pool potentially lowering our future contributions.

CIRSA proactively identifies and manages risks, improves the claims experience, and works collaboratively with the Town to cut our losses. In addition, CIRSA provides free training and education for elected officials and board members, enriched resources ranging from on-the-job safety training to workplace harassment awareness, practical tools plus webinars and safety manuals, and in the event that a claim or lawsuit is filed, CIRSA will manage the process and assign an experienced public entity attorney to represent the Town.
Tax Payors Bill of Rights (TABOR)

TABOR is the Taxpayer Bill of Rights, passed by the voters in 1992. TABOR prohibits any tax increase without a vote of the people. In addition, TABOR places strict limits on how much revenue the state of Colorado can keep and how much it can spend. Specifically, TABOR allows the state to retain and spend an amount based on the prior fiscal year's actual revenue or limit, whichever was lower, grown by Colorado inflation and population growth and adjusted for any "voter-approved revenue changes. TABOR limits are the strictest revenue and spending limits in the nation. Any revenue collected in excess of TABOR's revenue limits must be refunded to the taxpayers. For more information about TABOR, visit the following pages on the Legislative Council Staff website:

- TABOR Revenue Limit
- History of TABOR Refund Mechanism
- History of TABOR Enterprises
- Report on Referendum C Revenue and Spending
SECTION VIII: POLICY DOCUMENTS

Overview

Council has adopted a variety of formal policy documents over the years. These documents are typically created through a community engagement process and subject to multiple public hearings prior to adoption. These Policy Documents provide general goals and defined strategies for implementation which often transcend Council terms. It is important to acknowledge these Policy Documents for decision making and prioritizing the Town’s work plans as well as important to update and revise such documents to reflect accomplishments as well as changed circumstances which may require a change in community goals, strategies and priorities.

Comprehensive Plan

Avon’s Comprehensive Plan (Appendix 10), adopted in 2017, was recently awarded the Vernon Deines Award for Outstanding Small Town or Rural Plan by the prestigious American Planning Association. Avon’s Comprehensive Plan is an overarching plan that guides Avon’s land use and development. The Comprehensive Plan creates the goals and policies that encourage the type of growth and values that Avon citizens envisioned during the public comment process.

A number of overarching goals and policies provide direction in the following community-wide topic areas:

A. Built Form
B. Land Uses
C. Community Character
D. Economic Development
E. Housing
F. Multi-modal Transportation & Parking
G. Environment
H. Parks, Recreation, Trails, and Open Space
I. Public Services, Facilities, Utilities, and Government
J. Regional Coordination

Each topic area contains one or more goals and several specific policy objectives. Certain goals and policies are more specific and timely than others; however, all goals and policies contribute to the vision of the plan and its implementation.

Finally, certain policies interrelate to several topic areas (such as policies that are relevant to both Land Use and Economic Development).

The comprehensive plan also serves as a basis for the adoption of the zoning map and amendments to the zoning map.
Village (at Avon) Development Agreement and Planned Unit Development

The Village (at Avon) is the 1,779 acre Planned Unit Development ("PUD") area on the east side of Avon that was annexed in 1998. The Village (at Avon) development is subject to very elaborate terms regarding vested rights for defined “Planning Areas” in the PUD and long range Town tax credits to finance the development of public infrastructure in the Development Agreement. “Vested Rights means that the Town is restricted from changing the zoning and development approvals until 2039. The Town’s tax credits apply to the Town’s sales tax, accommodations tax, real estate transfer tax and Avon water tap fees. The Town collects property tax and a .75% dedicated Add-On Public Improvement Fee on all retail sales in the Village (at Avon).

The Village (at Avon) has zoning on the valley floor between Piedmont Apartments and City Market/Chapel Square that is comparable to the Town Center zoning (i.e. mixed-use development up to 80’ and medium and high density multi-family residential), zoning for mixed-use commercial and multi-family residential on the north side of the I-70 interchange and zoning for residential on the north mountain side that is comparable to Wildridge and Mountain Star. Due to the depth and complexity of the Village (at Avon) development, and the scale and long-range nature of this half of Avon, dedicated work sessions will be provided to Council to review this development area.

Click here to view the Village at Avon PUD Guide

Avon Community Housing Plan

The Community Housing Plan (Appendix 11), prepared in 2018 sets the following goals and objectives:

a. Focus on increasing deed restricted homeownership opportunities for households making equivalent of 140% or less of the Area Median Income - $430,000 for a household of three people in 2018.

b. Grow the inventory of homeownership and “missing middle” inventory, in place of additional rental housing stock, to create a more balanced portfolio with a long-term goal of 50% rental, 50% ownership.

c. When considering new rental housing, prioritize price point, quality and amenities attractive to “step up” renters and seniors looking to downsize, focusing on the 80-120% AMI level.

d. Stabilize or increase the percentage of year-round residents; currently 55% of all dwelling units in Avon are occupied by year-round residents.

e. Stabilize or increase the percentage of Eagle County working residents Avon.

f. Seek to add deed restricted units to the inventory in the short term.

g. Strengthen regional partnerships with other communities and entities (i.e. Habitat for Humanity, Eagle County, other municipalities) to make projects happen.
h. As sites redevelop, strive for "no net loss" of units in the 80-120% AMI range, and when possible, increase housing serving the local year-round population.

i. Re-evaluate goals and objectives on an annual basis, including the ongoing monitoring of new projects and housing stock in the mid-valley; appendices may be updated by Resolution.

Climate Action Plan

On December 13, 2016, the Avon Town Council unanimously voted to adopt the Climate Action Plan for the Eagle County Community (Appendix 9). The plan is the culmination of a year-long effort that included more than 30 Eagle County stakeholders who were tasked with reducing GHG emissions for the entire County.

The Climate Action Plan for the Eagle County Community calls for greenhouse gas emission reduction targets of 25% by 2025 and a minimum of 80% by 2050. Energy use, transportation use, commercial buildings, waste and energy sources are all addressed within the plan, which is focused on climate mitigation. In order to meet the established targets, the plan also contains project recommendations for the community, including county government, towns, businesses, nonprofits, and other partners to begin immediate climate action.
The collaborative stakeholder group continues to convene regularly to implement the goals and strategies recommended in the Climate Action Plan and monitor success. Five sector-based working groups have formed:

1) Education and Outreach
2) Residential Buildings
3) Commercial Buildings and Industrial
4) Transportation and Mobility

Walking Mountains Science Center was contracted to serve as project manager to convene and facilitate this community-wide project.
The Community Development Department is responsible for managing the Town's built environment and creating a livable community that balances the needs of residents, businesses, property owners and visitors. Below is an overview of the long-range documents and plans:

**Long-Range Documents**
- (2018) *Town Owned Properties Plan*
- (2018) *Village at Avon PUD*
- (2018) *Multimodal Transportation and Parking Plan*
- (2015) *Walkability Report*
- (2015) *Village (at Avon) DRB Guidelines*
- (2009) *H.A. Nottingham Park Master Plan*
- (2007) *West Town Center Investment Plan*
- (2007) *East Town Center District Plan*
SECTION IX: AFFILIATIONS

Colorado Municipal League | CML

The Colorado Municipal League (CML) is a non-profit organization that has served and represented Colorado cities and towns since 1923. Currently 265 of Colorado’s 271 municipalities are members of CML. CML provides advocacy, information and training to its members.

CML’s mission is twofold: to represent cities and towns collectively in matters before the state and federal government, and to provide a wide range of information services to assist municipal officials in managing their government. Then Town of Avon is a member of CML and the organization sends an informational welcome packet to newly elected council members and monthly newsletters. In addition, CML has an Elected Official’s Starter Kit available on their website. For your convenience, this kit has been attached at the end of this Handbook in Appendix 6. For more information about CML, please visit their website at www.cml.org.

Colorado Association of Ski Towns | CAST

The Colorado Association of Ski Towns (“CAST”) is an organization of 26 municipalities and four counties whose economies are largely dependent upon the ski industry and tourism. Members include the mayors, managers and council members of the resort towns. The Association was formed in part to recognize that resort communities face unique challenges in providing municipal services to residents and visitors. Member municipalities share the benefits of the diverse knowledge, experience and leadership offered through meetings, conferences, surveys and other informational venues, as decided by the members.

CAST members use the power of the coalition to seek support for legislation that will benefit and sustain the mountain communities. CAST supports actions that keep member communities livable, protect their pristine environments, and promote community-based land use, mass transit, affordable housing, and sustainable tourism. CAST’s goal is to foster growth that will ensure an exceptional quality of life for citizens and a positive experience for visitors. For more information about CAST visit their website at www.coskitowns.com.

Climate Action Collaborative | CAC

The Climate Action Collaborative (CAC) for the Eagle County Community is a group of local governments, businesses, schools, special districts and nonprofits tasked to implement the recommendations of the Climate Action Plan for the Eagle County Community. The plan recommends county-wide carbon pollution reduction targets of 25% by 2025 and 80% by 2050, from the Eagle County 2014 baseline inventory.
The Collaborative meets quarterly and includes working groups focusing on reductions in: buildings (residential & commercial), transportation, the landfill, and our energy supply. There is also a working group dedicated to education and outreach in the Eagle Valley. For more information about the Climate Action Collaborative visit their website at www.walkingmountains.org/climate-action-collaborative.

Colorado Communities for Climate Action | CC4CA

Colorado Communities for Climate Action (CC4CA) is a coalition of 34 local governments across the state advocating for stronger state and federal climate policy. CC4CA is governed by a Board of Directors of representing all of the member communities.

Colorado Communities for Climate Action has adopted, by unanimous consent among its members, a policy statement that guides the coalition’s efforts. The Policy Statement includes promoting plans and actions to:

a. Extend current authorities and provide new ones for local action.
b. Set new state climate-protection goals.
c. Define and implement concrete steps to meet those goals.
d. Reduce carbon pollution through concrete new policies on electricity generation, energy efficiency, transportation, and waste management.
e. Ensure that all of Colorado benefits from the clean energy transformation.

For more information about the CC4CA visit their website at www.cc4ca.org.

I-70 Coalition

The I-70 Coalition is a non-profit organization representing 28 local governments and businesses along Colorado’s I-70 mountain corridor.

The coalition’s mission is to enhance public accessibility and mobility in the I-70 Central Mountain Corridor and adjoining dependent counties and municipalities through the implementation of joint public and private transportation management efforts. The goals are to:

a. Advocate for Improvements on the I-70 Mountain Corridor
b. Active Involvement in Plans and Processes Affecting the I-70 Mountain Corridor
c. Support Transportation Funding Initiatives
d. Develop and Implement Travel Demand Management Strategies
e. Information Sharing and Outreach
For more information about the I-70 Coalition visit their website at [www.i70solutions.org](http://www.i70solutions.org).

### Northwest Colorado Council of Governments | NWCCOG

Northwest Colorado Council of Governments (NWCCOG) is a voluntary association of county and municipal governments that, individually and collectively, believe working together on a regional basis provides benefits that could not be obtained alone.

There is no universal model for regional councils of governments. There are 14 regional governmental associations within Colorado. All are unique because each reflects the needs and desires of its membership. NWCCOG literally becomes what its members want it to be, due to the changing needs and opportunities of the region. The Council, made up of representatives from each member jurisdiction, directs the activities of NWCCOG. The NWCCOG staff is responsible for carrying out the Council's direction. The purpose of the Northwest Colorado Council of Governments is to be responsive to our members' needs and interests by providing guidance and assistance in problem solving, information sharing and partnership building, advocating members’ interests and needs with local, state and federal entities, and providing quality services to our membership that are relevant, effective and efficient.

For more information about NWCCOG visit their website at [www.nwccog.org](http://www.nwccog.org).

### Eagle County Regional Transit Authority | ECRTA

The Eagle County Regional Transit Authority (ECRTA) is an eight member board of elected officials from incorporated towns who develop operating policy for the Eagle County Regional Transit. The half-cent county sales tax is dedicated to funding regional transportation.

ECRTA meets quarterly to make recommendations to the Commissioners in an advisory capacity regarding long- and short-term plans and strategies for the provision of regional mass transportation and trails in and around Eagle County.

For more information about the ECTRA Advisory Board visit: [https://www.eaglecounty.us/Transit/ECRTA_Advisory_Board](https://www.eaglecounty.us/Transit/ECRTA_Advisory_Board).

### EGE Air Alliance

Formed in 2002, the EGE Air Alliance is a 501(c)(6) non-profit public-private partnership that provides the funding to support a vibrant local flight service program that ensures that the Eagle County Regional Airport (EGE) remains a vital part of the Eagle County economy.
The mission of the EGE Air Alliance is to work with airlines to maintain existing flights and secure new flights to and from the Eagle County Regional Airport. Air services are not guaranteed by any airline, and the EGE Air Alliance is the one organization that works directly with them to maintain and grow new flights and air routes into Eagle County.

For more information about the EGE Air Alliance visit: [www.egeairalliance.com](http://www.egeairalliance.com/)

### Vail Valley Partnership | VVP

Vail Valley Partnership, a 501(c)(6) nonprofit organization, has been engaged in the community from the early days of Vail, starting in 1964 as the Vail Resort Association.

Vail Valley Partnership is the regional community development organization, dedicated to the economic vitality of the Vail Valley. We support local businesses. We unite key stakeholders. We lead collaborative efforts throughout the community.

With a membership of 880+ organizations that spans the Vail Valley and beyond and which represents 80% of the local workforce, Vail Valley Partnership is dedicated to ensuring local business success and fostering regional economic vitality by offering local business tools & resources, promoting the Vail Valley to destination guests, and initiating economic development efforts.

The Partnership’s efforts in the community include three distinct yet connected roles:

- **Regional Chamber of Commerce** - We work to provide the valley’s businesses with networking, educational, and collaborative opportunities with the goal of strengthening our local business community and to advocate for our business community at a regional & state level.

- **Tourism Development** - We work to promote the entire Vail Valley as a year-round destination to potential in-state, out-of-state and international visitors through VisitVailValley.com. We work to attract groups and meetings from all over the country to the Vail Valley.

- **Economic Growth & Advocacy** - We work to ensure the Vail Valley’s economic health stays strong for years to come. We work to help existing Vail Valley businesses thrive and recruit new businesses that have the potential to support our local economy.

For more information about VVP visit: [www.vailvalleypartnership.com](http://www.vailvalleypartnership.com).

### Eagle River Watershed Council | ERWC

The Eagle River Watershed Council (“ERWC”) believes that our rivers and streams are the life-blood of our valley. Their preservation and restoration improve our economy, our culture, and our quality of life. The Watershed Council advocates for our rivers through educational programs, special events, restoration projects, monitoring, research, and community volunteer projects.
Urban Runoff Group | URG

In 2010, with coordination of the Eagle River Water and Sanitation District and the Eagle River Watershed Council, an Urban Runoff Group (URG) was formed to address current non-point source issues in the Gore and Eagle drainages and work towards current inventory and assessment of all non-point source issues affecting the watershed. This stakeholder group is working to keep Gore Creek off of the 303(d) list, an action expected to be proposed based on the State Water Quality Control Commission (WQCC) recently adopted aquatic life assessment methodology. As proposed by the WQCC, Gore Creek could be placed on the State’s 303(d) list as a result of low aquatic life assessment scores for Gore Creek upstream of the Vail Wastewater Treatment Plant.

Eagle River Water & Sanitation District | ERWSD and Upper Eagle River Water Authority | UERWA

The Eagle River Water & Sanitation District (ERWSD) is a local government that provides efficient, reliable water and wastewater service to its customers from east Vail to Wolcott. The District conducts its operations in an environmentally sound manner, ensuring regulatory requirements are met while also forging strong partnerships within the recreation and tourism-based community.

The Eagle River Water & Sanitation District provides water service within its water service area which includes the Vail Water Subdistrict and properties of the Wolcott area that have included into the District boundary. Water sources include wells and a surface water treatment plant located in East Vail. The District provides full contract water operations and management (O&M) services to: The Upper Eagle Regional Water Authority (UERWA), which provides water to its six member entities, including:

- Town of Avon
- Arrowhead Metropolitan District
- Beaver Creek Metropolitan District
- Berry Creek Metropolitan District
- EagleVail Metropolitan District
- Edwards Metropolitan District

The Authority also provides service to the Bachelor Gulch and Cordillera Metropolitan districts. For more information about ERWSD visit: [www.erwsd.org](http://www.erwsd.org).
Eagle County Community Wildlife Roundtable

The Eagle County Community Wildlife Roundtable is a collaborative partnership with the White River National Forest, Colorado Parks and Wildlife, Bureau of Land Management, local government entities, community members, and citizen scientists.

The purpose of the Eagle County Community Wildlife Roundtable is to gather a group of diverse stakeholders in the valley to understand and address issues facing wildlife populations. Together we will identify a shared vision and realistic actions that the community can rally around to support wildlife. We want to leverage diverse values, creativity, and resources to move to positive action.

SpeakUp ReachOut

SpeakUp ReachOut is a group of individuals who are dedicated to providing suicide prevention, intervention and loss support services to those in need. Services offered include:

- suicide prevention/awareness education
- community connection events
- suicide loss support services.

They host quarterly public community meetings on behavioral health and suicide prevention.

For more information about SpeakUp ReachOut visit: https://www.speakupreachout.org/

Eagle County Mental Health Advisory Board

In 2018 the Eagle County Board of Commissioners appointed 10 members to its Mental Health Advisory Committee. The committee is tasked with prioritizing programs and services to be funded through county’s voter-approved Mental Health Fund, as well as other sources.

Members of the committee represent health care and mental health care providers, law enforcement personnel, and community advocates across both the Eagle and Roaring Fork valleys.

For more information, visit: www.eaglecounty.us/PublicHealth/News/County_names_mental_health_advisory_board_members/
Eagle Valley Behavioral Health

Eagle Valley Behavioral Health is a nonprofit 501(c)(3) organization. It is governed by a Board of Directors comprised of community members and behavioral health leaders. The Eagle Valley Behavioral Health board of directors, administration and employees are committed to providing the critical change needed to ensure the vision for a robust, sustainable behavioral health system is realized.

For more information about the board and advisory council visit: [www.eaglevalleybh.org](http://www.eaglevalleybh.org).

Eagle County Emergency Responders Fund | ECERF

Eagle County Emergency Responders Fund (ECERF) a 501(c)(3) non-profit organization was founded by a group of civilians and emergency responders committed to raising funds on behalf of all emergency responders in Eagle County, Colorado.

For more information about ECERF visit: [www.ecerf.org](http://www.ecerf.org).

EagleBend Affordable Housing Board

EagleBend Apartments are owned and operated by the EagleBend Affordable Housing Corporation, a Colorado non-profit corporation. The formation of the Corporation was approved by the Town of Avon and the Corporation is being operated exclusively on behalf of and for the benefit of the Town. The management of the Corporation is accomplished through a Board of Directors (the "Board") which oversees administration, operations and maintenance of the Project.

For more information visit: [https://www.polarstarproperties.com/about/clients/eaglebend-affordable-housing-corporation](https://www.polarstarproperties.com/about/clients/eaglebend-affordable-housing-corporation)

EagleBend Dowd Affordable Housing Board (Kayak Crossing)

Kayak Crossing Apartments are owned and operated by the EagleBend Dowd Affordable Housing Corporation, a Colorado non-profit corporation formed pursuant to the guidelines of revenue ruling 1963-20. The formation of the Corporation was approved by the Town of Avon and the Corporation is being operated exclusively on behalf of and for the benefit of the Town. The management of the Corporation is accomplished through a Board of Directors (the "Board") which oversees administration, operations and maintenance of the Project.
Buffalo Ridge Affordable Housing Board

Buffalo Ridge Apartments are owned and operated by the Buffalo Ridge Affordable Housing Corporation, a Colorado non-profit corporation formed pursuant to the guidelines of revenue ruling 1963-20. The formation of the Corporation was approved by the Town of Avon and the Corporation is being operated exclusively on behalf of and for the benefit of the Town. The management of the Corporation is accomplished through a Board of Directors (the “Board”) which oversees administration, operations and maintenance of the Project.

For more information visit:  http://www.polarstarproperties.com/about/clients/buffalo-ridge-affordable-housing-corporation
SECTION X: APPENDICES

Appendices

The following information items have been referenced in the previous sections and are suggested for your review:

- Appendix 1 – Town Organizational Chart
- Appendix 2 – Avon Town Council Simplified Rules of Order
- Appendix 3 – Remote Meeting Attendance Policy
- Appendix 4 – Boards & Commissions
- Appendix 5 – Resolutions establishing Citizen Committees
- Appendix 6 – CML Elected Official’s Starter Kit
- Appendix 7 – Ethics, Liability and Best Practices Handbook for Elected Officials
- Appendix 8 – Draft 2021 Budget
- Appendix 9 – Climate Action Plan
- Appendix 10 – Comprehensive Plan
- Appendix 11 – Housing Plan