

CHAPTER 2

Administration and Personnel

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ARTICLE I

Elections

Sec. 2-1. Declaration of policy.

Regular and special elections are governed by the provisions of Article 2 of the Charter which provide that Town elections be governed by the Colorado Municipal Election Code of 1965, Section 31-10-101 *et seq.*, C.R.S., and the Fair Campaign Practices Act, except as expressly provided in the Charter or as set forth in this Code. (Ord. 14-1992 §2; Ord. 10-1997 §2)

Sec. 2-2. Compensation of judges.

The judges of election at any regular or special election shall receive compensation for their services as judges of election in an amount to be set by the Town Manager. Provisions to the contrary contained in Section 31-10-101 *et seq.*, C.R.S., shall not apply to any regular or special election. (Ord. 14-1992 §2; Ord. 10-1997 §2)

Sec. 2-3. Mandatory recount.

The Town Clerk shall conduct a recount of all ballots cast at any regular or special election if the certificate of election results completed by the judges of election discloses either of the following:

- (1) If any candidate fails to be elected to the office of Mayor or member of the Town Council by one percent (1%) or less of the total number of votes cast; or
- (2) If an issue or question passes or fails by one percent (1%) or less of the total number of votes cast.

After the recount has been completed, the Town Clerk shall make out the abstract of votes for each office and question. (Ord. 14-1992 §2)

Sec. 2-4. Electronic voting.

Unless specifically set forth in a resolution of the Town Council specifying a specific manner of voting for conduct of a specific regular or special election, all regular and special elections shall utilize an electronic voting system as contemplated in Section 31-10-801 *et seq.*, C.R.S. (Ord. 14-1992 §2)

Sec. 2-5. Campaign filings and reports.

All filings with and to the County Clerk and Recorder required by the provisions of Section 1-45-101 *et seq.*, C.R.S., shall also be filed with and reported to the Town Clerk. (Ord. 4-1994 §1)

Secs. 2-6—2-20. Reserved.

ARTICLE II

Initiative and Referendum

Sec. 2-21. General authority.

The electors of the Town shall have the power to propose any ordinance to the Town Council and to require reconsideration by the Town Council of any ordinance in accordance with the provisions of this Article, Article V of the Charter and Section 31-11-101 *et seq.*, C.R.S. In the event of any conflict between the provisions of this Article and the provisions of Section 31-11-101 *et seq.*, C.R.S., the provisions of this Article shall control. (Ord. 7-1991 §2; Ord. 10-1997 §2)

Sec. 2-22. Procedure for filing affidavits and petitions for initiative and referendum.

Any five (5) electors may commence initiative proceedings by filing with the Town Clerk an affidavit stating they will constitute the Petitioners' Committee. Any five (5) electors may commence referendum proceedings by filing with the Town Clerk, no later than ten (10) days after final adoption of an ordinance sought to be reconsidered, an affidavit stating they will constitute the Petitioner's Committee. Such affidavits shall state that the Petitioners' Committee will be responsible for circulating petitions and filing them in the proper form, shall state their names and permanent residence addresses and shall cite the ordinance sought to be reconsidered. Promptly after the affidavit of the Petitioners' Committee is filed, the Town Clerk shall issue the appropriate petition forms to the Petitioners' Committee. A permanent residence address shall be a street address. (Ord. 7-1991 §2)

Sec. 2-23. Petitions.

(a) Number of signatures. Initiative and referendum petitions must be signed by electors of the Town equal in number to at least ten percent (10%) of the total number of electors registered to vote in the last general municipal election.

(b) Form and content. All pages of the petition shall be uniform in size and style and all signatures shall be signed in ink and shall be followed by the permanent residence address of the person signing. Petitions shall contain or have attached thereto throughout their circulation a full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each page of the petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the petition, the number of signatures thereon, that all signatures were affixed and dated in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing referendum petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Town Council of the ordinance proposed or sought to be reconsidered. (Ord. 7-1991 §2)

Sec. 2-24. Procedures after filing.

(a) Certificate of Town Clerk; amendment. Within the ten (10) days after the petition is filed, the Town Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the Petitioners' Committee by certified mail, return receipt requested. A petition certified insufficient may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Town Clerk within two (2) days after receiving the Town Clerk's certificate, and if the Petitioners' Committee files a supplementary petition correcting all deficiencies within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 2-23 above. Within five (5) days after the supplementary petition is filed, the Town Clerk shall complete a second certificate as to the sufficiency of the petition, as amended, and promptly send a copy of such certificate to the

Petitioners' Committee by certified mail, return receipt requested, as in the case of an original petition. Simultaneously with the mailing of any certificate, the Town Clerk shall submit a copy of such certificate to the Town Council and unless a review is requested pursuant to the provisions of Subsection (b) below, the Town Clerk's determination as submitted shall be final.

(b) Town Council review. Within ten (10) days of the receipt of the Town Clerk's final certificate, the Petitioners' Committee may request Town Council review of the Town Clerk's certificate by filing a request with the Town Clerk, which shall be promptly transmitted to the Town Council. The Town Council shall review the certificate at its next regularly scheduled meeting following the filing of such request and approve or disapprove it, and the Town Council's determination shall then be a final determination as to the sufficiency of the petition. (Ord. 7-1991 §2; Ord. 10-1997 §2)

Sec. 2-25. Action on petitions.

(a) Action of Town Council. When an initiative or referendum petition has been finally determined sufficient, the Town Council shall promptly consider adoption of a proposed initiative ordinance in the manner provided in Article IV of the Charter or shall reconsider the preferred ordinance by voting for or against its repeal; provided, however, that the Town Council shall have power to change the detailed language of any proposed initiative ordinance so long as the general character of the measure will not be substantially altered.

(b) Submission to voters. The vote of the electorate on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final Town Council action thereon. If no regular Town election is to be held within the

period prescribed above, the Town Council shall provide for a special election. Otherwise, the election shall be held at the same time of such regular election. Copies of the proposed or referred ordinance shall be made available to the public within fifteen (15) days before the election and also at the polls at the time of the election.

(c) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by a majority of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated. (Ord. 7-1991 §2)

Sec. 2-26. Form of petition.

The forms constituting the official forms to be used for initiative and referendum petitions shall be those set forth in Section 31-11-101 *et seq.*, C.R.S. (Ord. 7-1991 §2; Ord. 4-1994 §1; Ord. 10-1997 §2)

Secs. 2-27--2-40. Reserved.

ARTICLE III

Mayor and Town Council

Sec. 2-41. Town Council.

The Town Council shall be comprised of five (5) members, of four (4) Councilmembers and one (1) Mayor, all of whom shall be elected at large. The Town Council shall be the elected and governing body of the Town and shall exercise all powers conferred upon it by the laws of the State, the Charter and this Code. (Ord. 7-1991 §2; Ord. 2, 1996 §1)

Sec. 2-42. Mayor.

The Mayor shall preside at meetings of the Town Council and shall have all the powers, rights, privileges and obligations of a Councilmember, including the right to vote on all matters. The Mayor shall perform such duties and exercise such powers as shall be conferred upon him or her by the laws of the State, the Charter and this Code. The office of the Mayor includes the power to solemnize marriages as contemplated by Section 14-2-109(1), C.R.S. (Ord. 7-1991 §2; Ord. 17-1992 §1)

Sec. 2-43. Compensation.

(a) Compensation for members of the Town Council shall be in the following monthly amounts, payable monthly in arrears:

<i>Mayor</i>	\$1,200.00
<i>Councilmember (other than Mayor)</i>	\$ 700.00

(b) Members of the Town Council shall participate in the federal social security system. (Ord. 7-1991 §2; Ord. 19-1992 §1; Ord. 4-1994 §1; Ord. 5-1998 §1)

Sec. 2-44. Oath of office.

All newly elected or appointed members of the Town Council shall take, subscribe before and file with the Town Clerk an oath of office as required by Section 3.9 of the Charter, at the commencement of the first meeting of the Town Council following the election or appointment of the new Councilmember. Until the oath of office has been taken, subscribed before and filed with the Town Clerk, the new Councilmember shall not be duly qualified. (Ord. 7-1991 §2)

Sec. 2-45. Executive sessions.

(a) The policy of the Town is that the formation of public policy is public business and may not be conducted in secret. There are

specific topics of discussion that must be conducted without the public for the efficient operation of the Town government. Executive sessions shall be governed by the provisions of the Open Meetings Law, Section 24-6-401 et seq., C.R.S., and the provisions of this Section. In the event of a conflict between the provisions of the Open Meetings Law and this Section, the more restrictive shall apply.

(b) The members of the Town Council, Planning Commission or other permanent board or commission of the Town may hold an executive session only at a regular or special meeting. An executive session may be convened only upon approval of a motion by a two-thirds (2/3) vote of the quorum present stating the particular topic for discussion in as much detail as possible without compromising the purpose of the executive session and citing the specific citation to the section of the Open Meetings Law and the Municipal Code authorizing the executive session. During the executive session, no adoption of any proposed policy, position, resolution, rule, regulation or formal action shall occur, and discussion may only occur on the particular topic for which the executive session was convened.

(c) The sole topics for consideration at an executive session are:

(1) The purchase, acquisition, lease, transfer or sale of any real, personal or other property interest.

(2) Conferences with the Town Attorney or special counsel for the Town for the purposes of receiving legal advice on specific legal questions.

(3) Matters required to be kept confidential by federal or state law or rules and regulations, provided that the specific citation of the statutes or rules that are the basis for such confidentiality are announced before holding the executive session.

(4) Specialized details of security arrangements or investigations.

(5) Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, instructing negotiators.

(6) Personnel matters, except if the employee who is the subject of the session has requested an open meeting or, if the personnel matter involves more than one (1) employee, all of the employees have requested an open meeting.

(7) Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act; except that all consideration of documents or records that are work product as defined in Section 24-72-202(6.5), C.R.S., or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed.

(d) Upon the commencement of an executive session, a record will be maintained by an audio recording. The record shall recite the specific citation to section of the Open Meetings Law and the Municipal Code authorizing the executive session and the actual contents of the discussion. However, if in the opinion of the Town Attorney or special counsel for the Town in attendance at the executive session all or a portion of the discussion constitutes a privileged attorney-client communication, then no record of that portion of the executive session need be maintained. In such event, the Town Attorney or special counsel for the Town shall state for the record that no record of the discussion will be maintained because the discussion constitutes a privileged attorney-client communication. At the conclusion of the privileged attorney-client communication, the maintenance of the record shall be recommenced.

(e) The record of an executive session shall be retained by the Town Attorney and shall not be open for public inspection except as approved by the Town Council by resolution, or as provided in the Open Meetings Law. The Town Attorney shall destroy the record of the executive session on the ninety-first day following the conclusion of the executive session. (Ord. 7-1991 §2; Ord. 4-1994 §1; Ord. 10-1997 §2; Ord. 15-2001 §1)

Sec. 2-46. Organizational meeting of new Town Council.

Regular meetings of the Town Council will occur on the first, second and third Monday of each month. In the event that the date of a regular meeting occurs on a legal holiday as defined in Section 1-21, then the meeting shall occur on the Tuesday immediately following the Monday that is the legal holiday. The Town Council may by resolution change the date for a regular meeting or designate additional meetings. (Prior code Ch. II §3-3-1; Ord. 26-2001 §1)

Sec. 2-47. Attendance at meetings.

Each member of the Town Council and the members of all boards and commissions shall regularly and promptly attend all scheduled meetings of their respective bodies to the extent practicable. (Prior code Ch. II §3-3-2)

Sec. 2-48. Tardiness.

In the event any member of the Town Council or a board or commission is consistently late for commencement of a scheduled meeting, such action shall constitute grounds for removal, and upon the affirmative vote of four (4) members of the Town Council, removal proceedings pursuant to the provisions of Section 31-4-307, C.R.S., shall be commenced. (Prior code Ch. II §3-3-3)

Sec. 2-49. Absences.

Any member of the Town Council or a board or commission who shall be absent from two (2) consecutive regularly scheduled meetings without the prior approval of a majority of all the other members shall be considered deficient in performing the duties for which he or she was elected or appointed, and such action shall constitute grounds for removal. Upon the affirmative vote of four (4) members of the Town Council, removal proceedings pursuant to Section 31-4-307, C.R.S., shall be commenced. (Prior code Ch. II §3-3-4; Ord. 4-1994 §1)

(3) November 7, 2000 election. Two (2) members shall be elected for four-year terms; thereafter, at each regular election, two (2) members shall similarly be elected for four-year terms. (Ord. 2, 1996 §2; Ord. 6-1998 §1)

Secs. 2-52--2-70. Reserved.

Sec. 2-50. Exemption.

Emergency situations beyond the control of a member of the Town Council or board or commission resulting in absences as set forth in Sections 2-47, 2-48 and 2-49 above and precluding the prescribed prior approvals may be presented after the fact for consideration by the Town Council as grounds for exemption from the provisions hereof. (Prior code Ch. II §3-3-5)

Sec. 2-51. Town Council election procedure.

To facilitate the implementation of the reduction of the membership of the Town Council from seven (7) members to five (5), as required by the November, 1994, Section 3.1, Home Rule Charter amendment approved by the electorate, the following shall apply:

(1) November 5, 1996 election. One (1) member shall be elected for a term of four (4) years.

(2) November 3, 1998 election. Two (2) members shall be elected for terms of four (4) years, and one (1) member shall be elected for a term of two (2) years. The two (2) candidates to receive the greatest and second greatest number of votes shall be elected for the four-year terms. The candidate receiving the third greatest number of votes shall be elected for the two-year term.

ARTICLE IV

Administrative Departments

(7) Town Clerk Department. The Town Clerk shall exercise those duties and powers

Sec. 2-71. Establishment of departments.

There are hereby created the following administrative departments and functions of the Town, which shall be performed under the direction of the Town Manager:

(1) Building Department. The Building Department is responsible for the enforcement of the building codes as adopted in this Code.

(2) Finance Department. The Finance Department is responsible for all financial matters of the Town, maintaining accurate financial records and advising the Town Manager and the Town Council on the Town's long-range financial operations and investments.

(3) Housing Department. The Housing Department is responsible for the efficient operation and maintenance of the Town's employee housing inventory and administration of the permanent moderate housing program.

(4) Planning Department. The Planning Department is responsible for all planning activities of the Town, administration of the provisions of Chapter 16A of this Code and the implementation of the Town's Comprehensive Plan.

(5) Police Department. The Police Department is responsible for public safety functions for the Town's citizens and visitors.

(6) Public Works Department. The Public Works Department is responsible for the maintenance of the Town's road system, the provision of solid waste and recycling services, fleet maintenance, operation of Town parks and the provision of recreation services.

conferred upon him or her pursuant to Article VI, Section 6.6 of the Charter and this Code.

(15) days after commencement of the action.

(8) Transportation Department. The Transportation Department is responsible for the operation of the Town transportation system and the Town permit parking program. (Ord. 4-1994 §1; Ord. 10-1997 §2; Ord. 17-2001 §1; Ord. 2-2003 §1)

Sec. 2-72. Authority of the Town Manager.

The Town Manager may modify or assign additional functions and responsibilities to the established departments as he or she deems necessary or appropriate. (Ord. 4-1994 §1)

Sec. 2-73. Defense of officials and employees.

The following shall constitute the official policy of the Town with respect to the defense of officials and employees of the Town in accordance with the Colorado Governmental Immunity Act:

(1) Where the Town Council is made a co-defendant with an official or employee of the Town in an action for claims against such an official or employee allegedly arising out of injuries sustained from an act or omission of such official or employee occurring during the performance of his or her duties and within the scope of his or her employment, the Town Council shall notify such official or employee in writing within fifteen (15) days after the commencement of such action whether it will assume the defense of such official or employee.

(2) Where the Town Council is not made a co-defendant with an official or employee of the Town as specified in Subsection (1) above, it shall notify said official or employee whether it will assume such defense within fifteen (15) days after receiving written notice from the public official or employee of the existence of such action. Notice from the official or employee must be received by the Town Council within fifteen

(3) The Town Council shall assume the reasonable defense of officials and employees of the Town under the circumstances specified in Subsections (1) and (2) above, where a claim against a public official or employee of the Town allegedly arises out of injuries sustained from an act or omission of such official or employee occurring during the performance of his or her employment; provided that the Town Council, at its election, need not assume the defense:

a. Where the official or employee willfully and knowingly fails to notify the Town Council of the incident or occurrence which led to the claim within a reasonable time after such incident or occurrence, if such incident or occurrence could reasonably have been expected to lead to a claim;

b. When the official or employee compromised or settled the claim without the consent of the Town Council; or

c. When the action is for a criminal offense initiated by a local, state or federal prosecutor (however designated).

(4) It shall be within the discretion of the Town Council whether such defense shall be handled by the legal staff of the Town or by other counsel. An official or employee is always entitled to counsel of his or her own choosing at his or her own expense.

(5) Where the Town Council elects to assume the defense of an official or employee, such defense shall be subject to an agreement between the Town Council and the official or employee which includes the following:

a. That such official or employee shall reimburse the Town for costs and attorney's fees actually expended on the defense when and if, after all appeals are exhausted or appeal periods have expired, it has been judicially determined that:

1. Injuries did not arise out of an act or omission of such official or employee occurring during the performance of his or her duties and within the scope of his or her employment,

2. That the act or omission of such official or employee was willful and wanton,

3. The official or employee willfully and knowingly failed to notify the Town Council of the incident or occurrence which led to the claim within a reasonable time after such incident or occurrence, and such incident or occurrence could reasonably have been expected to lead to a claim,

4. That the official or employee had compromised or settled the claim without the consent of the Town Council, or

5. The official or employee is guilty of a local, state or federal crime.

b. That the Town Council shall not compromise or settle the claim without the consent of the official or employee unless and until it is established that the defense of sovereign immunity is not available to the Town; and

c. Such official or employee shall not compromise or settle the claim without the consent of the Town Council.

(6) In the event that the Town Council elects not to assume the defense of an official or employee, the Town shall be liable to such official or employee for his or her reasonable costs and attorney's fees in prosecuting his or her own defense, unless the court determines that any one (1) of the circumstances described in Subsection (5)a1--5 above exists.

(7) The payment of all judgments and settlements of claims against any of its public officials or employees by the Town Council shall be solely in accordance with the provisions of Section 24-10-101 *et seq.*, C.R.S. (Ord. 8-1986 §1)

Secs. 2-74—2-90. Reserved.

ARTICLE V

Code of Ethics

Sec. 2-91. Declaration of policy.

The provisions contained in the Code of Ethics set forth in Section 24-18-101 *et seq.*, C.R.S., and the Prescribed Acts Related to Contracts and Claims set forth in Section 24-18-201 *et seq.*, C.R.S., shall apply to all elected and appointed officials of the Town and employees of the Town, whether temporary or permanent, and shall be supplemented by this Article. In the event of a conflict between the provisions of this Article and the provisions of the above-described sections of the state statutes, the more restrictive shall apply. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-92. Declaration of purpose.

Proper democratic government requires that officials and employees be independent, impartial and fiduciaries of the public trust. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-93. Prohibition against gifts and favors.

No official or employee shall accept any valuable gift, service, loan, favor, thing of value, promise or other valuable consideration, as defined in Section 24-18-104(2) and (3), C.R.S., from any person or entity which may tend to influence the discharge of official duties or give the appearance of undue influence. (Ord. 13-1992 §2; Ord. 10-1997 §2; Ord. 9-2001 §1)

Sec. 2-94. Ex parte communication.

No elected official or an appointed official serving on a board or commission shall engage in any substantive communication concerning a matter pending before the Town with an applicant except at an open meeting. If an official determines, at the official's sole discretion, that such communication was substantive, then the official shall be disqualified with respect to any official act to which the substantive communication relates. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-95. Political activity.

No appointed official or employee shall:

(1) Use his or her position or the facilities or property of the Town on behalf of any candidate for municipal office;

(2) Take part in any political campaigns for any municipal office, except for himself or herself; or

(3) Promise any appointment to anyone for any municipal position. (Ord. 13-1992 §2)

Sec. 2-96. Disclosure of confidential information.

No official or employee shall disclose confidential information concerning the affairs of the Town or use such information on an "insider" basis to advance personal, financial or private interests. (Ord. 13-1992 §2)

Sec. 2-97. Representation of private interests.

(a) No official or employee shall appear on behalf of a personal or private interest before the Town Council, any commission or board of the Town, any department of the Town or the Municipal Court without the prior approval of the Town Council expressly set forth in a resolution.

(b) No then-seated Town Councilperson may appear at or before the Town Council, any commission or board of the Town, either in person, by written means, or in any other manner, for the purpose of espousing a position for or against any matter pending before said Town Council, commission or board of the Town. (Ord. 13-1992 §2; Ord. 9-2001 §1)

Sec. 2-98. Contracts with the Town.

Any official or employee with a substantial personal financial interest in any transaction or contract with the Town shall:

(1) Cause to be disclosed the existence of the interest into the record of the next regularly scheduled Town Council meeting; and

(2) Be disqualified with respect to any official act to which the interest relates.

An official or employee shall not be deemed interested in any transaction or contract, unless such transaction or contract is approved, awarded, entered into or authorized by such official or employee in his or her official capacity. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-99. Disclosure of interest in legislation.

Any official or employee with a personal, financial or private interest in any legislation pending before the Town Council shall:

(1) Cause to be disclosed the existence of the interest into the record of the next regularly scheduled Town Council meeting; and

(2) Be disqualified with respect to any official act to which the interest relates. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-100. Compliance with criminal code.

(a) All officials and employees are subject to the provisions of Section 18-8-308, C.R.S., which requires the disclosure of a conflict of interest if an official or employee exercises any substantial discretionary function in connection with a government contract, purchase, payment or other pecuniary transaction. The official or employee must give seventy-two (72) hours' actual advance written notice to the Secretary of State and to the Town Council of the existence of a known potential conflicting interest of the official or employee and the transaction with reference to which he or she is about to act in his or her official capacity.

(b) A potential conflicting interest exists when an official or employee is a director, president, general manager or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction. Failure to timely disclose the conflict of interest constitutes a Class 2 misdemeanor. (Ord. 13-1992 §2; Ord. 10-1997 §2)

Sec. 2-101. Related parties.

The appearance of a person related to a member of the Town Council, any commission or board of the Town, before said Town Council, commission or board of the Town, either in person, in writing, or in any other manner, for the purpose of espousing a position for or against any matter then pending before said Town Council, commission or board of the Town, is to be strongly discouraged. Should any such related person appear, in any manner, before such Town Council, any commission or board of the Town, then the member whose above-stated related party so appears should strongly consider recusing himself or herself from further proceedings concerning said matter. (Ord. 9-2001 §1)

Secs. 2-102—2-140. Reserved.

ARTICLE VI

Municipal Court

Sec. 2-141. Establishment of Municipal Court.

The Municipal Court, a court of record, in and for the Town is hereby established in accordance with the provisions of Article 7, Section 7.2(a) of the Charter and Section 13-10-104, C.R.S., to hear and try all alleged violations of

provisions of the Charter, ordinances and resolutions enacted pursuant thereto, the provisions of this Code and as may be conferred by law. (Ord. 1-1993 §2)

Sec. 2-142. Court sessions.

There shall be regular sessions of the Municipal Court as determined by the Municipal Judge. However, that a regular session of the Municipal Court shall be scheduled at least once during each month of the year unless the Municipal Judge finds that there are no docket items pending for a specific month. (Ord. 1-1993 §2)

Sec. 2-143. Verbatim record of proceedings.

A verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means shall be maintained for all matters which come before the Municipal Court. The Municipal Judge shall determine the method to be employed to maintain the verbatim record of the proceedings of the Municipal Court. (Ord. 1-1993 §2)

Sec. 2-144. Clerk of the Court.

The Municipal Judge shall, with the approval of the Town Manager, appoint a Court Clerk. The compensation of the Court Clerk shall be determined by the Town Manager. The provisions of Section 13-10-108, C.R.S., which are inconsistent with the provisions of this Section shall not apply to the position of Court Clerk. (Ord. 1-1993 §2)

Sec. 2-145. Clerk bond.

The Court Clerk shall not be required to provide a performance bond to the Town, except if required by the Town Council by resolution. In the event that a performance bond is required by the Town Council, the cost of providing the performance bond shall be paid by the Town. The provisions of Section 13-10-109, C.R.S., which are inconsistent with the provisions of this Section shall not apply to the provision of a performance bond by the Court Clerk. (Ord. 1-1993 §2)

Sec. 2-146. Applicability.

Except as expressly declared inapplicable in this Article, the provisions of Section 13-10-101 *et seq.*, C.R.S., shall apply to and govern the operation of the Municipal Court. (Ord. 1-1993 §2)

Sec. 2-147. Qualifications of Municipal Judge.

In accordance with the provisions of Article VII, Section 7.2(c) of the Charter, all Municipal Judges shall be attorneys admitted to practice in the State. The provisions of Section 13-10-106, C.R.S., shall not apply to the qualification of a Municipal Judge. (Ord. 1-1993 §2)

Sec. 2-148. Appointment of Municipal Judge.

In accordance with the provisions of Article VII, Section 7.2(b) of the Charter, the Town Council shall appoint a Municipal Judge or Judges for a specified term of not less than one (1) year. The provisions of Section 13-10-105(1), C.R.S. which are inconsistent with the provisions of this Section shall not apply to the appointment of the Municipal Judge. (Ord. 1-1993 §2)

Sec. 2-149. Compensation of Municipal Judge.

In accordance with the provisions of Article VII, Section 7.2(d) of the Charter, all Municipal Judges shall receive a salary or compensation as determined by the Town Council. The compensation shall be set by a resolution of the Town Council and shall be a fixed annual compensation payable on a monthly or other periodic basis for the Municipal Judge. An Assistant Municipal Judge or a Substitute Municipal Judge may have compensation determined by the Town Council which is based upon the number of Court sessions presided over by such judge by resolution. The provisions of Section 13-10-107, C.R.S., which are inconsistent with the provisions of this Section shall not apply to the determination of compensation of Municipal Judges. (Ord. 1-1993 §2)

Sec. 2-150. Removal of Municipal Judge.

In accordance with the provisions of Article VII, Section 7.2(e) of the Charter, a Municipal Judge may be removed from office only for cause. The provisions of Section 13-10-105(2), C.R.S., which are inconsistent with the provisions of this Section shall not apply to the removal of the Municipal Judge. (Ord. 1-1993 §2)

Sec. 2-151. Solemnization of marriages.

The Municipal Judge, an Assistant Municipal Judge or a Substitute Municipal Judge shall have the power to solemnize marriages and shall be considered to be judges and public officials with the power to solemnize marriages within the meaning of Section 14-2-109, C.R.S. (Ord. 1-1993 §2)

Sec. 2-152. Extended civil jurisdiction.

When an alleged violation of the provisions of Chapter 7, Article I, and Chapters 16, 16A and/or 18 of this Code has occurred and has not been voluntarily and timely abated pursuant to the appropriate provisions of this Code:

(1) Equitable powers. The Town may bring a civil action in the Municipal Court to have the alleged violation declared as a violation by the Court and to have the Court enjoin the violation or to authorize its restraint, removal, termination or abatement by the owner, agent, occupant or person who has caused the violation or the person who allowed the violation to continue.

(2) Plaintiff. The civil action shall be brought by the Town, the Mayor or the Town Manager.

(3) Commencement of action. The civil action to declare and abate a violation as described in this Section shall be brought in the name of the Town by serving a copy of the summons and a verified complaint on the alleged violator, the respondent, and filing the original summons and verified complaint with the Municipal Court.

(4) Service of process. Summonses and subpoenas shall be served as in civil cases. Any employee or agent of the Town who is over the age of eighteen (18) years may serve the summons or a subpoena.

(5) Appearance date. A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than twenty-one (21) days from the date of service of the summons and complaint.

(6) Response. The respondent shall file a response or answer on or before five (5) days prior to the appearance date specified in the notice of appearance.

(7) Default. Upon the date and time specified for appearance and trial, if the respondent has not timely filed a response and fails to appear, upon the determination by the Municipal Court of proper service of the summons and complaint, the Court may grant an order as requested by the Town. The court order shall not become effective for ten (10) days from the date of entry of the order, and a copy of the court order shall be mailed to the respondent at the respondent's last known address.

(8) Grounds for default. Failure to appear on any date set for hearing and trial shall be grounds for the Municipal Court to enter a default and an order or a default judgment against the nonappearing party.

(9) Set aside default. Prior to enforcement of an order of the Municipal Court, upon good cause shown, the Court may set aside an entry of default and any order for default judgment previously entered.

(10) Trial. Trial of all actions brought pursuant to this Section shall be to the Court only. No jury trials are authorized. The trial to the Court shall be held upon the appearance date, unless the Court grants a continuance for good cause shown. No case shall be continued for more than sixty (60) days after the appearance date.

(11) Failure to comply with Court order. Any disobedience or interference with any order issued by the Municipal Court in an action to abate a violation of this Section may be punishable as a contempt of Court by imprisonment not to exceed one (1) year or by a fine not to exceed one thousand dollars (\$1,000.00). Each day's failure to comply with an order of the Court shall constitute a separate act of contempt for which an additional penalty may be imposed.

(12) Colorado Rules of Civil Procedure. To the extent necessary to facilitate just, speedy, informal and inexpensive determinations of claims, the Court may use the Colorado Rules of Civil Procedure as a guideline for civil procedures in Municipal Court, including service of process, equitable relief and the entrance of defaults.

(13) Costs. In any action in which the Town prevails which was instituted pursuant to this Section, the Town may recover its reasonable costs of abating the violation, including attorneys' fees actually incurred, expenses and Court costs. Such costs may be assessed against the respondent and become a lien against the subject property pursuant to Sections 16-13-313 and 16-13-314, C.R.S.

(14) Appeals. The procedure to appeal an order entered by the Municipal Court shall be that which is set forth in Rule 411 of the Colorado County Court Rules of Civil Procedure, replacing where applicable the

words "County Court" with the words "Snowmass Village Municipal Court." (Ord. 1-1993 §2; Ord. 5-1999 §1)

Sec. 2-153. Extended criminal jurisdiction.

When an alleged violation of the provisions of Chapter 7, Article I, and Chapters 16, 16A and/or 18 of this Code has occurred and has not been voluntarily and timely abated pursuant to the appropriate provisions of this Code:

(1) Criminal power. The Town may bring a criminal action in the Municipal Court to have the violation declared by the Court and to have the Court impose sentence, as hereinafter set forth, upon the owner, agent, occupant or person who has caused the violation or the person who has allowed the violation to continue.

(2) Commencement of action. The criminal action to declare a violation shall be brought in the name of the Town for and on behalf of the people of the State by serving a copy of the summons and verified complaint upon the alleged violator, the defendant, and filing the original summons and verified complaint with the Municipal Court.

(3) Service of process. Summonses and subpoenas shall be served as in civil cases. Any employee or agent of the Town who is over the age of eighteen (18) years may serve the summons or a subpoena. (Ord. 1-1993 §2; Ord. 5-1999 §1)

Sec. 2-154. Other remedies.

The remedies set forth in Sections 2-152 and 2-153 above are cumulative. The initiation of any action or the imposition of any penalty under Sections 2-152 and 2-153 above shall not preclude the Town or any proper person from instituting any other appropriate action or proceeding to require compliance with the provisions of this Code as provided by law. (Ord. 1-1993 §2)

Sec. 2-155. Trial to Court.

Trial of all actions for violations of any provisions of this Code which are not petty offenses within the meaning of Section 16-10-109, C.R.S., shall be to the Court only. Except to the limited extent that a trial by jury is required by the provisions of Section 16-10-109, C.R.S., no jury trials are authorized. (Ord. 1-1993 §2)

Secs. 2-156—2-170. Reserved.

ARTICLE VII

Arts Advisory Board

Sec. 2-171. Establishment of Arts Advisory Board.

A permanent Arts Advisory Board, specifically designated as "advisory," is hereby created. (Ord. 11-1991 §1; Ord. 9-1993 §1)

Sec. 2-172. Qualifications.

All members of the Arts Advisory Board shall have some experience in arts, cultural, educational or community organizations. (Ord. 11-1991 §2)

Sec. 2-173. Composition, appointment, terms.

The Arts Advisory Board shall consist of not less than five (5) nor more than fifteen (15) members, who shall serve overlapping terms of two (2) years each. The term of each member shall be designated in the Resolution of Appointment by the Town Council. (Ord. 11-1991 §4; Ord. 9-1993 §3; Ord. 23-2000)

Sec. 2-174. Responsibilities.

The Arts Advisory Board shall have the following responsibilities:

(1) Provide direction and leadership for future cultural arts initiatives, as they impact the Town's funding.

(2) Act as a cultural arts advocate and consultant to the Town Council by promoting awareness and education concerning the cultural arts.

(3) Provide a resource of information and expertise on cultural arts issues.

(4) Function as the primary cultural arts liaison between the Town Council and the community.

(5) Process, review and make recommendations to the Town Council on arts-related and cultural-related issues, propositions and funding proposals by:

a. Holding annual forums for all cultural arts organizations;

(6) Review and evaluate progress of the Arts Advisory Board Strategic Planning Document.

(7) Present annual reports to the Town Council outlining the condition of the cultural arts serving the Town and goals for future development.

(8) To work in cooperation with Aspen Snowmass Council for the Arts, Snowmass Village Resort Association and any other organization which purports to represent and develop special cultural events within the Town to keep within the goals and objectives of the cultural arts long-range plan.

(9) To render such other recommendations or advice as the Town Council may request. (Ord. 11-1991 §5; Ord. 9-1993 §4; Ord. 23-2000)

Secs. 2-175—2-190. Reserved.

ARTICLE VIII

Board of Appeals and Examiners

Sec. 2-191. Establishment.

There is hereby established a permanent Board of Appeals and Examiners to hear and decide appeals of orders, decisions or determinations made by the Building Official or the Fire Chief, relative to the application and interpretations of Chapter 18 of this Code. The Board shall not have authority relative to the interpretation of the administrative provisions of, nor shall the Board be empowered to waive requirements of, the building regulations in Chapter 18 of this Code. (Ord. 4-1994 §1)

Sec. 2-192. Qualifications.

The members of the Board of Appeals and Examiners shall be qualified by the Town Council by experience and training to pass on matters pertaining to building construction and shall not be employees of the Town. The Town Council shall appoint members. (Ord. 4-1994 §1)

Sec. 2-193. Term of members.

Members of the Board of Appeals and Examiners shall be appointed to serve overlapping, three-year terms. The Town Council shall name replacements for members whose terms are to expire, by resolution, at the first regular meeting of the Town Council in January of each year. (Ord. 4-1994 §1)

Sec. 2-194. Composition.

The Board of Appeals and Examiners shall consist of not less than five (5) regular members; additionally, the Town Council may, at its discretion and from time to time, appoint up to two (2) alternate members. Alternates shall be expected to attend all regular and special meetings. Alternate members shall be entitled to vote on matters before the Board of Appeals and Examiners only when one (1) or more regular members are absent. (Ord. 4-1994 §1; Ord. 2-2004 §1)

Sec. 2-195. Powers.

The Board of Appeals and Examiners shall have the following powers:

(1) To reverse, affirm or modify the Building Official's or Fire Chief's decision upon the application and interpretation of the building regulations set forth in Chapter 18 of this Code.

(2) All decisions and findings of the Board shall be in writing and shall be mailed to the appellant by United States Mail, postage prepaid, to the address of the appellant on file with the Town, with a duplicate copy to the Building Official.

(3) To assist and advise the Building Official in reviewing applications for contractor's licenses, the suspension or revocation of contractor's licenses, and the procedures for conducting examinations and investigations concerning contractor's licenses. (Ord. 4-1994 §1)

Sec. 2-196. Appeal procedure.

Any person aggrieved by any order, decision or determination made by the Building Official or the Fire Chief may appeal such order, decision or determination to the Board of Appeals and Examiners. An appeal must be filed with the Board within thirty (30) days from the effective date of the order, decision or determination of the Building Official or the Fire Chief. An

appeal is perfected by filing a notice of appeal with the Board which contains appropriate reference to order, decision or determination appealed from, as well as grounds for the appeal. Upon the filing of the appeal, the Building Official or the Fire Chief shall transmit to the Board all relevant records and data upon which the Building Official's or the Fire Chief's order, decision or determination was made. The Board shall set a hearing on the appeal, giving notice to the appellant. The Board shall receive such testimony and evidence as it determines necessary to reach a decision on the appeal. The Board may request additional information necessary for adequate consideration of the appeal. The Board shall render a decision on the appeal within forty-five (45) days from the date of filing of the appeal. (Ord. 4-1994 §1)

Sec. 2-197. Appeal of Board decision.

Within thirty (30) days after the entry of a decision by the Board of Appeals and Examiners, the appellant may seek review of the order in a court of competent jurisdiction. The review of the order of the Board by the Court shall be limited to determination of whether the Board has exceeded its jurisdiction or abused its discretion. (Ord. 4-1994 §1)

Secs. 2-198—2-210. Reserved.

ARTICLE IX

Citizens Grant Review Board

Sec. 2-211. Establishment.

A permanent Citizens Grant Review Board, hereinafter referred to as CGRB, is hereby created for the Town. (Ord. 12-2000 §1)

Sec. 2-212. Composition of Board.

All members of the CGRB shall be full-time residents and registered voters in Snowmass Village and have some experience in cultural, educational and/or community organizations. The Board shall consist of no more than five (5) regular members and two (2) alternate members. Any voting member missing three (3) meetings over a period of one (1) year, without good cause, shall be removed from the Board. (Ord. 12-2000 §2)

Sec. 2-213. Appointment and terms of office.

All members of the CGRB shall be appointed by the Town Council. Initial appointments shall specify the term of office of each individual and be in accordance with Section 8.3 of the Charter. (Ord. 12-2000 §3)

Sec. 2-214. Vacancies.

Vacancies on the CGRB shall be filled for the remainder of the unexpired term by appointment of the Town Council following public notice in accordance with Section 8.5 of the Charter. (Ord. 12-2000 §4)

Sec. 2-215. Organizational meetings.

The members of the Board shall elect annually, from its membership, a Chairperson and a Vice-Chairperson whose term of office in such capacity shall be for one (1) year with eligibility for re-election. The Board shall adopt rules and

regulations for its organization and for the transaction of business. Such business shall not conflict with the ordinances of the Town or the statutes of the State. All meetings shall be open to the public, and the Board shall keep a public record of its proceedings. Board meetings shall be held a minimum of three (3) times a year, or more, if necessary, as determined by the Board. (Ord. 12-2000 §5)

Sec. 2-216. Powers and duties.

The Citizens Grant Review Board shall have the following powers and responsibilities:

- (1) Advocate nonprofit, charitable organizations, which enhance the quality of life for the residents, visitors and employees of Snowmass Village.
- (2) Provide a resource of information and expertise on grant issues.
- (3) Function as the primary grant review liaison between the Town Council and the community nonprofit organizations.
- (4) Process, review and make recommendations to the Town Council on all grants and funding requests by:
 - a. Publishing notice of availability of funding for grants by the Town and mailing applications as requested;
 - b. Establishing comprehensive grant funding and review guidelines to properly implement the grant process;
 - c. Receiving and evaluating all incoming applications to determine:
 - 1. If applications are tax-exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code;

2. If the applicants are appropriately enhancing the quality of life of the citizens, visitors and employees of Snowmass Village;

3. If the applicants are outside the realm of consideration, i.e. religious and "for-profit" groups, individuals, organizations clearly servicing an area outside of the Roaring Fork Valley or organizations with political agendas;

d. Conducting intensive interview sessions with every applicant for funding, to be held each year during the budget process;

e. Holding deliberation meetings to discuss all the applications in order to arrive at a list of recommended grant awards.

(5) Present a final list of recommended grants to the Town Council and explain the reasoning behind such recommendations.

(6) To meet on a timely and as-needed basis to review any other proposals that may come before the Board, and to fully carry out the Board's responsibilities and duties.

(7) To render such other recommendations or advice as Town Council may, from time to time, request. (Ord. 12-2000 §6)

Secs. 2-217—2-230. Reserved.

ARTICLE X

Financial Advisory Board

Sec. 2-231. Establishment.

Pursuant to Section 8.1 of the Charter, there is hereby established a Financial Advisory Board for the Town. (Prior code Ch. II §2-3-1)

Sec. 2-232. Qualifications.

All members of the Financial Advisory Board shall have education or experience in business or public finance, accounting or budgeting. No member of the Town Council, any employee of the Town, or any Town, County or City of Aspen official shall serve on any Financial Advisory Board. (Prior code Ch. II §2-3-2; Ord. 4-1994 §1)

Sec. 2-233. Vacancies.

Vacancies on the Financial Advisory Board shall be filled for the remainder of the unexpired terms by appointment of the Town Council following public notice of such vacancy. (Prior code Ch. II §2-3-3)

Sec. 2-234. Composition; appointment; term.

The Financial Advisory Board shall consist of up to seven (7) members who shall be appointed by the Town Council to serve overlapping terms of two (2) years each. All terms of members shall expire on a staggered basis at the first regular meeting of the Town Council in January of each year. All members shall serve at the pleasure of the Town Council and may be removed by a majority vote of the entire Town Council. The Financial Advisory Board shall elect a chairman from the membership annually and shall establish rules and regulations governing its procedure consistent with the provisions of this Article. (Prior code Ch. II §2-3-4; Ord. 1-1987 §1; Ord. 4-1994 §1)

Sec. 2-235. Duties and responsibilities.

The Financial Advisory Board shall have the following duties and responsibilities:

(1) To make recommendations, as requested, to the Town Council prior to the adoption of the budget and capital program for the Town.

(2) To render such other recommendations or advice as the Town Council may from time to time request. (Prior code Ch. II §2-3-5; Ord. 18-2001 §1)

Secs. 2-236—2-250. Reserved.

ARTICLE XI

Liquor Licensing Authority

Sec. 2-251. Establishment of authority.

A Liquor Licensing Authority is hereby created to administer the provisions of the Colorado Beer Code, the Colorado Liquor Code, special event permits and such other provisions as contained in the laws of the State regulating the sale of fermented malt beverages, alcoholic

beverages, special malt liquors, spirituous liquors and vinous liquors and regulations made pursuant thereto, as they presently exist or may hereafter be amended. (Ord. 15-1992 §2)

Sec. 2-252. Qualifications of members.

The Liquor Licensing Authority shall be composed of five (5) regular members. No member of the Liquor Licensing Authority shall have any financial interest, direct or indirect, in any license which can be issued by the Liquor Licensing Authority. All members of the Liquor Licensing Authority shall serve at the pleasure of the Town Council. (Ord. 15-1992 §2)

Sec. 2-253. Terms of members.

The term of a member of the Liquor Licensing Authority shall be for three (3) years. The Town Council shall appoint members on a staggered term basis to provide for overlapping terms. In the event that a vacancy occurs on the Liquor Licensing Authority, the Town Council shall appoint a new member to serve the remaining terms of the vacancy. All terms shall expire on a staggered basis at the first regular meeting of the Town Council in January of each year. (Ord. 15-1992 §2)

Sec. 2-254. Compensation of members.

All members of the Liquor Licensing Authority shall serve without compensation. All reasonable expenses of the members shall be paid by the Town upon approval of the expenses by the Town Council. (Ord. 15-1992 §2)

Sec. 2-255. Staff assistance.

Technical assistance and services shall be provided to the Liquor Licensing Authority by the Town staff upon request of the chairman of the Authority. (Ord. 15-1992 §2)

Sec. 2-256. Officers.

Yearly at the first regularly scheduled meeting of the Liquor Licensing Authority, occurring after the first regularly scheduled Town Council meeting in January of each year, the Liquor Licensing Authority shall elect officers from among its members. The officers to be elected shall be chairman and vice chairman. The chairman, or in his or her absence, the vice chairman, shall be presiding officer at all meetings. (Ord. 15-1992 §2)

Sec. 2-257. Meetings.

All business of the Liquor Licensing Authority shall be conducted at meetings which are open to the public and shall be held within the Town. (Ord. 15-1992 §2)

Sec. 2-258. Rules and regulations.

The Liquor Licensing Authority is hereby expressly authorized and empowered to promulgate reasonable rules and regulations as are necessary and proper to govern proceedings before it and may delegate its authority regarding the issuance of Temporary Permits and Special Event Permits to an official, provided that such rules and regulations shall not be in conflict with

the applicable provisions of the laws of the State and regulations made pursuant thereto, this Code or the Charter. (Ord. 15-1992 §2; Ord. 4-1994 §1; Ord. 11-1999 §1)

Sec. 2-259. Application of state statutes.

Pursuant to declaration by the General Assembly, the Colorado Beer Code, Section 12-46-101 *et seq.*, C.R.S., the Colorado Liquor Code, Section 12-47-101 *et seq.*, C.R.S., and Special Event Permits, Section 12-48-101 *et seq.*, C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the Town. (Ord. 15-1992 §2; Ord. 10-1997 §2)

Sec. 2-260. Definitions.

As used in this Article, unless the context otherwise requires, all terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and Special Event Permits, as the definitions presently exist or may hereafter be amended. (Ord. 15-1992 §2; Ord. 10-1997 §2)

Sec. 2-261. Local license fees.

The maximum fee prescribed in the Colorado Beer Code, the Colorado Liquor Code and Special Event Permits which may be collected by a local licensing authority shall be collected, except as specifically waived or modified by a resolution of the Town Council. (Ord. 15-1992 §2; Ord. 10-1997 §2)

Sec. 2-262. Optional premises.

(a) Optional premises license and optional premises for a hotel and restaurant license may be issued by the Liquor Licensing Authority.

(b) The following standards shall be applicable to the issuance of a license under this Section, in addition to all other applicable standards set forth in the Colorado Liquor Code for optional premises license and optional premises for a hotel and restaurant license.

(1) Eligible facilities. Outdoor sports and recreational facilities as defined in Section 12-47-103(13.5), C.R.S., as it presently exists or may hereafter be amended, are eligible for licensing as an optional premises or an optional premises for a hotel and restaurant.

(2) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports or recreational facility.

(3) Minimum size of facility. There is no restriction on the minimum size of an outdoor sports or recreational facility which would be eligible for issuance of an optional premises license or optional premises for a hotel and restaurant license.

(c) The application for an optional premises license or optional premises for a hotel or restaurant license shall be accompanied by the following:

(1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use; and

(3) A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises. (Ord. 15-1992 §2; Ord. 4-1994 §1; Ord. 10-1997 §2)

Sec. 2-263. Tastings.

(a) Definition. *Tastings* means the sampling of malt, vinous or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of Section 12-47-301(10), C.R.S.

(b) Authorization. The Town hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this Section and pursuant to Section 12-47-301(10)(a), C.R.S., and subject to approval by the Local Licensing Authority. It is unlawful for any person or licensee to conduct tastings without first having obtained a permit to do so in accordance with this Section.

(c) Application for permit. A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings shall submit an application for a permit to the Deputy Town Clerk on forms supplied by the Town Clerk's Department. Such application shall be accompanied by a nonrefundable annual fee as set.

(d) Term. The tastings permit shall be valid for a period of one (1) year, and shall run and expire concurrently with the license of the retail liquor store or liquor-licensed drugstore; provided, however, that the first tastings permit issued to a retail liquor store or liquor-licensed drugstore licensee shall be valid only until the expiration of the current liquor license.

(e) Limitations. Tastings shall be subject to the limitations set forth in Section 12-47-301(10)(a), C.R.S.; and tastings shall be subject to the limitations set forth by the above statute as may be amended from time to time by the Town Clerk’s Department. (Ord. 31-2004 §B1)

Sec. 2-264. Educational requirements.

Every hotel and restaurant licensee, registered manager and licensee's employee is encouraged to obtain a certificate of completion from an educational program of training for intervention procedures for servers of alcohol. Those registered managers obtaining a certificate of completion may file a copy of the certificate of completion with the Liquor Licensing Authority with an application of renewal of a liquor license. (Ord. 15-1992 §2; Ord. 4-1994 §1; Ord. 10-1997 §2)

Sec. 2-265. Reseal and removal.

In accordance with Section 12-47-411(3.5), C.R.S., a hotel or restaurant licensed pursuant to this Section may permit a customer of the hotel or restaurant to reseal and remove from the licensed premise one (1) opened container of partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than seven hundred fifty (750) milliliters of vinous liquor. (Ord. 31-2004 §B2)

Secs. 2-266—2-270. Reserved.

ARTICLE XII

Planning Commission

Sec. 2-271. Establishment of Planning Commission.

Pursuant to Section 8.1 of the Town Charter, there is hereby established a Planning Commission. (Prior Land Use Code §17.005)

Sec. 2-272. Vacancies.

Vacancies in the Planning Commission shall be filled for the remainder of the unexpired term by appointment of the Town Council. (Prior Land Use Code §17.010; Ord. 4-1994 §1)

Sec. 2-273. Composition, appointment and term.

The Planning Commission shall consist of five (5) regular members. Additionally, the Town Council may, at their discretion and from time to time, appoint up to two (2) alternate members. Regular and alternate members shall each be appointed by the Town Council to serve overlapping terms of three (3) years each. Appointments to fill vacancies as a result of the expiration of a term shall be made at the first regular Council meeting in January of each year. Other vacancies shall be filled as provided in the Charter. Alternate members may be appointed by the Town Council to fill regular member vacancies. All members shall serve at the pleasure of the Town Council and may be removed by a majority vote of the entire Town Council. All terms of members shall expire on a staggered basis at the first regular meeting of the Town Council in January of each year. Alternates shall be expected to attend all regular and special meetings and work sessions. Alternate members shall be entitled to vote on matters before the Planning Commission only when one (1) or more regular members are absent. (Prior Land Use Code §17.020; Ord. 7-1993; Ord. 4-1994 §1; Ord. 1-1997 §2)

Sec. 2-274. Duties.

The Planning Commission shall have the following duties:

- (1) To advise the Town Council at any time regarding any matter relating to the Comprehensive Plan.
- (2) To review, pursuant to the applicable provisions of this Code, any submission which involves application for a special review use, subdivision approval, planned

unit development approval, specially planned area approval or any application for rezoning significantly affecting the Town; and to make a written report to the Town Council of its findings and recommendations. In making such review, the Planning Commission shall specifically concern itself with whether or not the proposed development or requested action is consistent with the provisions of the Comprehensive Plan. The Planning Commission shall make a recommendation for approval, against approval or for approval subject to conditions.

- (3) To review the Comprehensive Plan on a continuing basis, taking into consideration changing conditions; and to submit a written report to the Town Council on the status of the Comprehensive Plan, including, if appropriate, recommendations for amendment in accordance with the provisions of Section 16-334 of this Code. (Prior Land Use Code §17.025; Ord. 4-1994 §1; Ord. 8-2003 §1)

Sec. 2-275. Authority.

The Planning Commission shall have the authority:

- (1) To hire consultants and perform studies, upon the prior approval of the Town Council, to carry out its responsibilities.
- (2) To consult with and utilize the services of the Planning Director, Town Attorney and other Town staff, as needed, to carry out its responsibilities.
- (3) To act, in certain instances, as the Board of Adjustment. (Prior Land Use Code §17.025; Ord. 4-1994 §1; Ord. 10-1997 §12)

Sec. 2-276. Meetings.

Regular meetings shall be held at least once a month at such time and place as the Planning Commission shall determine. The date, time and location of regular meetings shall be posted permanently in a location in the Town ordinarily used for public notices. The agenda of each regular meeting shall be posted in a public place within the Town at least forty-eight (48) hours' notice to each member of the Planning Commission. A special meeting, however, may be held on a shorter notice if a quorum of the Planning Commission approves. (Prior Land Use Code §17.025; Ord. 4-1994 §1)

Secs. 2-277—2-290. Reserved.

ARTICLE XIII

Nondiscrimination in Employment and Services

Sec. 2-291. Statement of policy.

It is the express policy of the Town to comply with the provisions of applicable law by all officials and employees. (Ord. 10-1997 §2)

Sec. 2-292. Compliance coordinator.

The Town Manager shall be the coordinator for compliance with the provisions of all applicable law. For purposes of the Americans with Disabilities Act, the Town Manager shall be the ADA Coordinator. (Ord. 10-1997 §2)

Sec. 2-293. Appeal procedure.

Any person who feels aggrieved due to purported noncompliance of the provisions of the law by the Town shall inform the Town Manager in writing and request correction of the purported noncompliance. The Town Manager

shall investigate the purported noncompliance and take such actions as are necessary and proper to alleviate any actual noncompliance. Such investigation shall be completed expeditiously within thirty (30) days; provided, however, that under circumstances where the Town Manager determines that an extended period of investigation is required, such investigation shall be completed in a period not greater than six (6) months from the receipt by the Town Manager of the instance of purported noncompliance. The provisions of this Section shall not apply to employment-related matters between the Town and an employee. (Ord. 10-1997 §2)

Secs. 2-294—2-310. Reserved.

ARTICLE XIV

Marketing and Special Events Board

Sec. 2-311. Establishment.

A permanent Marketing and Special Events Board is hereby created for the purposes of:

- (1) marketing;
- (2) creation, promotion and execution of special events; and
- (3) public relations;

for development of tourism for the benefit of Snowmass Village as a whole. The members of the Board shall collectively possess relevant skills and knowledge in the areas of marketing, special events, public relations, interpersonal relations, management and team building. The Board shall carry out its powers and duties with the express mandate that its decisions be made for the benefit of Snowmass Village as a whole. (Ord. 11-2002 §1)

Sec. 2-312. Qualifications.

All members of the Marketing and Special Events Board shall be Snowmass Village residents and registered voters. No member of the Town Council shall serve on the Board. The Town Council may only remove members of the Board, as follows:

- (1) for misfeasance or malfeasance of office by approval of a majority of the members of the Town Council; or
- (2) for any reason, by approval of at least three quarters (¾) of the members of the Town Council. (Ord. 11-2002 §1)

Sec. 2-313. Composition.

The Marketing and Special Events Board shall consist of five (5) members. The members of the Board, subject to the provisions of Section 2-305(c) of this Code, shall be the following:

- (1) a nominee of the Snowmass Village lodging industry;
- (2) a nominee of the Snowmass Village retail industry;
- (3) a nominee of the Snowmass Village food and beverage industry;
- (4) two (2) members at-large. (Ord. 11-2002 §1)

Sec. 2-314. Advisory Committee.

The Marketing and Special Events Board shall create and appoint an Advisory Committee to assist the Board in the exercise of its duties. Committee members shall be employed within the constituency group they represent. The

Committee is intended to be composed of members from related industries that support the success of the Marketing and Special Events Board including representation of specific industries, such as the transportation industry, and entities such as the Aspen Chamber Resort Association, the Aspen Skiing Company, the Snowmass Lodging Association, the Snowmass Resort Association, Stay Aspen Snowmass, nonprofit cultural organizations and the like. Members of the Committee shall serve at the pleasure of the Board. (Ord. 11-2002 §1)

Sec. 2-315. Initial appointment and initial terms of office.

The Marketing and Special Events Board shall be appointed by the Town Council to serve overlapping terms of three (3) years which shall expire at the first regular meeting of the Town Council annually. The initial terms of members of the Board will be as follows:

Industry Representative	Term in years
Lodging	3
Food and Beverage	3
Retail	2
At-large	2
At-large	1

(Ord. 11-2002 §1)

Sec. 2-316. Terms of office and appointment.

(a) Following the completion of the initial terms of office, each succeeding term shall be for three (3) years.

(b) A nomination for membership to the Marketing and Special Events Board shall be made to the Town Council by the Snowmass Village retail, food and beverage, and lodging industries. An industry nominee need not be a member of that industry. One (1) nomination is to be presented to the Town Council by each industry; provided, however, that in the event an industry cannot agree on a nominee, multiple nominees may be nominated. In determining the nominee for an industry, only a business that is licensed pursuant to Section 4-2 of this Code may vote, one (1) vote per business.

(c) The Town Council must appoint the nominee of an industry to the Board, if the nominee is qualified and if only one (1) person is nominated by the industry. If more than one (1) person is nominated by an industry, the Town Council must appoint one (1) of the industry nominees. In the event an industry fails to designate a nominee, then the Town Council shall choose the member of the Board for the industry. The Town Council may refuse to appoint a nominee of an industry, only if at least three quarters (¾) of the members of the Town Council, present and voting, do not approve the nominee; in which event, the Town Council may choose and appoint the member of the Board for that industry.

(d) All members at-large shall be chosen by the Town Council.

(e) A business may only have one (1) employee, officer, owner or holder of an incidence of ownership in the business be a nominee of an industry or a member of the Board. (Ord. 11-2002 §1)

Sec. 2-317. Attendance at meetings.

Each member of the Marketing and Special Events Board shall regularly and promptly attend all scheduled meetings to the extent practicable. In the event any member of the Board is consistently late for commencement of a scheduled meeting, or absent from two (2) consecutive regularly scheduled meetings without the prior approval of a majority of all the other members of the Board, such action shall be considered misfeasance of office and shall constitute grounds for removal. (Ord. 11-2002 §1)

Sec. 2-318. Vacancies.

In the event that a vacancy occurs on the Marketing and Special Events Board, the Town Council shall appoint a new member to serve the remaining term. Such appointment shall be accomplished in a manner specified in Section 2-305. (Ord. 11-2002 §1)

Sec. 2-319. Organizational meetings; bylaws.

The members of the Marketing and Special Events Board shall elect annually, from its membership, officers whose terms of office shall be for one (1) year with eligibility for re-election. The Board shall adopt bylaws for its organization and for the transaction of its business not inconsistent with the provisions of this Article. All meetings of the Board shall be open to the public and the Board shall keep a public record of its proceedings. Board meetings shall be held at a minimum of quarterly. (Ord. 11-2002 §1)

Sec. 2-320. Powers and duties.

In addition to carrying out its purpose, the Marketing and Special Events Board shall have the following powers and duties:

(1) develop programs and policies to accomplish its purposes; and

(2) authorize the Town Manager to enter into contracts or agreements to carry out its purposes, including administrative support; and

(3) direct the expenditure of funds for marketing, including print, electronic media as well as mail and direct mail solicitation; for public relations; and administrative expenses; and

(4) create, promote and execute special events; and

(5) prepare an annual budget for approval of the Town Council; and

(6) coordinate with the Town Manager to insure monies are spent consistently with the approved budget for the Board; and

(7) annually provide Town Council with a business plan that includes relevant performance standards; and

(8) make quarterly reports to Town Council showing performance of the approved business plan. Prior to making a report to Council, the Marketing and Special Events Board and Town Council will mutually agree to a report format. (Ord. 11-2002 §1)

