

**TOWN OF EAGLE, COLORADO
RESOLUTION NO. 48
(Series of 2021)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A MODIFIED CODE OF CONDUCT AND ETHICS POLICY**

WHEREAS, pursuant to Section 3.06 of the Eagle Home Rule Charter, the Town Council shall adopt by resolution a Code of Conduct and Ethics;

WHEREAS, on May 25, 2021, the Town Council adopted the Code of Conduct and Ethics Policy (the "Policy");

WHEREAS, the Town Council now wishes to modify the Policy to include a provision regarding Town Council meeting absences; and

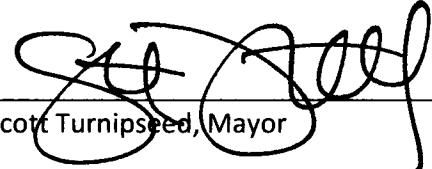
WHEREAS, the Town Council finds it in the best interest of the Town to approve the Policy with such modifications.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Town Council hereby approves the Code of Conduct and Ethics Policy, as modified, in the form attached hereto and incorporated by this reference.

INTRODUCED, READ, PASSED AND ADOPTED ON JUNE 22, 2021.

TOWN OF EAGLE, COLORADO



Scott Turnipseed, Mayor

ATTEST:



Jenny Rakow, Town Clerk



**TOWN OF EAGLE
CODE OF CONDUCT AND ETHICS**

I. Purpose.

The purpose of this Code of Conduct and Ethics (the "Code") is to establish guidelines for the conduct of all Town officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town, and to outline sanctions for violation of this Code.

II. Definitions.

A. *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

B. *Compensation* means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered, or to be rendered, by himself or another.

C. *Contract* means any express or implied agreement which creates, modifies, or terminates a particular relationship with the Town and shall include the designation of a depository for public funds.

D. *Employee* means any temporary or permanent employee of the Town.

E. *Financial Interest* means a substantial interest held by an individual which is:

1. An ownership interest in a business;
2. A creditor interest in an insolvent business;
3. An employment or a prospective employment for which negotiations have begun;
4. An ownership interest in real or personal property;
5. A loan or any other debtor interest; or
6. A directorship or officer-ship in a business.

F. *Official* means any person holding a position by election or appointment in the service of the Town, whether paid or unpaid.

G. *Official Act or Action* means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

H. *Relative* shall mean any person related to the official or employee by blood or marriage, and includes without limitation parents, spouses, children, brothers and sisters, parents-in-law, siblings-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A divorce or separation between spouses shall not be deemed to terminate any such relationship.

III. Public Trust – Breach of Fiduciary Duty.

A. All officials and employees must carry out their duties for the benefit of the people of the Town.

B. An official or employee who departs from their fiduciary duty shall be liable for the abuse of such trust. The district attorney for Eagle County may bring appropriate judicial proceedings on behalf of the people. Any money collected in such action shall be paid to the general fund of the Town. Judicial proceedings pursuant to this section shall be in addition to any criminal action which may be brought against such official or employee.

C. It shall not be considered a breach of fiduciary duty for an official or employee to use Town facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or to accept or receive a benefit as an indirect consequence of transacting Town business.

IV. Prohibitions.

An official or employee of the Town shall not do any of the following:

A. Disclose or use confidential information acquired during their official duties to substantially further their personal financial interest.

B. Accept a gift of substantial value, or of substantial economic benefit tantamount to a gift of substantial value, which: would tend improperly to influence a reasonable person in their position to depart from the faithful and impartial discharge of his or her public duties; or they know, or which a reasonable person in their position should know, under the circumstances is primary for the purpose of rewarding their official action. The following shall not be considered gifts of substantial value for the purpose of this section:

1. A campaign contribution and contributions in kind reported as required by C.R.S. § 1-45-108.
2. An occasional nonpecuniary gift, insignificant in value.

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

4. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such official or employee is scheduled to participate.

5. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such official or employee which is not extraordinary when viewed considering the position held by such official or employee.

6. Items of perishable or nonpermanent value, including without limitation meals, lodging, travel expense, or tickets to sporting, recreational, education, or cultural events.

7. Payment for speeches, appearances, or publications reported pursuant to C.R.S. § 24-6-203.

8. Payment of salary from employment, including other government employment, in addition to that earned from being an official.

C. Acquire or hold an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency of which they have substantive authority.

D. Within 6 months following termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of employment. These matters include rules, other than rules of general application, which they actively helped to formulate and applications, claims, or contested cases in the consideration of which they were an active participant.

E. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the official or employee has a substantial financial interest in a competing firm or undertaking, or is engaged as counsel, consultant, representative, or agent.

F. Engage in a substantial financial transaction for their private business purposes with a person whom they inspect or supervise in the course of their official duties.

G. Vote or attempt to influence the decisions of other members of the Town Council in voting on a matter where the official or employee has a personal or private interest in any matter proposed or pending before the Town Council.

H. Be interested in any contact made by them in their official capacity or by any body, agency, or board of which they are members or employees.

I. Be purchasers at any sale or vendor at any purchase made by them in their official capacity.

J. Purchase or sell or in any manner receiving to their own use or benefit whatever the Town warrants, scrips, orders, demands, claims, or other evidence of intendedness against the Town, except evidence of indebtedness issued to or held by them for services rendered as such official or employee and evidence of the funded indebtedness of the Town.

V. Disclosure of Conflict of Interest.

A. An official or employee who has a personal or private interest in any matter proposed or pending before the Town Council or any other Town board, commission or committee that the official or employee is a member of, shall disclose such interest to the Town Council, board, commission or committee and may not vote or attempt to influence other members in the matter.

B. Notwithstanding the above subsection, the official or employee may vote if their participation is necessary to obtain a quorum or otherwise enable the body to act so long as they comply with the voluntary disclosure procedures set forth below.

C. An official or employee who has a personal or private interest in any matter should disclose the nature of such interest. Such disclosure must be in writing to the Secretary of State, and shall list: the amount of financial interest, if any; the purpose and duration of their services, if any, and the compensation received for such services; or such other information as necessary as to describe the interest.

D. If the official or employee discloses the interest as described above, and then performs the official act involved, they must state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

VI. Gift Ban.

A. No official or employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the official or employee who accepted or received the money, forbearance, or forgiveness of indebtedness.

B. No official or employee either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept, or receive any gift or other thing of value having a fair market value or aggregate actual cost greater than \$65.00 in any calendar year, including without limitation gifts, loans, rewards, promise or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discount, from a person, without the person receiving lawful consideration of equal or

greater value in return from the official or employee who solicited, accepted, or received the gift or other thing of value.

C. The prohibitions in subsections (A) and (B) of this section do not apply if the gift or thing of value is:

1. A campaign contribution as defined by law;
2. An unsolicited item of trivial value of less than \$50.00, such as a pen, calendar, plant, book, note pad or other similar item;
3. An unsolicited token or award of appreciation in the form of plaque, trophy, desk item, wall memento, or similar item;
4. Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;
5. Admission to, and the cost of food and beverage consumed at, a reception, meal, or meeting held by an organization when the recipient appears to speak or to answer questions as part of a scheduled program;
6. Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, making a presentation, participate on a panel, or represent the Town, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;
7. Given by an individual who is a relative or personal friend of the recipient on a special occasion; or
8. A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

D. Except for campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any official or employee or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such official or employee, whether or not such gift or meal, beverage, or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event; provided, however, that a professional lobbyist shall not be prohibited from offer or giving to an official or employee who is a member of their immediate family any such gift, thing of value, meal, beverage, or other item.

E. The limit set forth in this section shall be adjusted by an amount based on the percentage change over a 4-year period in the United States bureau of labor statistics consumer

price index for Denver-Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar.

VII. Board of Ethics and Investigations.

The Town Council shall serve as the Board of Ethics for the Town. Any apparent violation of this policy may be referred to the Town Council for investigation and discussion. In all cases, the determination of the Town Council as to whether there has been a violation shall be final.

VIII. Town Council Meeting Absence Policy.

A. The policy of the Town Council is that all Town Council members should attend all regular and special Town Council meetings in person.

B. Each Town Council member is allocated 4 unexcused absences per calendar year from regular and special Town Council meetings. The Town Council may, by vote, excuse an absence if the Town Council determines that the absence is justified by an emergency or other extenuating circumstances.

C. Each Town Council member may attend up to 2 meetings per year virtually, and such virtual attendance shall not be counted as an absence.

D. The Mayor may waive or modify provisions of this Section as necessary to provide disabled Town Council members with full and equal access to Town Council meetings.

IX. Violation and Penalty.

Any official or employee who violates any of the provisions of this code shall be subject to the following penalties:

A. In the case of a Town Council member, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for an official reprimand by the Town Council.

B. In the case of a board, committee or commission member, if a violation is established to the satisfaction of the majority of the Town Council, such violations shall be grounds for an official reprimand by the Town Council and grounds for removal of such person from any board or commission of which they are a member.

C. In the case of an employee, if a violation is established to the satisfaction of a majority of the Town Council, such violation shall be grounds for discipline and/or termination of employment, depending on the severity of the violation.