



Town Board of Trustees
AMENDED AGENDA
Tuesday, January 14, 2020
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

CALL TO ORDER - 6:00 PM

ROLL CALL - 6:05 PM

ADOPTION OF AGENDA - 6:05 PM *Opportunity for amendment or deletions to this evenings agenda.*

PUBLIC COMMENT - 6:10 PM *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

PRESENTATIONS - 6:10 PM *Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.*

1. Proposed Home Rule Charter, Brent McFall, Chair of Home Rule Charter Commission
2. Eagle Municipal Court Update/Check In, Judge Erik Johnson
3. Painted Intersection Pilot, Greg and Kari McDowell

CONSENT AGENDA - 6:50 PM *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)*

1. Minutes - December 10, 2019
2. Bill Pay - December 2019
3. Resolution 01, Series 2020, "A Resolution Designating the Place for Posting of Notices of Meetings for the Boards and Commissions of the Town of Eagle."
4. Ordinance 02, Series 2020, "An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.110 of The Eagle Municipal Code Concerning The Definitions of Open And Public Use of Marijuana."

STAFF REPORTS - 6:55 PM *The Town Manager and Department Staff prepare and provide internal updates to the Board.*

1. Town Manager Update
 - a. Quarterly Financial Update 2019
2. Department Update
3. Lower Basin Water Treatment Plant Update, MWH Constructors

BUSINESS ITEMS - 7:10 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the Board.*

1. Lower Basin Water Treatment Plant, MWH Constructors and SGM - Contract schedule and financial discussion
2. Marketing & Events Advisory Committee (MEAC) and Community Requests Grants
3. Holy Cross Energy Analysis
4. Proposed Tobacco Tax April Ballot Question
5. Home Rule Charter Review
 - a. Resolution 04, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Submitting the Proposed Home Rule Charter to the Registered Electors of the Town at the Regular Municipal Election to be Held on April 7, 2020 and Ordering that Such Election be Conducted as a Mail Ballot Election."
 - b. Resolution 05, Series 2020, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Supporting and Urging A "Yes" Vote on the Town of Eagle Home Rule Charter at the April 7, 2020 Regular Municipal Election."
 - c. Proposed Home Rule Charter
6. Ordinance 01, Series 2020, "An Ordinance of the Town of Eagle, Colorado, Setting Forth the Compensation to be Paid to Eagle Town Officers." *(Roll Call Vote Required)*

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 8:40 PM

1. Designation of Representative to NWCCOG for 2020
2. Joint Worksession with Planning Commission on February 4th (Comprehensive Plan)
3. Board of Trustees Policy Draft Document

EXECUTIVE SESSION - 8:50 PM *Executive session pursuant to C.R.S. 24-6-402(4)(b)(e) – to receive legal advice on specific legal questions and to develop a negotiation strategy and instruct negotiators regarding Red Mountain Ranch Annexation and Development Agreement.*

ADJOURN - 9:15 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



Town Board of Trustees
Tuesday, December 10, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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CALL TO ORDER - 6:00 PM

Mayor McKibbin called the meeting to order at 6:00 p.m.

ROLL CALL - 6:05 PM

TRUSTEES PRESENT

Anne McKibbin, Kevin Brubeck, Andy Jessen, Scott
Turnipseed, Paul Witt

TRUSTEES ABSENT

Mikel Kerst and Matt Solomon

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
April Kroner, Town Planner/Comm Dev Director
Jill Kane, Finance Director/Treasurer
Deron Dirksen, Utilities Manager
Joey Stauffer, Police Chief
Brian Hall, Special Event Manager
Lynette Horan, Human Resources Manager
Carrie Buhlman, Sergeant

ADOPTION OF AGENDA

Mayor McKibbin stated that the agenda will be amended to move the agenda item discussion for community funding items to the January 14, 2020 meeting.

PUBLIC COMMENT

Merv Lapin - Provided the Board with an update on the annexation for planning area 1-6 of Red Mountain Ranch. Expressed concern with third party consultant working on this project and delays in setting public hearing. Requested Board to demand from staff to post the notice of hearing to take place prior to February 3, 2020 or he may pull the application. Stated he would provide final resubmittals and a plat that were fair and complete. Additionally, requested the Town assume payment of the third-party consultant as of today.

Mayor McKibbin requested Brandy Reitter provide the Town Board with an update on this project. Brandy stated she will do so by January 14, 2020 or sooner.

PRESENTATIONS

1. [Purchase Renewal Energy \(PuRE\)](#), Holy Cross Energy

Mike Steiner Account Specialist for Holy Cross Energy provided review of the PuRE Program using renewable resources as an offset for members. Requested the town to consider joining this program.

Board Comments: stated this was a good program with minimal financial impact for a big benefit. Requested numbers for the Town to see financial impact on joining this program.

2. Eagle Valley Land Trust Request - [Sweetwater Lake](#), Bergen Tjossem

Jim Daus and Bergen Tjossem were present from the Eagle Valley Land Trust and presented information on Save the Lake campaign for Sweet Water Lake. Funding support is being requested in an amount the Town can provide.

Board Comments: Board will review budget implication for inclusion of this request with the 2020 Budget and 2021 Budget. Overall the Board expressed support of the campaign for this area. Concern using Town Open Space funds for this property. Town Manager will review ballot language to ensure whether those funds can be used for this project. Concern regarding transfer of property to Forest Service for management. Additional information was provided that a resort permit could be obtained by the Forest Service for the operations of Sweet Water Resort. The Conservation Funds intent is to purchase the property and then transfer sale to the Forest Service. Land Trust would accept any amount available from the Town prior to year-end and communicate to the funding authorities showing the additional funds.

CONSENT AGENDA

Board Comments: Eagle River Watershed Council payment is for testing not for the River Park.

MOTION: Trustee Scott Turnipseed motioned to Approve the Consent Agenda. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

1. Minutes - November 12, 2019
2. Bill Pay - November 2019
3. Resolution 46, Series 2019 A Resolution of the Board of Trustees of the Town Of Eagle, Colorado Providing that the Regular Municipal Election to Be Held April 7, 2020 Shall be Conducted as a Mail Ballot Election
4. Resolution 47, Series 2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Delegating to the Town Clerk the Authority and Responsibility to Appoint Election Judges
5. Resolution 48, Series 2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado Adopting ICMA 457 Retirement Plan

STAFF REPORTS

1. Town Manager Update

Brandy Reitter reviewed her report. Requested the Board to consider a joint worksession on land use code review with Planning Commission. Staff will arrange for meeting in February and send out attendance poll.

a. Quarterly Strategic Plan Report

2. Department Update

3. Lower Basin Water Treatment Plant Update

Board Comments: Deron Dirksen provided update that meeting with consultants regarding concern with weather delays went well and project is on track.

BUSINESS ITEMS

1. Broadband Feasibility Study Presentation, Uptown Services LLC

Presentation of the Feasibility Study was provided by Dave Stockton and Neil Shaw from Uptown Services LLC.

Board Comments: inquired if survey would be good enough to use for a revenue bond. Yes, this was an investment grade feasibility study. Inquiry on whether costs to users would be based on location. Response was that it could be, but generally the numbers presented were for build out of entire Town area. Inquiry on longevity of system. Response was that this was built into the feasibility study and includes full upgrades and improvements to the system as technology evolves. Inquiry on using gigabyte service when all other providers generally only offer megabyte. Response was that this system will have the capacity and pricing structure for users is based on higher bandwidth available. General agreement on setting up enterprise fund and consider increase to the Holy Cross Franchise Fee to offset costs. Board thanked presenters and staff for the report.

Glenwood Springs partnership was discussed. Staff from Glenwood Springs were present, including Matt Langhorst Public Works Director and their Broadband Superintendent. Provided information on partnering on build out of THOR project and benefits, including RFP pricing, bonding and staffing. Glenwood plans to start construction Spring of 2020 and will be phased over five years. The urgency of Board direction to staff is to be part of the initial project contracts for construction and to reduce monthly recurring costs to the Town.

MOTION: Trustee Scott Turnipseed motioned to direct staff to move forward on the THOR project and investigate the public public partnership with Glenwood Springs. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

2. Ordinance No. 29, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Chapter 9.15 of the Eagle Municipal Code Regarding Tobacco Products and Underage Persons. (Public Hearing)

Mayor McKibbin opened this item for public hearing.

Peter McNally, Executive Director of Physician Operations at Valley View Hospital provided his support for the Ordinances and expressed concerns regarding vaping products. Encouraged Board to continue with their discussion of tobacco products and consider banning vaping products targeted toward youth and adults.

Mandy Ivanov, Eagle County Public Health. Thanked the Board for their consideration of these Ordinances and requested clarification on penalties. Penalties will be handled by Municipal Court and are listed as Class A Municipal Offenses per the penalty schedule in our code. Mandy indicated that youth cessation initiatives will be used for youth with funds generated from the Tobacco tax.

Lily Reynolds, Eagle County High School student provided support regarding the importance of the age increase.

Candace Eaves, Eagle County School District provided examples and support for age increase on youth using tobacco and vaping products.

Mayor McKibbin closed public comment, which was held for both ordinances related to tobacco.

MOTION: Trustee Kevin Brubeck motioned to Approve Ordinance No. 29, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Chapter 9.15 of the Eagle Municipal Code Regarding Tobacco Products and Underage Persons. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

3. Ordinance No. 24, Series 2019 An Ordinance of the Board of Trustees of The Town of Eagle, Colorado Adding a New Chapter 5.16 to the Eagle Municipal Code Regarding Licensing Retail Tobacco Businesses. (Public Hearing)
(Public Hearing on this item was taken during Ordinance 29, Series 2019)

MOTION: Trustee Kevin Brubeck motioned to Approve Ordinance No. 24, Series 2019 An Ordinance of the Board of Trustees of The Town of Eagle, Colorado Adding a New Chapter 5.16 to the Eagle Municipal Code Regarding Licensing Retail Tobacco Businesses. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

4. 2020 Budget Hearing (Public Hearing)
Brandy Reitter provided overview and presentation on the 2020 budget.

Board Comments: Inquiry on open space funds and what those are earmarked for. The Open Space Master Plan was not done in 2019 and is funded for 2020 again. Inquiry on the matching funds proposal by Eagle County for their affordable housing program. Requested staff to engage with Eagle County on this topic and expressed interest in participating in the matching fund proposal. Additionally, to engage with Eagle Ranch Housing Corporation on obtaining additional funding for the program. Direction from Board was to put \$10,000 into the housing assistance matching fund pool with Eagle County.

With regard to Broadband, Board was interested in reducing the overall cost of the roll out and wanted to include the public works fiber build with a proposed cost of \$117,000 as presented.

With regard to Sweetwater Lake would like staff to confirm that \$10,000 in funding could be made could be made to the Eagle Valley Land Trust in 2020.

- a. Budget Prioritization Report

- b. Ordinance 30, Series 2019 An Ordinance Appropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below, And Setting The 2020 Mill Levy For The Town Of Eagle, Colorado For The 2020 Budget Year.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 30, Series 2019 An Ordinance Appropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below, And Setting The 2020 Mill Levy For The Town Of Eagle, Colorado For The 2020 Budget Year (Roll Call Vote Required) with the amendments and additions to the budget discussed to include funding of public

works fiber build. Motion was seconded and Passed with a vote of 5 in favor (Jessen, Brubeck, McKibbin, Turnipseed and Witt) and 0 opposed.

- c. Ordinance 31, Series 2019 An Ordinance Reappropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below For The Town Of Eagle, Colorado For The 2019 Budget Year.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 31, Series 2019 An Ordinance Reappropriating Funds To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below For The Town Of Eagle, Colorado For The 2019 Budget Year (Roll Call Vote Required). Motion was seconded and Passed with a vote of 5 (Jessen, Brubeck, McKibbin, Turnipseed and Witt) in favor and 0 opposed.

- d. Resolution 49, Series 2019 A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Budget For The Town Of Eagle, Colorado For The Calendar Year Beginning On The 1st Day Of January 2020, And Ending On The Last Day Of December 2020.

MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 49, Series 2019 A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Budget For The Town Of Eagle, Colorado For The Calendar Year Beginning On The 1st Day Of January 2020, And Ending On The Last Day Of December 2020. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

- e. Resolution 50-2019 A Resolution of the Board of Trustees of the town of Eagle, Colorado, Establishing and Adopting A Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code

MOTION: Trustee Scott Turnipseed motioned to Approve Resolution 50-2019 A Resolution of the Board of Trustees of the Town of Eagle, Colorado, Establishing and Adopting A Fee Schedule Pursuant to 2.34 of the Eagle Municipal Code. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

5. 2020 Community Funding Requests

This item was moved to the January 14, 2020 meeting.

6. Ordinance 27, Series 2019 An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Section 3.04.066 of the Eagle Municipal Code to Increase the Sales Tax on Retail Purchases of Marijuana and Marijuana Products From 3.0% to 3.5%, and Declaring an Emergency (Public Hearing)

Mayor McKibbin opened this item to public hearing. There was no public comment.

Board Comments: Request to place this item on the calendar for adoption to avoid Emergency Ordinance in the future.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance 27, Series 2019 An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Amending Section 3.04.066 of the Eagle Municipal Code to Increase the Sales Tax on Retail Purchases of Marijuana and Marijuana Products From 3.0% to 3.5%, and Declaring an Emergency. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

7. Ordinance No. 28, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Enacting a New Chapter 8.13 of the Eagle Municipal Code to Prohibit Pet Shops from Selling, Bartering, Auctioning, or Otherwise Disposing of Dogs or Cats, except when Acquired from an Animal Care Facility of Animal Rescue Organization. (Public Hearing)

Mayor McKibbin opened the public hearing for this item. There was no public comment.

MOTION: Trustee Scott Turnipseed motioned to Approve Ordinance No. 28, Series 2019, An Ordinance of the Board of Trustees of the Town of Eagle, Colorado Enacting a New Chapter 8.13 of the Eagle Municipal Code to Prohibit Pet Shops from Selling, Bartering, Auctioning, or Otherwise Disposing of Dogs or Cats, except when Acquired from an Animal Care Facility of Animal Rescue Organization. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

Trustee Jessen: requested that public works add lights to the Broadway Street monuments, provided photos regarding same.

1. 2020 Board Retreat Proposal

Brandy Reitter requested the Board's direction on retreat options.

Board Comments: Requested that John Ruetten be asked to come back to facilitate updating the Strategic Plan. Brandy will obtain options for a team building and communication facilitator for full board. A half day for new board members will be facilitated. The second day will be devoted to strategic planning and will include a social component. Two full days for new board members and one- and one-half days for previous members.

2. NWCCOG Update, Mayor McKibbin

EXECUTIVE SESSION *To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) as it relates to the Town Manager Annual Review.*

MOTION: Mayor McKibbin motioned to adjourn the regular meeting and enter into Executive Session pursuant to C.R.S. § 24-6-402(4)(f) as it relates to the Town Manager Annual Review. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed. (9:35 p.m.)

MOTION: Mayor McKibbin motioned to adjourn from Executive Session and resume the regular meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

MOTION: Mayor McKibbin motioned to select Option 4 related to the Town Manager's salary increase for 2020. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

MOTION: Trustee Witt motioned to adjourn the regular meeting. Motion was seconded and Passed with a vote of 5 in favor and 0 opposed.

ADJOURN - 10:09 PM

Approved:

Date:

Anne McKibbin, Mayor

Jenny Rakow, CMC Town Clerk

**BILL SCHEDULE
DECEMBER 2019**

GENERAL FUND

General Government

Meritain Health	Health Insurance	\$ 1,245.22
Cintas Corporation	Office Supplies	13.79
Signature Signs Inc	Office Supplies	44.00
Colorado Mtn. News Media	Election Expense	23.89
Verizon Wireless, Bellevue	Utility Services	53.26
Downtown Colorado Inc.,	Professional Services	7,500.00
Employer's Council Services, Inc.	Professional Services	380.00
Hoffman, Parker, Wilson & Carberry PC	Legal - General	15,730.33
Kissinger & Fellman, P.C.	Legal - General	16.50
Executech Utah LLC	Computer Support	255.11
McKibbin, Anne	Travel Expense	216.41
Costco	Meeting Expense	75.17
King Soopers Customer Charges	Meeting Expense	12.98
Red Canyon Café	Meeting Expense	24.09
Mountain Pedaler	Public Relations	140.00
Colorado Municipal League	Tuition & Books Refund	(20.00)
Artspace/Custom Creations	Contract Payments	250.00
Flying Shoe Arts Inc	Contract Payments	250.00
PR Studio	Contract Payments	1,500.00
So-Gnar Inc	Contract Payments	250.00
Total General Government		\$ 27,960.75

General Administration

Sterkel, Erin	Utility Refund	\$ 153.21
Wynton Homes	Utility Refund	81.70
410 Broadway LLC	Planning Deposit - Refund	600.00
Hartford, The	Disability	1,393.00
Colorado Department Of Revenue	Misc Deductions Payable	750.00
Anderson, Daryl	Facility Usage Deposit Payable	750.00
Calvary Chapel Vail Valley	Facility Usage Deposit Payable	750.00
Chairez-Hernandez, Nancy	Facility Usage Deposit Payable	375.00
Cruz, Erika	Facility Usage Deposit Payable	600.00
Eagle County Health & Human Service	Facility Usage Deposit Payable	750.00
Eagle County Sheriff's Office	Facility Usage Deposit Payable	750.00
Eagle Mountain Plumbing & HVAC	Facility Usage Deposit Payable	750.00
Eagle Valley Autobody	Facility Usage Deposit Payable	375.00
Espino-Valenzuela, Alma	Facility Usage Deposit Payable	375.00
Gonzalez, Irene	Facility Usage Deposit Payable	100.00
Landmark Tabernacle	Facility Usage Deposit Payable	675.00
Mountain Beverage	Facility Usage Deposit Payable	750.00
Native Electric	Facility Usage Deposit Payable	750.00
Venzor, Rosa	Facility Usage Deposit Payable	375.00
410 Broadway LLC	Planning & Zoning Fees	600.00
Schumacher, Tracie	Planning & Zoning Fees Refund	474.58

General Administration (Cont.)

Eagle County Sheriff's Office	Facility Usage Fees Refund	55.69
Eagle Mountain Plumbing & HVAC	Facility Usage Fees Overpayment	7.90
Meritain Health	Health Insurance	3,038.33
Cintas Corporation	Office Supplies	78.17
Sandy's Office Supply	Office Supplies	36.87
Colorado Mtn. News Media	Legal Notices	1,281.10
CO Div Of Profession & Occupation	Dues & Subscriptions	76.00
Mail Chimp	Dues & Subscriptions	84.99
SHRM	Dues & Subscriptions	209.00
Century Link	Utility Services	1,119.62
Chase Paymentech	C.C. Transaction Fees	1,448.01
Xpress Bill Pay	C.C. Transaction Fees	684.34
Executech Utah LLC	Computer Support	885.39
Forward Tech Solutions, LLC	Computer Support	3,850.00
Kelly Huitt	Travel	244.79
Olive Garden	Travel	18.01
Springhill Suites	Travel	594.00
Bowlmore, LLC, The	Meeting Expense	2,825.20
King Soopers Customer Charges	Meeting Expense	22.35
Red Canyon Café	Meeting Expense	28.75
US Bank Equipment Finance	Copier Contract	374.70
Cirsa	Insurance - Pavilion	476.38
Total General Administration		\$ 29,617.08

Community Development

Meritain Health	Health Insurance	\$ 2,490.43
Amazon	Office Supplies	63.53
Amazon	Uniforms	58.98
Shads Advertising Co, Inc.	Uniforms	47.95
Fleet Services	Gas & Oil	39.70
Shads Advertising Co, Inc.	Communication & Transportation	20.30
Verizon Wireless, Bellevue	Utility Services	172.13
Colorado Mtn. News Media	Personnel Services	728.50
Logan Simpson	Professional Services	12,747.22
McCool Development Solutions, LLC	Professional Services	264.50
Norris Design, Inc.	Professional Services	6,797.25
Colorado Mtn. News Media	Planning Reimbursable	29.21
Eagle County Clerk & Recorder	Planning Reimbursable	37.58
Garfield & Hecht, P.C.	Planning Reimbursable	1,053.50
Hoffman, Parker, Wilson & Carberry PC	Planning Reimbursable	7,000.00
Kumar & Associates Inc	Planning Reimbursable	519.00
Resource Engineering Inc	Planning Reimbursable	346.00
Garfield & Hecht, P.C.	Legal	58.50
Hoffman, Parker, Wilson & Carberry PC	Legal	1,286.50
Executech Utah LLC	Computer Support	597.40
Zoom Video Communications	Computer Support	16.31
Town Of Gypsum	Contract Services	2,432.50

Community Development (Cont.)

Amazon	Tuition & Books	58.15
US Bank Equipment Finance	Copier Contract	374.70
Total Community Development	\$	37,239.84

Municipal Court

Meritain Health	Health Insurance	\$ 124.52
Info Cubic	Professional Services	79.70
Carlson, Edwards & O'Connor P.C.	Legal	1,500.00
Hoffman, Parker, Wilson & Carberry PC	Legal	97.50
Executech Utah LLC	Computer Support	78.65
King Soopers Customer Charges	Meeting Expense	68.83
Ace Security And Safety Services LLC	Contract Payments	96.00
Total Municipal Court	\$	2,045.20

Streets

Pinnacol Assurance	Worker's Compensation	\$ 500.00
Interactive Health, Inc	Health & Life Insurance	48.75
Meritain Health	Health Insurance	3,528.11
Cintas Corporation	Office Supplies	22.14
King Soopers Customer Charges	Office Supplies	16.91
Quill Corporation	Office Supplies	102.50
Alpine Lumber Co.	Repair & Maintenance Supplies	45.85
Ewing Trucking And Construction LLC	Repair & Maintenance Supplies	5,751.43
G & S Tool Clinic, LLC	Repair & Maintenance Supplies	45.04
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	1,657.44
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	65.14
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	360.00
Mac Equipment Inc	Repair & Maintenance Supplies	192.76
Signature Signs Inc	Repair & Maintenance Supplies	315.00
United Rentals (North America) Inc	Repair & Maintenance Supplies	71.34
Whitehall's Alpine BG	Repair & Maintenance Supplies	111.00
Wylaco Supply Co	Repair & Maintenance Supplies	583.53
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	799.33
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies	2,119.50
Wagner Equipment Co	Vehicle Repair & Maintenance Supplies	549.62
Fleet Services	Gas & Oil	2,211.52
Glenwood Springs Auto Parts Inc	Gas & Oil	100.80
Wagner Equipment Co	Gas & Oil	37.54
Executech Utah LLC	Equipment - Supplies	2,228.74
Glenwood Springs Auto Parts Inc	Communication & Transportation	143.56
Gypsum Eagle Ace Hardware	Communication & Transportation	10.81
Mac Equipment Inc	Communication & Transportation	33.37
Colorado Mtn. News Media	Legal Notices	67.36
Century Link	Utility Services	889.87
Holy Cross Energy	Utility Services	5,719.83
Verizon Wireless, Bellevue	Utility Services	89.42
Eagle County Solid Waste & Recycling	Repair & Maintenance Services	415.19

Streets (Cont.)

Great Divide Construction	Repair & Maintenance Services	17,720.00
Safety-Kleen Corp.	Repair & Maintenance Services	526.58
Signature Signs Inc	Repair & Maintenance Services	75.00
SKM Services	Repair & Maintenance Services	325.00
Two Valley Tire LLC	Repair & Maintenance Services	55.00
Wagner Equipment Co	Repair & Maintenance Services	444.00
Executech Utah LLC	Computer Support	230.01
Brush Creek Landscaping	Tree Management-Comm Forestry	2,500.00
Total Streets		\$ 50,708.99

Public Safety

Pinnacol Assurance	Worker's Compensation	\$ 314.78
Interactive Health, Inc	Health & Life Insurance	48.75
Meritain Health	Health Insurance	9,297.62
Sigma Health	Health & Life Insurance	500.00
King Soopers Customer Charges	Office Supplies	10.38
Sandy's Office Supply	Office Supplies	178.93
Adamson Police Products	Operating Supplies	465.00
Amazon	Operating Supplies	440.64
Axon	Operating Supplies	20.00
Tri Tech Forensics	Operating Supplies	85.61
Walter F. Stephens, Inc.	Uniforms	62.80
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	55.17
O'Reilly Autoparts	Vehicle Repair & Maintenance Supplies	930.25
Tire Rack	Vehicle Repair & Maintenance Supplies	669.64
Fleet Services	Gas & Oil	2,244.43
Glenwood Springs Auto Parts Inc	Gas & Oil	35.15
Amazon	Equipment Supplies	1,557.96
Colo Assn Chiefs Of Police	Communication & Transportation	15.00
USPS	Communication & Transportation	28.23
Walter F. Stephens, Inc.	Communication & Transportation	9.80
Century Link	Utility Services	717.51
Colorado Assn Chief Of Police	Recruitment	291.00
Colorado Mtn. News Media	Recruitment	67.36
Doctors On Call	Recruitment	200.00
Indeed	Recruitment	25.04
Psychological Dimensions, PC	Recruitment	1,050.00
Tri County Fire Protection Inc	Repair & Maintenance Services	(56.00)
White Water Express	Repair & Maintenance Services	76.40
Executech Utah LLC	Computer Support	205.38
Buhlman, Carrie	Travel Expense	248.00
Grand Avenue Grill	Meeting Expense	37.59
Northside Coffee & Kitchen	Meeting Expense	98.45
Stauffer, Joey	Meeting Expense	491.29
Colo Dept Of Law	Tuition & Books	154.14
Dolan Consulting Group LLC	Tuition & Books	95.00
Patterson, Carson	Tuition & Books	72.28

Public Safety (Cont.)

Eagle County Animal Control	Animal Control	4,063.00
High Country Copiers	Contract Payments	48.90
Lexipol LLC	Lexipol Policy	998.00
Total Public Safety		\$ 25,853.48

Buildings and Grounds

Interactive Health, Inc	Health & Life Insurance	\$ 48.75
Meritain Health	Health Insurance	2,988.52
Cintas Corporation	Office Supplies	22.13
King Soopers Customer Charges	Office Supplies	16.91
Quill Corporation	Office Supplies	102.49
Alpine Lumber Co.	Repair & Maintenance Supplies	436.97
Display Sales	Repair & Maintenance Supplies	80.00
Eagle Lock & Key	Repair & Maintenance Supplies	103.25
Ferguson Enterprises, Inc.	Repair & Maintenance Supplies	202.02
Glenwood Springs Auto Parts Inc	Repair & Maintenance Supplies	267.80
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	11.44
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies	184.88
Mac Equipment Inc	Repair & Maintenance Supplies	461.79
Pet Pick-Ups	Repair & Maintenance Supplies	720.00
Skyline Mechanical, Inc.	Repair & Maintenance Supplies	2,974.68
Superior Alarm & Electronics	Repair & Maintenance Supplies	76.99
Tri County Fire Protection Inc	Repair & Maintenance Supplies	607.00
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	530.41
Potestio Brothers Equipment, Inc	Vehicle Repair & Maintenance Supplies	1,830.11
Fleet Services	Gas & Oil	484.65
Glenwood Springs Auto Parts Inc	Gas & Oil	21.36
Trash Cans Warehouse	Equipment - Supplies	868.14
Home Depot Pro	Janitorial Supplies	1,027.91
Display Sales	Communication & Transportation	17.00
Glenwood Springs Auto Parts Inc	Communication & Transportation	26.95
Mac Equipment Inc	Communication & Transportation	162.04
Pet Pick-Ups	Communication & Transportation	58.37
Potestio Brothers Equipment, Inc	Communication & Transportation	42.00
Black Hills Energy	Utility Services	3,372.40
Century Link	Utility Services	1,610.26
Holy Cross Energy	Utility Services	6,934.35
Verizon Wireless, Bellevue	Utility Services	93.27
Colorado Mtn. News Media	Recruitment	67.36
Jerry-master Janitorial	Janitorial Maint. Contracts	2,158.00
Avalanche Property Maintenance	Repair & Maintenance Services	225.00
Eagle Lock & Key	Repair & Maintenance Services	105.00
Skyline Mechanical, Inc.	Repair & Maintenance Services	1,022.83
Sno-White Linen Rental	Repair & Maintenance Services	202.39
Sonshine Window Cleaning	Repair & Maintenance Services	1,500.00
Superior Alarm & Electronics	Repair & Maintenance Services	98.00
Tri County Fire Protection Inc	Repair & Maintenance Services	585.00

Buildings and Grounds (Cont.)

Vail Honeywagon	Repair & Maintenance Services	141.00
Executech Utah LLC	Computer Support	190.06
Total Buildings and Grounds		\$ 32,679.48

Information Center

Costco	Operating Supplies	\$ 49.53
Home Depot	Operating Supplies	15.94
King Soopers Customer Charges	Operating Supplies	159.19
Store Supply Warehouse	Operating Supplies	236.47
Alida's Fruits	Supplies For Resale	171.07
Colorado Candy Kitchen	Supplies For Resale	800.63
Costco	Supplies For Resale	32.68
Ganz U.S.A., LLC	Supplies For Resale	125.40
Left Hand Studios	Supplies For Resale	237.00
Lipco Group	Supplies For Resale	429.28
MV Corp, Inc	Supplies For Resale	187.18
Derived From Nature	Supplies - Consignment	28.80
Eagle County Historical Society	Supplies - Consignment	543.42
Fried, Mickey	Supplies - Consignment	135.00
Nature's Details Photography	Supplies - Consignment	178.50
Pamela Saden	Supplies - Consignment	451.43
Pocadot	Supplies - Consignment	2.60
Rasmussen, Carol Ann	Supplies - Consignment	20.40
Selcke, Jim	Supplies - Consignment	18.03
Teresa Hauser	Supplies - Consignment	51.53
Vandusen, Richard	Supplies - Consignment	29.25
Williams, Sam	Supplies - Consignment	7.50
Colorado Department Of Revenue	Sales Tax	825.98
AdWest Consulting Inc	Communication & Transportation	550.00
Century Link	Utility Services	211.49
Executech Utah LLC	Computer Support	159.40
Total Information Center		\$ 5,657.70

Marketing and Events

Meritain Health	Health Insurance	\$ 830.14
Colorado Mtn. News Media	Legal Notices	339.80
Google Play	Dues & Subscriptions	1.99
Verizon Wireless, Bellevue	Utilities	52.94
Executech Utah LLC	Computer Support	125.71
Colorado Mtn. News Media	Media	1,550.00
Further Faster Media, LLC	Media	12,900.12
PR Studio	Public Relations	2,500.00
Optimum Event Concessions, LLC	Events	5,000.00
Town Of Avon	Events	697.50
Vail Valley Mountain Trails Alliance	Events	2,000.00
Optimum Event Concessions, LLC	Event Production	2,500.00
Signature Signs Inc	Event Production	730.00
Total Marketing and Events		\$ 29,228.20

Engineering

Meritain Health	Health Insurance	\$	442.74
Cintas Corporation	Office Supplies		22.14
King Soopers Customer Charges	Office Supplies		16.91
Quill Corporation	Office Supplies		338.45
Crazy Al's	Vehicle R&M Supplies		231.80
Executech Utah LLC	Equipment (Non-Capital)		2,228.74
Jamar Technologies	Equipment (Non-Capital)		4,356.00
Verizon Wireless, Bellevue	Utility Services		165.59
Colorado Mtn. News Media	Recruitment		506.80
Crazy Al's	Repair & Maintenance		880.00
Executech Utah LLC	Computer Support		191.89
Total Engineering		\$	9,381.06

TOTAL GENERAL FUND**250,371.78****CAPITAL IMPROVEMENTS**

Wolf, Elaine	Use Tax Refund	\$	192.34
Plumbing Systems Inc.	Storm Drain Improvements		10,312.50
Transwest Trucks	Snow Removal Equipment		207,980.00
Uptown Services LLC	Project THOR		61,017.51
TOTAL CAPITAL IMPROVEMENTS		\$	279,502.35

WASTE WATER FUND

Interactive Health, Inc	Health & Life Insurance	\$	19.50
Meritain Health	Health Insurance		3,896.14
King Soopers Customer Charges	Office Supplies		47.88
Quill Corporation	Office Supplies		25.87
Fastenal Company	Repair & Maintenance Supplies		172.76
Gypsum Eagle Ace Hardware	Repair & Maintenance Supplies		424.83
Tri County Fire Protection Inc	Repair & Maintenance Supplies		126.00
Water Technology Group	Repair & Maintenance Supplies		16,474.00
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies		47.67
Collett Enterprises	Gas & Oil		3,276.45
Fleet Services	Gas & Oil		210.25
Glenwood Springs Auto Parts Inc	Gas & Oil		28.48
Federal Express Corp.	Communication & Transportation		154.70
Nextrust Inc	Communication & Transportation		679.93
Colorado Mtn. News Media	Legal Notices		26.95
Black Hills Energy	Utility Services		4,938.79
Century Link	Utility Services		510.80
Holy Cross Energy	Utility Services		20,807.60
Verizon Wireless, Bellevue	Utility Services		73.26
Veris Environmental LLC	Sludge Disposal		3,404.80
Browns Hill Engineering	Repair & Maintenance Services		1,173.25
Tri County Fire Protection Inc	Repair & Maintenance Services		212.00
Executech Utah LLC	Computer Support		394.82

WASTE WATER FUND (Cont.)

Eagle River Water & Sanitation District	Testing & Permits	4,180.00
Seacrest Group	Testing & Permits	1,215.00
SGS North America Inc	Testing & Permits	1,012.34
McFadden, Dan	Tuition & Books	100.00
Rick McCoy Plumbing	WW Treatment Plant Improvement	345.18
TOTAL WASTE WATER FUND		\$ 63,979.25

WATER FUND

Pinnacol Assurance	Worker's Compensation	\$ 500.00
Interactive Health, Inc	Health & Life Insurance	29.25
Meritain Health	Health Insurance	5,299.08
Cintas Corporation	Office Supplies	22.14
King Soopers Customer Charges	Office Supplies	16.92
Quill Corporation	Office Supplies	102.49
DPC Industries, Inc.	Operating Supplies	180.00
Kubwater Resources, Inc.	Operating Supplies	4,215.24
Manley Brothers	Operating Supplies	440.28
Grand Junction Pipe & Supply	Repair & Maintenance Supplies	1,279.36
Municipal Treatment Equip. Inc	Repair & Maintenance Supplies	179.36
Oldcastle SW Group Inc	Repair & Maintenance Supplies	3,782.21
Two Valley Tire LLC	Vehicle Repair & Maintenance Supplies	667.04
Fleet Services	Gas & Oil	583.32
Federal Express Corp.	Communication & Transportation	197.74
Kubwater Resources, Inc.	Communication & Transportation	386.39
Municipal Treatment Equip. Inc	Communication & Transportation	25.34
Nexttrust Inc	Communication & Transportation	679.93
Colorado Mtn. News Media	Legal Notices	228.10
AmeriGas	Utility Services	4,176.21
Century Link	Utility Services	2,003.55
Holy Cross Energy	Utility Services	10,633.30
Verizon Wireless, Bellevue	Utility Services	219.70
Brendle Group Inc	Professional Services	4,990.51
Garfield & Hecht, P.C.	Legal	3,163.00
Resource Engineering Inc	Engineering	3,063.75
Johnson Excavation And Telecomm.	Repair & Maintenance Services	9,090.00
Tri County Fire Protection Inc	Repair & Maintenance Services	76.00
Eagle River Water & Sanitation District	Testing & Permits	560.00
SGS North America Inc	Testing & Permits	220.44
Executech Utah LLC	Computer Support	518.05
Colo Cert Water Professionals	Tuition & Books	85.00
McFadden, Dan	Tuition & Books	100.00
PR Studio	Contract Payments	1,000.00
US Bank Equipment Finance	Copier Contract	374.71
Schmueser, Gordon, Meyer Inc.	Violet Lane Water Line	6,858.14
Union Pacific Railroad	Violet Lane Water Line	(1,045.00)
Ground Engineering Consultants	Lower Basin Water Treatment	3,012.00
MWH Constructors Inc.	Lower Basin Water Treatment	1,416,061.00

WATER FUND (Cont.)

Oldcastle SW Group Inc	Upper Basin Water Treatment	482.67
Wells Fargo - Comm'l Operations	Water Rev Bond Principal-2013	229,708.81
Wells Fargo - Comm'l Operations	Debt Service Interest	22,128.06
TOTAL WATER FUND		\$ 1,736,294.09

REFUSE FUND

Nextrust Inc	Communication & Transportation	\$ 679.94
Vail Honeywagon	Repair & Maintenance Service	1,143.00
Vail Honeywagon	Contract Services	47,839.54
TOTAL REFUSE FUND		\$ 49,662.48

SALES TAX CAPITAL IMPROVEMENTS FUND

Sign Design & Graphics LLC	Meeting Expense	\$ 940.00
Whittaker Landscape Services Inc	Construction	1,320.00
UMB Bank N.A.	Agent Fees	500.00
TOTAL SALES TAX CAPITAL IMPROVEMENTS FUND		\$ 2,760.00

OPEN SPACE FUND

Meritain Health	Health Insurance	\$ 24.90
Glenwood Springs Auto Parts Inc	Vehicle Repair & Maintenance Supplies	134.99
Glenwood Springs Auto Parts Inc	Gas & Oil	25.19
Momentum Trail Concepts	Trail Repair & Maintenance	3,750.00
Wagner Equipment Co	Trail Repair & Maintenance	464.60
Executech Utah LLC	Computer Support	99.95
Outdoor Services Inc	Weed & Pest Control	847.00
TOTAL OPEN SPACE FUND		\$ 5,346.63

TOTAL	\$ 2,387,916.58
PAYROLL	\$ 282,165.20
GRAND TOTAL	\$ 2,670,081.78



To: Mayor and Town Board of Trustees

From: Jenny Rakow, Town Clerk

Date: January 14, 2020

Agenda Item: Resolution 01, Series 2020, "A Resolution Designating the Place for Posting of Notices of Meetings for the Boards and Commissions of the Town of Eagle."

REQUEST: Staff requests that the Board of Trustees review a resolution for posting notices for boards and commissions for 2020.

BACKGROUND: This Resolution is being updated this year to include language from the 2019 General Assembly transitioning the posting of physical notices to the posting of electronic notices. The signed House Bill 19-1087 outlining this change and reasons for the change is attached, as it may be of interest to the Board to see the rationale and potential mandate for electronic posting and encouragement to use websites for notices.

ANALYSIS: The Town of Eagle already posts its meeting notices on our website. Posting electronically will not cause any changes to our current process and will only eliminate the requirement of physical posting. Approval of this Resolution would not preclude staff from posting physical notices and staff may at the discretion of the Town continue to physically post notices as needed and in emergencies.

The General Assembly's statements in their House Bill indicates that they will be monitoring adherence to the electronic posting of meetings and may mandate that all notices be posted electronically. The Town will continue to use it's website for all notices and staff does not see an issue with this potential mandate. [House Bill 19-1087](#).

COMMUNITY INPUT: None is required.

BUDGET / STAFF IMPACT: No known impact. Staff already posts meeting notices on our website.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This is a statutory reference and is not in the strategic plan.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY Resolution 01, Series 2020 A Resolution Designating The Place For Posting Of Notices Of Meetings For The Boards And Commissions Of The Town Of Eagle

ATTACHMENTS:

1. 01 Designating Posting Place

**RESOLUTION NO. 01
(SERIES 2020)**

**A RESOLUTION DESIGNATING THE PLACE FOR POSTING OF NOTICES OF MEETINGS FOR
THE BOARDS AND COMMISSIONS OF THE TOWN OF EAGLE**

WHEREAS, Section 24-6-402(2)(c), Colorado Revised Statutes, as amended requires that a place for posting of notices of meetings be designated annually at the local public body's first regular meeting of each year;

WHEREAS, the Colorado Legislature passed House Bill 19-1087, amending C.R.S. § 24-6-402 to encourage local governments to transition from posting physical notices of public meetings in physical locations to posting notices electronically on a website;

WHEREAS, House Bill 19-1087 provides that after July 1, 2019, a local government is deemed to have given full and timely notice of a public meeting if the local public body posts notice on its official website at no charge to the public at least 24 hours prior to the meeting;

WHEREAS, the Town maintains an official website; and

WHEREAS, the Town Board wishes to adopt the Town's website as the official posting location for public meetings.

**NOW BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO, THAT:**

Section 1. The Town's website, www.townofeagle.org, is hereby adopted as the official posting location for all meeting notices pursuant to C.R.S. § 24-6-402.

Section 2. Town staff is hereby directed to provide the official website address to the State Department of Local Affairs for inclusion in the Department's inventory.

Section 3. In the event online notice is not possible due to emergency circumstances, the alternative posting place is the bulletin board at the Eagle Town Hall, 200 Broadway, Eagle, Colorado.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on January 14, 2020.

TOWN OF EAGLE, COLORADO

By _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Town Board of Trustees

From: Joey Staufer, Police Chief

Date: January 14, 2020

Agenda Item: Ordinance 02, Series 2020, "An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.110 of The Eagle Municipal Code Concerning The Definitions of Open And Public Use of Marijuana."

REQUEST: Staff requests that the Board of Trustees review an ordinance defining the term "open" for the purposes of open and public use of marijuana.

BACKGROUND: The General Assembly enacted several bills last session relating to marijuana. The legislation includes a new definition of "public and open consumption of marijuana" under the criminal code.

Under state law, it is unlawful for a person to openly and publicly display, consume, or use marijuana. C.R.S. § 18-18-406(b)(I). SB 19-224 ("SB 224") creates a definition of "open and publicly." Under SB 224, "open" means that the action is observable by the public, and "publicly" means in a place to which the public has unrestricted access. C.R.S. § 18-18-102(20.3). "Public" includes streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other facilities. "Open and public" does not include any activity occurring on residential property by an occupant or his or her guests.

In other words, under the criminal code, a person is prohibited from displaying, consuming, or using marijuana (1) in a manner that is observable by the public; and (2) in an area that the public has unrestricted access to. For example, smoking marijuana in front of a store would be considered both open and public and the person could be charged with public consumption. However, a person who is smoking in his own enclosed backyard, even if the public is able to see him smoking from the street, would not be considered public consumption because the public does not have access to the smoker's backyard.

ANALYSIS: As a statutory town, the Town will need to comply with the new definition of "public consumption." Under Section 9.15.110 of the Eagle Municipal Code (the "Municipal Code"), open and public consumption of marijuana is prohibited. "Open and public" means a "place open to the general public which includes a place to which the public or a substantial number of the public has access without restriction", so the Town's definition already satisfies the definition of "public" (i.e., "an area accessible by the public"). However, the Town must amend § 9.15.110 of the Municipal Code to include a definition of "open" (that the consumption is "observable by the public").

COMMUNITY INPUT: None required, statutory provision.

BUDGET / STAFF IMPACT: None. Staff prepared this Ordinance.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This definition is currently a statutory requirement and is supported by the police department to further define public consumption.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE OR DENY adoption of Ordinance 02, Series 2020, "An Ordinance of The Board of Trustees of The Town of Eagle, Colorado Amending Section 9.15.110 of The Eagle Municipal Code Concerning The Definitions of Open And Public Use of Marijuana."

ATTACHMENTS:

1. 02 MARIJUANA OPEN AND PUBLIC USE OF MARIJUANA

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 02
(Series of 2020)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO AMENDING SECTION 9.15.110 OF THE EAGLE MUNICIPAL CODE
CONCERNING THE DEFINITIONS OF OPEN AND PUBLIC USE OF MARIJUANA

WHEREAS, in response to recent changes in state law, the Town has considered specific regulations regarding the definition of open and public use of marijuana; and

WHEREAS, the Board of Trustees finds that the amendment of the Eagle Municipal Code set forth herein is necessary to protect the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. Section 9.15.110 of the Eagle Municipal Code is hereby amended as follows:

Section 9.15.110. - Open and public use of marijuana prohibited.

* * *

E. As used in this section, the term “open” means observable by the public.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON JANUARY 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: January 14, 2020

Re: Town Manager Report

Administration & Organization

Staff continues to work on follow up from the BOT meetings. Included are a list of items that that staff is tracking in January.

- Short-term rental policy proposal
- Mobile vending policy proposal
- Stormwater Enterprise Ordinance
- Broadband Enterprise Ordinance
- Highway 6/Grand Ave. RFP review
- Eagle Valley Home Store IGA update
- Glenwood Springs broadband IGA

I will be out of the office a few times in January but will be available via email. The dates for travel are January 15 – 16 returning on January 17.

Good news, Moody increased the town's bond rating. Eagle was given an Aa2 and was moved to an Aa3. This is a big deal and is an indication that Eagle has worked towards maintaining a strong financial position.

Included with this report is a quarterly report of the financials. This report reflects all activity in for 2019. Staff will continue to provide these to you each quarter.

Economic Development, & Planning

Eagle River Park – There are few updates on the River Park:

- Staff is working to set up an EC meeting this month ahead of our 401 Certification. Once there is a date, staff will send out an invited to Andy Jesson. The agenda will cover CPW's response. They haven't provided comments yet on the permit.

- The Town of Eagle and S2o have been invited to give a presentation on the Eagle River Park at the California Trails and Greenways Conference April 21 – 23 in California. The website is here https://www.parks.ca.gov/?page_id=24151At

Broadband – There are several updates on broadband in Eagle:

THOR:

- Town is working with Uptown and Northland Securities to develop a funding package to finance municipal broadband. Now that the study and proforma are complete, the next steps are to raise money. Uptown will stay on board with staff throughout the process.
- Town is actively working with Glenwood Springs. A project kickoff meeting is being planned. Staff will have to attend their council meeting to provide an update on a possible partnership prior to considering an IGA.

Outreach & Meetings – *Updates on participation on community outreach opportunities, regional/community meetings, and project specific meetings.*

- January 14 – Elevate Eagle coordination meeting
- January 14 – Broadband finance meeting
- January 23 – Economic Vitality meeting

Reminders – *Updates on events or meetings that might be of interest to the Board of Trustees.*

- January 15 – Public Hearing on the Home Rule Charter @ 6 PM
- January 16 – Pool & Ice Rink Open House @ 4 PM at the facility
- January 22 – Public Hearing on the Home Rule Charter @ 6 PM

Sincerely,



Brandy Reitter
Town Manager

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

	GENERAL FUND				
	<u>PY ACTUAL</u>	<u>YTD ACTUAL</u>	<u>% TO PY</u>	<u>BUDGET</u>	<u>% TO BUDGET</u>
TAX REVENUE					
General Property	\$ 291,498	\$ 311,639	107%	\$ 311,419	100%
Specific Ownership	14,765	16,811	114%	14,700	114%
Sales Tax /Special Marijuana Sales Tax	4,322,829	\$ 5,045,390	117%	\$ 4,640,797	109%
Severance Tax	212	344	162%	200	172%
Federal Mineral Tax	244	241	99%	200	121%
Franchise Tax	215,278	105,393	49%	220,000	48%
Marketing Tax	149,612	133,234	89%	143,820	93%
TOTAL TAX REVENUE	<u>\$ 4,994,438</u>	<u>\$ 5,613,052</u>	<u>112%</u>	<u>\$ 5,331,136</u>	<u>105%</u>
LICENSE & PERMIT REVENUE					
Business Licenses	\$ 29,889	\$ 38,375	128%	\$ 28,000	137%
Liquor Licenses	6,522	7,226	111%	6,000	120%
Marijuana Licenses	4,000	4,150	104%	4,000	104%
Marketing Fee	7,659	13,319	174%	8,000	166%
Building Permits	302,234	310,648	103%	280,000	111%
Electrical Permits	30,797	29,319	95%	25,000	117%
Road Cut Permits	300	965	322%	500	193%
Sign Permits	800	150	19%	300	50%
Special Event Permits	325	100	31%	500	20%
TOTAL LICENSE & PERMIT REVENUE	<u>\$ 382,526</u>	<u>\$ 404,252</u>	<u>106%</u>	<u>\$ 352,300</u>	<u>115%</u>
INTERGOVERNMENTAL REVENUE					
Motor Vehicle License Fee	\$ 30,625	\$ 31,851	104%	\$ 30,000	106%
Highway Users Tax	287,541	276,832	96%	286,283	97%
Cigarette Tax	11,417	9,985	87%	11,000	91%
Road & Bridge Fund	86,510	87,275	101%	83,000	105%
County Sales Tax	145,770	151,077	104%	142,140	106%
Grants	-	-	#DIV/0!	63,500	0%
Intergovernmental Contributions	-	24,918	#DIV/0!	25,000	100%
TOTAL INTERGOVERNMENTAL REVENUE	<u>\$ 561,863</u>	<u>\$ 581,938</u>	<u>104%</u>	<u>\$ 640,923</u>	<u>91%</u>
CHARGES FOR SERVICES					
Planning & Zoning Fees	\$ 24,911	\$ 14,568	58%	\$ 15,000	97%
Planning & Zoning Reimbursable	81,992	141,032	172%	180,000	78%
Facility Usage Fees	50,373	67,729	134%	53,550	126%
Facility Usage Deposits	1,395	4,192	301%	-	#DIV/0!
Sponsorship & Event Revenue	29,057	28,491	98%	22,000	130%
TOTAL CHARGES FOR SERVICES	<u>\$ 187,728</u>	<u>\$ 256,012</u>	<u>136%</u>	<u>\$ 270,550</u>	<u>95%</u>
FINES & FORFEITURES					
Fines & Forfeits	\$ 44,476	\$ 44,442	100%	\$ 45,000	99%
Police Surcharge	2,390	1,440	60%	3,000	48%
Police Miscellaneous	8,846	3,668	41%	2,000	183%
Police Grants	30,511	21,934	72%	20,654	106%
Special Duty Reimbursable	14,878	24,670	166%	39,432	63%
Charitable Organization Fee	505	135	27%	400	34%
TOTAL FINES & FORFEITURES	<u>\$ 101,606</u>	<u>\$ 96,289</u>	<u>95%</u>	<u>\$ 110,486</u>	<u>87%</u>

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

GENERAL FUND					
	<u>PY ACTUAL</u>	<u>YTD ACTUAL</u>	<u>% TO PY</u>	<u>BUDGET</u>	<u>% TO BUDGET</u>
MISCELLANEOUS REVENUE					
Interest & Penalties Total	200,018	148,278	74%	145,000	102%
Information Center Total	175,723	140,936	80%	130,680	108%
Rental Income	16,943	15,100	89%	9,360	161%
Sales of Fixed Assets	43,000	-	0%	-	#DIV/0!
Insurance Proceeds	29,840	-	0%	-	#DIV/0!
Grants	25,000	-	0%	-	#DIV/0!
Other Miscellaneous Revenue Total	10,071	30,018	298%	35,000	86%
TOTAL MISCELLANEOUS REVENUE	<u>\$ 500,595</u>	<u>\$ 334,332</u>	<u>67%</u>	<u>\$ 320,040</u>	<u>104%</u>
TRANSFERS FROM OTHER FUNDS					
General Admin. Water	\$ 89,917	\$ -	0%	\$ -	#DIV/0!
General Admin. Wastewater	60,460	-	0%	-	#DIV/0!
General Admin. Refuse	19,500	16,120	83%	16,120	100%
TOTAL TRANSFERS FROM OTHER FUNDS	<u>\$ 169,877</u>	<u>\$ 16,120</u>	<u>9%</u>	<u>\$ 16,120</u>	<u>100%</u>
TOTAL GENERAL FUND REVENUES	<u>\$ 6,898,633</u>	<u>\$ 7,301,995</u>	<u>106%</u>	<u>\$ 7,041,555</u>	<u>104%</u>
EXPENDITURES					
GENERAL GOVERNMENT	\$ 425,097	\$ 417,059	98%	\$ 457,852	91%
GENERAL ADMINISTRATION	766,607	576,011	75%	642,100	90%
COMMUNITY DEVELOPMENT	641,695	795,635	124%	895,298	89%
STREETS	1,295,422	1,153,823	89%	1,417,513	81%
ENGINEERING	265,483	234,527	88%	296,398	79%
BUILDINGS & GROUNDS	616,834	656,043	106%	748,067	88%
PUBLIC SAFETY	1,538,285	1,619,932	105%	1,839,644	88%
MUNICIPAL COURT	38,718	62,030	160%	74,519	83%
INFORMATION CENTER	184,255	139,879	76%	157,327	89%
MARKETING & EVENTS	296,473	274,362	93%	345,718	79%
TRANSFERS TO OTHER FUNDS	208,000	350,000	168%	350,000	100%
TOTAL GENERAL FUND EXPENDITURES	<u>\$ 6,276,868</u>	<u>\$ 6,279,303</u>	<u>100%</u>	<u>\$ 7,224,436</u>	<u>87%</u>
NET REVENUES OVER(UNDER) EXPENDITURES	<u>\$ 621,765</u>	<u>\$ 1,022,692</u>	<u>164%</u>	<u>\$ (182,881)</u>	<u>-559%</u>

TOWN OF EAGLE
REVENUES & EXPENSES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

WATER FUND					
	PY ACTUAL	YTD ACTUAL	% TO PY	BUDGET	% TO BUDGET
REVENUES					
DEBT SERVICE SURCHARGE	\$ 263,351	\$ 461,042	175%	\$ 471,600	98%
WATER SALES - IN TOWN	2,947,492	3,047,483	103%	2,900,000	105%
WATER SALES - OUT OF TOWN	455,703	450,751	99%	430,000	105%
WATER MATERIALS & OTHER	84,566	54,584	65%	40,000	136%
PLANT INVESTMENT FEES (TAP FEES)	369,010	577,310	156%	535,000	108%
PLANT INVESTMENT FEES (DEVELOPER)	264,453	-	0%	-	#DIV/0!
WATER FUND INTEREST	234,921	283,990	121%	205,000	139%
WATER RIGHTS INTEREST	1,414	1,624	115%	900	180%
SERVICE CHARGE	14,357	17,976	125%	8,000	225%
REIMBURSABLE INCOME	1,758	-	0%	-	#DIV/0!
LOAN PROCEEDS	17,676,317	-	0%	-	#DIV/0!
WATER MISCELLANEOUS	2,000	15,740	787%	-	#DIV/0!
TOTAL WATER FUND REVENUE	\$ 22,315,344	\$ 4,910,500	22%	\$ 4,590,500	107%
EXPENDITURES					
TOTAL WATER FUND EXPENDITURES	\$ 5,286,486	\$ 11,471,044	217%	\$ 13,641,128	84%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 17,028,858	\$ (6,560,544)	-39%	\$ (9,050,628)	72%

TOWN OF EAGLE
REVENUES & EXPENSES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

WASTEWATER FUND					
	PY ACTUAL	YTD ACTUAL	% TO PY	BUDGET	% TO BUDGET
REVENUES					
WASTEWATER SALES	\$ 2,381,269	\$ 2,387,930	100%	\$ 2,384,600	100%
WASTEWATER TAP FEES	556,500	597,750	107%	550,000	109%
WASTEWATER INTEREST	11,347	61,061	538%	50,000	122%
PREMIUM ACCRETION	23,528	-	0%	-	#DIV/0!
MISCELLANEOUS	414	5,753	1391%	-	#DIV/0!
REFINANCING CREDIT 1997 BONDS	56,715	-	0%	-	#DIV/0!
INSURANCE PROCEEDS	-	314,444	#DIV/0!	314,443	100%
TOTAL WASTEWATER FUND REVENUE	\$ 3,029,772	\$ 3,366,938	111%	\$ 3,299,043	102%
EXPENDITURES					
TOTAL WATER FUND EXPENDITURES	\$ 2,082,407	\$ 2,297,224	110%	\$ 2,722,151	84%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 947,365	\$ 1,069,714	113%	\$ 576,892	185%

TOWN OF EAGLE
REVENUES & EXPENSES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

		REFUSE FUND				
		<u>PY ACTUAL</u>	<u>YTD ACTUAL</u>	<u>% TO PY</u>	<u>BUDGET</u>	<u>% TO BUDGET</u>
REVENUES						
TRASH FEES		\$ 553,347	\$ 527,609	95%	\$ 571,477	92%
YARDWASTE FEES		39,826	37,265	94%	39,481	94%
ADMIN FEE		19,887	18,563	93%	20,509	91%
INTEREST		2,760	5,764	209%	3,000	192%
TOTAL REFUSE FUND REVENUE		<u>\$ 615,821</u>	<u>\$ 589,201</u>	<u>96%</u>	<u>\$ 634,467</u>	<u>93%</u>
EXPENDITURES						
TOTAL REFUSE FUND EXPENDITURES		<u>\$ 580,855</u>	<u>\$ 556,651</u>	<u>96%</u>	<u>\$ 634,467</u>	<u>88%</u>
NET REVENUES OVER(UNDER) EXPENDITURES		<u>\$ 34,966</u>	<u>\$ 32,549</u>	<u>93%</u>	<u>\$ -</u>	<u>#DIV/0!</u>

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

CAPITAL IMPROVEMENTS FUND

	<u>PY ACTUAL</u>	<u>YTD ACTUAL</u>	<u>% TO PY</u>	<u>BUDGET</u>	<u>% TO BUDGET</u>
REVENUES					
CAPITAL IMPROVEMENTS INTEREST	\$ 48,723	\$ 66,629	137%	\$ 60,000	111%
COMMUNITY ENHANCEMENT INTEREST	3,221	4,011	125%	2,000	201%
EAGLE ICE RINK INTEREST	35,182	40,389	115%	32,000	126%
COMMUNITY ENHANCEMENT FUND	45,547	-	0%	44,500	0%
PUBLIC SAFETY IMPACT FEE	-	7,503	#DIV/0!	-	#DIV/0!
STREET IMPACT FEES	41,177	63,150	153%	40,000	158%
USE TAX	353,198	345,229	98%	338,000	102%
GRANTS	-	4,000	#DIV/0!	-	#DIV/0!
TRANSFER FROM GENERAL FUND	200,000	350,000	175%	350,000	100%
TOTAL CAPITAL IMPROVEMENTS FUND REVENUE	\$ 727,049	\$ 880,911	121%	\$ 866,500	102%
EXPENDITURES					
TOTAL CAPITAL IMPROVEMENT FUND EXPENDITURES	\$ 477,869	\$ 558,540	117%	\$ 715,074	78%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 249,180	\$ 322,371	129%	\$ 151,426	213%

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

SALES TAX CAPITAL IMPROVEMENTS FUND (STCIF)

	<u>PY ACTUAL</u>	<u>YTD ACTUAL</u>	<u>% TO PY</u>	<u>BUDGET</u>	<u>% TO BUDGET</u>
REVENUES					
SALES TAX	\$ 534,287	\$ 622,953	117%	\$ 574,349	108%
GRANTS	-	350,000	#DIV/0!	350,000	100%
INTEREST - COLOTRUST	14,560	25,600	176%	25,000	102%
INTEREST - PROJECT FUND	62,436	8,410	13%	10,000	84%
INTEREST - COI PROJECT FUND	-	-	#DIV/0!	-	#DIV/0!
CONTRIBUTIONS & DONATIONS	95		0%		#DIV/0!
TOTAL STCIF REVENUE	\$ 611,378	\$ 1,006,963	165%	\$ 959,349	105%
EXPENDITURES					
TOTAL STCIF EXPENDITURES	\$ 4,598,676	\$ 1,603,230	35%	\$ 1,845,634	87%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ (3,987,298)	\$ (596,267)	15%	\$ (886,285)	67%

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

OPEN SPACE FUND					
	PY ACTUAL	YTD ACTUAL	% TO PY	BUDGET	% TO BUDGET
REVENUES					
LODGING TAX	\$ 149,612	\$ 133,234	89%	\$ 143,820	93%
PENALTY & INTEREST	812	741	91%	-	#DIV/0!
OPEN SPACE INTEREST	8,693	7,191	83%	3,000	240%
OTHER GRANTS	8,585	-	0%	-	#DIV/0!
MISCELLANEOUS	500	1,000	200%	-	#DIV/0!
TRANSFER FROM GENERAL FUND	8,000	-	0%	-	#DIV/0!
TOTAL OPEN SPACE FUND REVENUE	\$ 176,203	\$ 142,166	81%	\$ 146,820	97%
EXPENDITURES					
TOTAL OPEN SPACE FUND EXPENDITURES	\$ 123,098	\$ 88,668	72%	\$ 133,843	66%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ 53,105	\$ 53,498	101%	\$ 12,977	412%

TOWN OF EAGLE
REVENUES & EXPENDITURES WITH COMPARISON TO PRIOR YEAR (PY) & BUDGET
FOR THE YEAR ENDING DECEMBER 31, 2019

CONSERVATION TRUST FUND					
	PY ACTUAL	ACTUAL	% TO PY	BUDGET	% TO BUDGET
REVENUES					
LOTTERY PROCEEDS	\$ 34,163	\$ 39,232	115%	\$ 33,785	116%
CONSERVATION TRUST INTEREST	2,378	1,781	75%	1,200	148%
TOTAL CONSERVATION TRUST FUND REVENUE	\$ 36,541	\$ 41,013	112%	\$ 34,985	117%
EXPENDITURES					
TOTAL CONSERVATION TRUST FUND EXPENDITURES	\$ 75,000	\$ 25,000	33%	\$ 25,000	100%
NET REVENUES OVER(UNDER) EXPENDITURES	\$ (38,459)	\$ 16,013	-142%	\$ 9,985	160%



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager and Department Leads

Date: January 14, 2020

Re: Department Updates for December 2019

TOWN CLERK

Communications Committee (PR Studios, Jessica Lake, Erin Ivie, Bill Shrum, Mark Herota, Debbie Fibkins)

- 12/12/2019 Communications Meeting
- 12/18/2019 Eagle Today Sent
 - Utilities Rate Increase
 - THOR Update
 - Snow Removal
 - Charter Commission
 - 2020 Election
 - Immersive Arts
 - Trail Closures
 - Eagle's View
 - Employee Highlights
 - Employment Opportunities

Licenses

- BUSINESS: 12/26/2019 Renewal notice sent to all businesses for 2020 License
 - 2020 - 120 Renewals processed – 233 Licenses Issued
 - In 2019 we issued 425 Business Licenses and collected \$31,320 in fees.
- LIQUOR:
 - Review Katch of the Day for Modification of Premises
 - In 2019 we processed 30 renewals, 2 modifications of premises, 2 transfer of ownerships and 3 new licenses.
 - Total fees collected in 2019 = \$4,451.25
 - In 2019 we processed 7 Special Event Permits for Alcohol

NAME	LICENSE TYPE
7 HERMITS BREWING COMPANY LLC	BREWERY
BOWLMOR THE LLC	HOTEL & RESTAURANT
CASA MEXICO #3 LLC	HOTEL & RESTAURANT
COLOR COFFEE ROASTERS LLC	BEER & WINE
DILLON COMPANIES INC	FERMENTED MALT BEVERAGE OFF PREMISES
DILLON COMPANIES INC	MODIFICATION OF PREMISES
DJ SAXX INC.	TAVERN
EAGLE DINER LLC	HOTEL & RESTAURANT
EAGLE LIQUOR MART, INC.	LIQUOR STORE
EAGLE PARTNERS I LLC	HOTEL & RESTAURANT
EAGLE RANCH METROPOLITAN DISTRICT	HOTEL & RESTAURANT / OPTIONAL
EAGLE RANCH WINE & SPIRITS LLC	LIQUOR STORE
EE INC.	FERMENTED MALT BEVERAGE OFF PREMISES
EXPERT BURGER ONE EAGLE LLC	HOTEL & RESTAURANT
FNK PRODUCTIONS INC	HOTEL & RESTAURANT
GOURMET CHINA INC	HOTEL & RESTAURANT
GRAND INC.	HOTEL & RESTAURANT
KATCH OF THE DAY LLC	BEER & WINE
KUM & GO LC	FERMENTED MALT BEVERAGE OFF PREMISES
LORENZO SALAZAR PEREZ	HOTEL & RESTAURANT
MINI MART INC	FERMENTED MALT BEVERAGE OFF PREMISES
MUDDY WATERS WINE & SPIRIT INC.	LIQUOR STORE
OYASHI LLC	HOTEL & RESTAURANT
PASTATIVELY INC	HOTEL & RESTAURANT
PAZZO'S WOW INC	HOTEL & RESTAURANT
PICKUPS PIZZA LLC	BEER & WINE
PICKUPS PIZZA LLC	MODIFICATION OF PREMISES
PRIMAVERA LIQUORS INC.	LIQUOR STORE
PRIMAVERA LIQUORS INC.	REPORT OF CHANGES
REAL JALISCO INC	HOTEL & RESTAURANT

Website – www.townofeagle.org

- Ask the Town questions: 5 (all questions are responded by the Town Clerk or appropriate staff)
- Topics:
 - Eagle River Water and San Inquiry on water efficiency coalition
 - Eagle County Property Inquiry
 - Water quality inquiry Eby Creek Mesa
 - PIF Inquiry
- In 2019 there were 71 questions asked and answered.

Meeting Attendance and Prep

- 12/4/2019 Planning Dept Communication Meeting
- 12/4/2019 Charter Commission Meeting
- 12/9/2019 IT Meeting
- 12/10/2019 Town Board Meeting
- 12/11/2019 Charter Commission Meeting
- 12/12/2019 Town Holiday Party
- 12/20/2019 Customer Service Committee Meeting

Training

- 12/12/2019 Election Webinar CML

Sales Tax

- In 2019 the Town collected \$233,948.57 from on-line retailers.
- In 2019 there were 5,908 unique sales tax companies remitting sales tax to the Town of Eagle
- In 2019 there were 3,579 unique on-line retailers
- In 2019 there were 37,383 unique sales tax entries received
- 4th Quarter sales tax reports will be available in February

2019				
Month	Filing Period	Revenue Period	4% to General Fund	O/U
Jan	\$ 284,066.89	\$ 428,973.53	\$ 381,309.80	8%
Feb	\$ 390,661.27	\$ 387,365.41	\$ 344,324.81	-5%
Mar	\$ 542,066.05	\$ 400,149.40	\$ 355,688.36	7%
1 Q	\$ 1,216,794.21	\$ 1,216,488.34	\$ 1,081,322.97	3%
Apr	\$ 401,941.71	\$ 422,439.91	\$ 375,502.14	7%
May	\$ 425,980.87	\$ 409,836.28	\$ 364,298.92	10%
Jun	\$ 509,238.05	\$ 431,900.56	\$ 383,911.61	9%
2 Q	\$ 1,337,160.63	\$ 1,264,176.75	\$ 1,123,712.67	9%
Jul	\$ 510,271.20	\$ 499,537.57	\$ 444,033.40	20%
Aug	\$ 490,025.74	\$ 509,692.59	\$ 453,060.08	24%
Sep	\$ 498,118.54	\$ 496,442.97	\$ 441,282.64	15%
3 Q	\$ 1,498,415.48	\$ 1,505,673.13	\$ 1,338,376.12	19%
Oct	\$ 486,477.96	\$ 501,601.07	\$ 445,867.62	32%
Nov	\$ 452,078.24	\$ 612,207.11	\$ 544,184.10	29%
Dec		\$ 496,728.29	\$ 441,536.26	43%
4 Q		\$ 1,610,536.47	\$ 1,431,587.97	34%
Revenue	\$ 4,990,926.52	\$ 5,596,874.69	\$ 4,974,999.72	17%

MUNICIPAL COURT

- Court Dates December 10

December Fines and Fees Assessed: \$1,215.00

Animal Control	0
Misdemeanor	0
Parking	9
Traffic	20
Total	29

December Fines and Fees Collected: \$3,588.00 (includes previous months)

Fines	\$2,900.00
Court Costs	\$215.00
Outstanding Judgment Warrant Department of Motor Vehicle	\$15.00
DJS Fee	\$75.00
Charitable Contributions	\$3.00
Outstanding Judgment Warrant Eagle Municipal Court	\$15.00
Surcharge	\$340.00
Stay of Execution	\$25.00
Total	\$3,588.00

December Dispositions (Payments or Court Appearances)

Animal Control	4
Misdemeanor	3
Parking	5
Traffic	19
Total	31

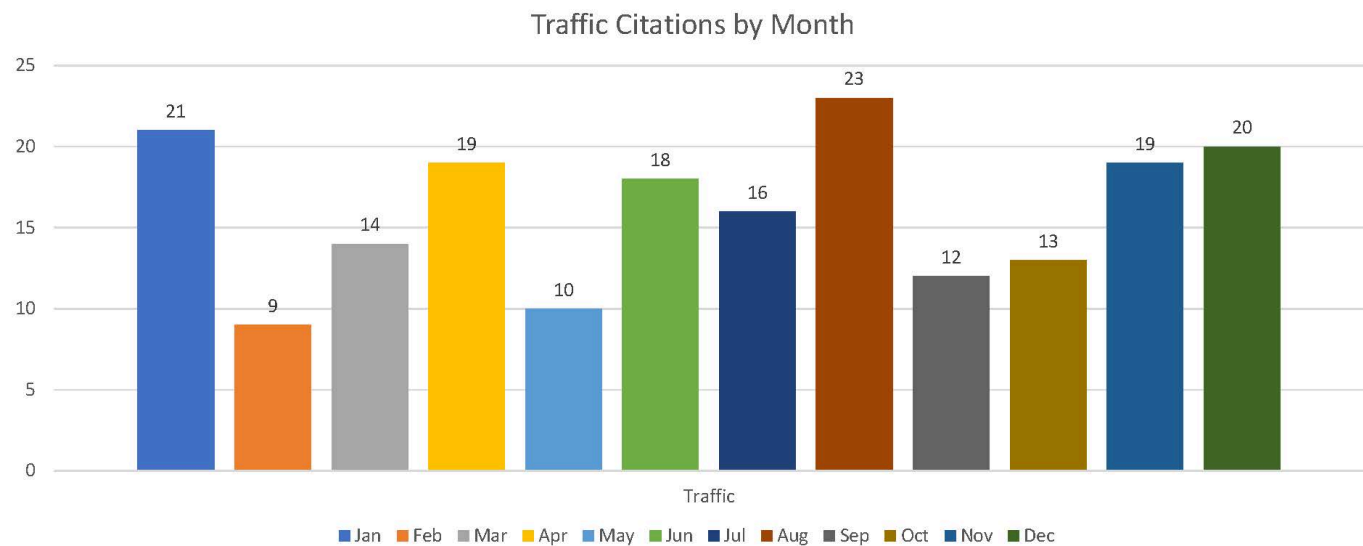
Outstanding Fines and Fees by Date:

Current	\$1,944.91
1-30 Days Past Due	\$405.00
31-60 Days Past Due	\$635.00
61-90 Days Past Due	\$0.00
91-180 Days Past Due	\$443.75
Over 180 Days Past Due	\$24,539.53
Total	\$27,968.19

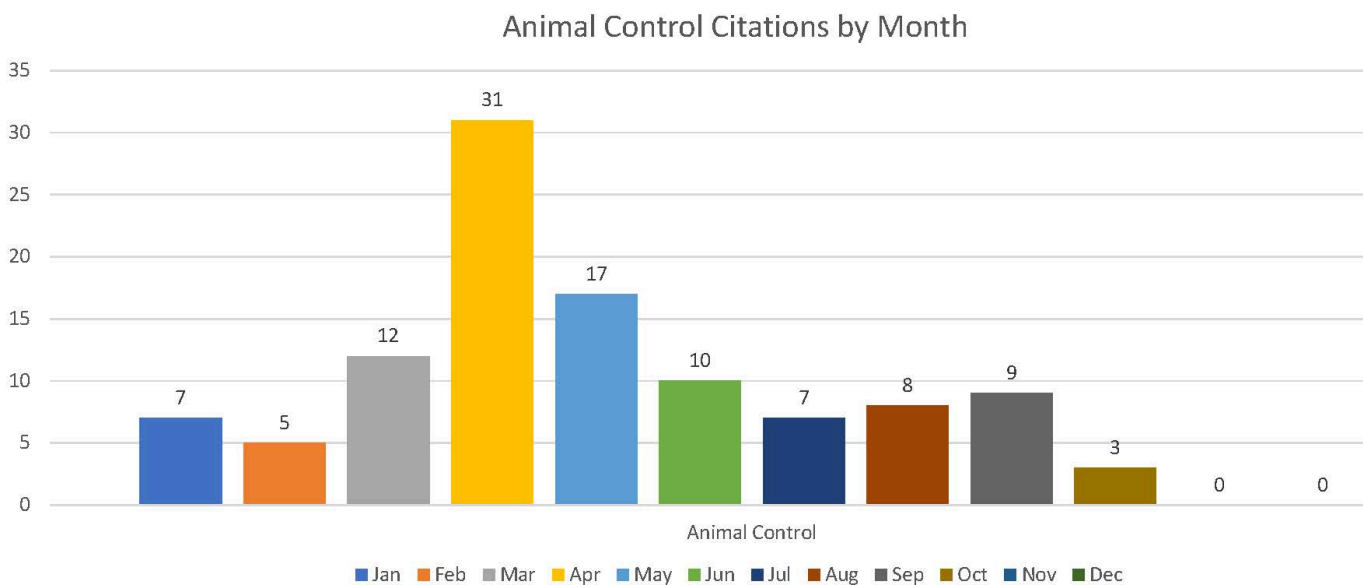
Receivable Budget YTD

2019 Budget	\$45,000.00
Year to Date	\$44,442.03
Variance	\$557.97

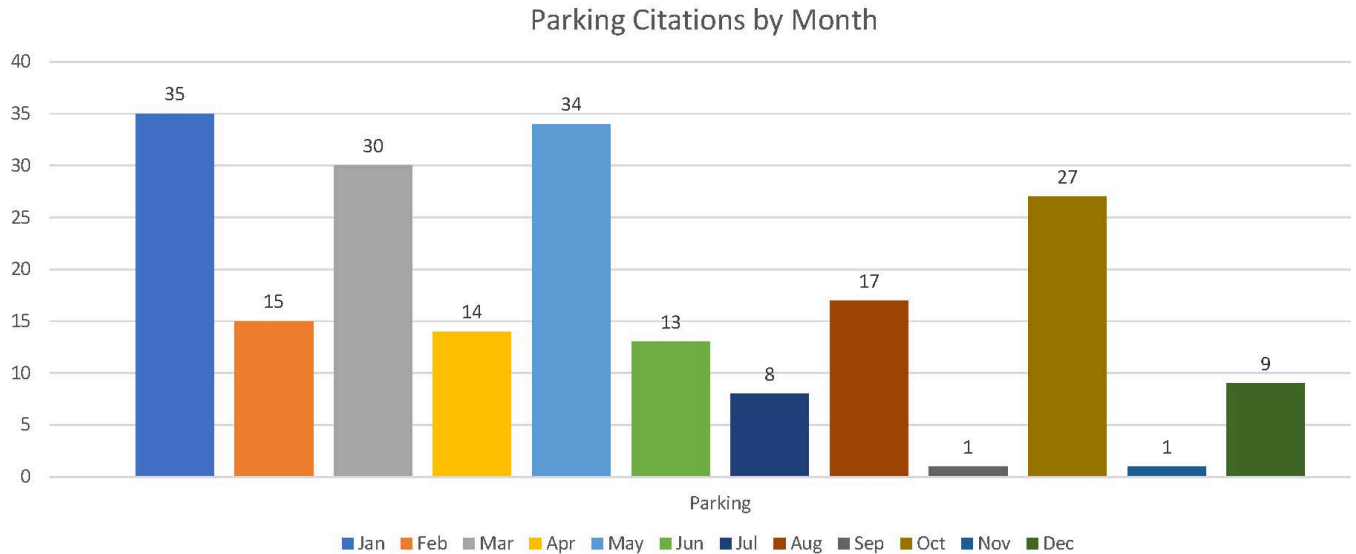
Eagle Municipal Court



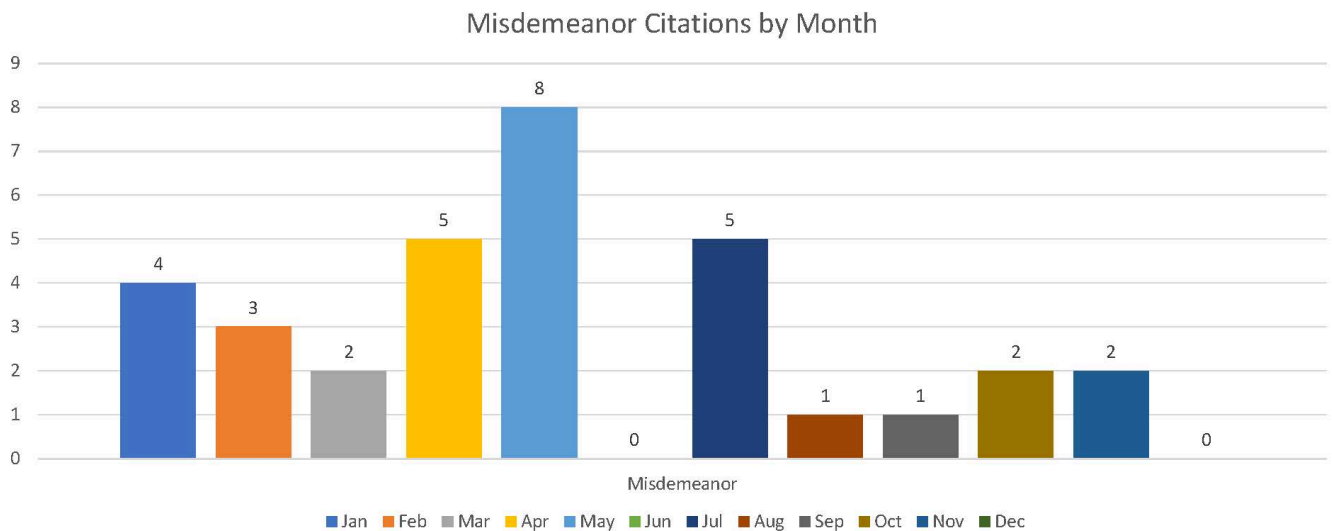
Eagle Municipal Court



Eagle Municipal Court



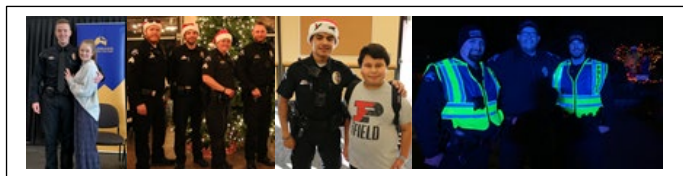
Eagle Municipal Court



EAGLE POLICE DEPARTMENT

Calls for Service- 822 December 2019

998 December 2018



2014: 7,598 2015: 9,366 2016: 9,609 2017: 10,429 2018: 10,364 **2019: 11,922**

Events- Christmas on Broadway, Shop With A Cop & Tip A Cop for Special Olympics

Notes- Your Eagle Police Department remains busy with calls for service, events, neighborhood activities and routine business operations. EPD noted a 15% increase in calls for service in 2019 as compared to 2018. Our community continues to grow, resulting in additional activities, service-oriented calls and requests for Town services.

Your police department continues to respond to a number of disturbances, traffic crashes, alarms, parking complaints, suspicious people, criminal mischief, motor vehicle crashes, medical calls and agency assists.

EPD continues to focus on community-oriented policing activities. Response to community service requests in designated areas continues to remain a priority as well. Business checks, vacation home checks and security patrols continue within the confines of available staff.

Summary of Investigations and Other Notes of Significance-

Assist County Court. Parties disruptive following sentencing hearing. Officers mediated and educated.

Assist DHHS. Peacekeeping standby for DHHS checking on welfare of minor.

Assist ECSO. Attempt to locate subject who was suicidal and sped away from home in Gypsum. Located in Dotsero.

Attempted Vehicle Theft and Vehicle Theft. Under investigation.

Burglary x2. Cash stolen from two businesses. Under investigation.

Civil Assists X5.

Crashes. Several crashes on I-70 resulting in serious injuries and a near-miss of a CSP Trooper. EPD assisted.

Criminal Mischief. Leads exhausted.

Disturbance X2. Castle Peak Senior Center.

Dog Complaints. Off-leash dog reports on Broadway, Haystacker and Abrams Creek. Forwarded to Animal Services.

DUI Felony. Driver contacted after stopping in the middle of the road to relieve himself. Arrested. Multiple prior DUIs.

DUI. REDDI report to dispatch. Vehicle located by EPD entering I-70. Driver arrested.

Family Disturbance X2. Mediated between two families regarding disagreements between teenagers and parents.

Fight. Local hotel. Two subjects summonsed.

Fraud. Local hotel. Under investigation.

Hit & Run. Driver who was hit followed the vehicle that hit him and guided EPD through 911 for contact. Summonsed.

Missing Minor x2. Assisted ECSO with canvassing for a missing suicidal teenager and then a missing 17-year old days later.

Protection Order. Investigated. Sent to DA for consideration of charges.

Reckless. Vehicle elected to go around road closure and drove through a crash scene. Stopped and summonsed.

Sex Assault on Minor. Under investigation.

Sex Assault. Under investigation.

Sex Offender X2. Under investigation for failure to register.

Suicidal Subjects X6. Co-responder, ambulance or other services offered.

Theft. Snowboards stolen from roof rack on vehicle. Leads exhausted.

Warrant. Probation department had client with warrant. EPD responded and arrested.

Warrant. Subject arrested on outstanding warrant.

Warrant. Subject arrested on two warrants and driving under restraint.

Warrant. Subject contacted near Town Hall and arrested for outstanding warrant.

Welfare x4. Middle school students missing or "ditching" school. All located.

Noteworthy Items- Officer C. Patterson successfully completed the Colorado P.O.S.T. exam and graduated the Colorado Mountain College Police Academy! He entered our ground school training program and began his 21-week FTO program at the end of the month.

Recruit C. Stahl will begin his police academy program under a Town of Eagle sponsorship in January. Recruit Stahl is a native to our Eagle Valley. He has experience in property management, retail and customer service. He completed an internship with the Mesa County Sheriff's Office and is on schedule to obtain a Bachelor of Science Degree in Criminology in May, 2020. He is excited for the opportunity to become Colorado POST Certified and serve the community of Eagle.

Your Eagle Police Department continues to recruit for the new patrol position, honored by our Town Board for the 2020 budget year (thank you!).

Your Eagle Police Department continued to bring holiday cheer to local families in need of a little extra assistance during our holiday season with the Shop With A Cop event. Sgt. Buhlman headed up the cause for EPD this year. This year's event gave a unique holiday experience to several elementary school aged children. Children were selected by their school and paired with a police officer. Each Child was given \$100.00 and an hour to shop at Walmart with their assigned officer. Children were also provided with a holiday meal basket, a visit from Santa and time to wrap their gifts and eat dinner with their local heroes on this special night! A special thank you to all of our local business sponsors, volunteers and first responders whom continue to make this event successful year after year!

Officer Samuido also participated in this year's December Tip A Cop event. The Lancelot hosted the event, benefiting Special Olympics of Colorado. Officers from local law enforcement entities teamed up with waitstaff and buss-staff to offer additional service to customers. Customers are advised of the fundraising program and asked if they would like to make a donation in excess of the "tip" normally left for waitstaff. Nearly \$5,000 was donated. This was the most successful single-night TAC event that Chief could recall since his involvement with Special Olympics (going back to the days when he was in Breckenridge).

Without a full-time SRO, EPD members have taken on the extra responsibilities and have assisted area schools with calls for service, events (i.e. Shop With A Cop) and routine fire drills. Sgt. Buhlman and Officer Sanders also completed a snow safety presentation at EVMS.

Your EPD night-shift team continues to visit our seasonal recreational areas frequented by active members of our community. One of the favorite spots is the Town Park ice rink.

It is with a heavy heart to announce the departure of Executive Assistant Erin Ivie. Erin has served the Town and our community since 2013. She quickly established herself as a dedicated non-sworn public servant and played key roles with the execution of new duties, procedures and management of tasks related to Department Standards and operations aligned with our Strategic Plan. Erin's focus on personal and professional development enabled her to gain additional knowledge and skill through professional certifications. Erin's knowledge, skill and abilities allowed the Department to "do more with less." As budget allocations over the years did not yield to adding additional staff, Erin absorbed duties normally assigned to positions such as, Evidence Technician, Grant Facilitator and Court Supervisor.

Erin's alignment with Speak Up Reach Out allowed for EPD to become a leader with mental health funding for issues in our community and among first responders. Erin and her SURO team were nominated by Chief Staufer and recognized in 2015 at the Eagle County Public Safety Awards for establishing methods of community awareness, suicide prevention, family assistance and fundraising campaigns to ensure her team's goals are consistently attained. Erin also received an Eagle Police Meritorious Conduct Award in 2019 for her efforts with suicide prevention and her commitment with locating the financial means to support our co-responder model and services for public safety.

Erin will be missed as she transitions into her paid executive role with SURO. True to her character, she has offered an extended transition period to assist with training a new staff member. She also offered to assist with contractual services for high-level priorities, if EPD is unable to locate a new staff member with similar qualifications and certifications. Some of the responsibilities will transition to our proposed sworn supervisor, while others will be absorbed by our Chief and Sergeant Team. Along with contractual services, EPD should be able to have condensed front-desk office hours to aid with community requests at Town Hall, staffed by our future Records and Information technician.

What? Call of the month. An intoxicated driver didn't see double yellow lines on the road, so he elected to stop and "paint" some lines for himself by urinating on the roadway. As if being stopped in the middle of the road wouldn't draw enough attention, he was soon contacted by an officer about his public open carry demonstration as he tried to flee the pee in his vehicle. The driver was found to be intoxicated and there were numerous open liquor containers in his vehicle. The driver was subsequently arrested. At the jail, it was discovered the driver had multiple prior DUI convictions, which elevated this contact to a felony DUI. Fortunately, EPD was able to stop this driver before he could do any harm to innocent lives in our community.

County Court – Available upon request.

Local and Regional Calls for Service – Available at Dispatch

ASSISTANT TO THE TOWN MANAGER

My final semester of classwork starts Jan 6. In addition, I will take two intensive classes in March and in May to earn “Certified Public Manager” credentials along with my degree.

Economic Vitality and Development Work

- MTech, Encore Electric, and Rexel are moving to the old Carpenter’s Union building, bringing more than 150 jobs into Eagle. Rexel has a retail and delivery component for electrical contractor needs.
- Economic Vitality Committee is moving to monthly meetings.
- A baseline economic data report for the Town is being prepared by the Economic Vitality Committee and will be published twice a year.

Downtown Broadway – DCI Community Assessment

- Immersive Art workshop Dec. 12th was a success with 52 people registered and/or attending in person. Email follow up went out to the group and implementation meeting planned for Monday January 6th.
- DCI offered assistance to the Downtown Business Alliance members researching and implementing a Downtown Development Authority – next subcommittee meeting scheduled Wednesday January 8th.
- Downtown Barricade Plan group is meeting Friday, January 3rd. The goal is to bring a regular system to street closures and events in Downtown.

Project THOR

- Unexpected geology has delayed the completion of boring under I-70, and damaged CDOT conduit along Eby Creek Road has delayed the fiber connection being completed into Town Hall.
- Review of the project to get fiber to Public Works will be given to Uptown Services to vet and assist in implementation.
- Phase 2 of the Town Hall Meet-Me Center build will happen in Q1 2020, including a backup generator and conduit vault to allow easy external access.
- Circuits have been secured and tested from Denver to Vail, including Breckenridge. Connections also secured and tested through Rifle to Meeker and Steamboat, and on to Denver.

Alpine Lumber Art Wall on Eby Creek Road

- The Town Engineer is reviewing the structure of the Alpine Lumber shed.
- Final project implementation will include modular murals, a receiving frame to protect the art from elements, and the ability to remove and reinstall the frame when a new shed is built.

Pool-Ice Rink Recreation Campus Master Plan Process

- Norris Design will host a public open-house Thursday, January 16th from 4-6pm at the Pool and Ice Rink to reveal the final concept plan and receive community input.

Communication Committee

- The new Town Communication Committee is meeting weekly to start implementing new communication procedures for social media, email newsletters, and website stories.
- The Communication Committee will publish Eagle Today once a month as an email summary, as well as an all-staff internal email of relevant stories and events.

PUBLIC WORKS

LBWTP Construction

This will be a separate presentation

Cemetery Tank

- Construction documents are being developed

Capitol Street Water & Sanitary Sewer

- Construction documents are being developed

Source Water Protection Plan

- Stakeholder meeting is on Thursday, January 9th

Water Efficiency Plan

- Draft plan has been reviewed by stakeholders

THOR Project

- Construction is underway

Public Works Operations & Maintenance

- Fleet Management's winterization of all TOE vehicles is complete
- Snowplow operations
- Repairing water leaks

Public Works Staff

- John Boyd was promoted to Public Works Operations Manager
- Dan McFadden has passed Collection & Distribution class D tests and has been promoted to Public Works Inspector

Upper Basin Water Treatment Plants

- Installation of generators at both Pre-Treatment and Treatment Water Plants in March 2020

COMMUNITY DEVELOPMENT DEPARTMENT

December 2019 Monthly Report

The following provides a summary of the primary activities and/or project updates of the Community Development Department (please note, this is not all-inclusive):

Personal Update: I moved to Eagle on 1-1-20!!!! So happy to have residence here!!

CURRENT PLANNING PROJECTS

- Pre-Apps and follow-ups to pre-apps:
 - 2 Potential Rezoning
 - 3 Annexations (continued discussions)
 - 1 Mixed-Use Project in Broadway District (continued discussion)
 - Subdivision Review, 1 Major & 1 Minor
 - 1 Variance Request
 - 1 SUP
 - 1 Final plat & Minor Dev Review
- Development Review Process:
 - 1 SUP
 - 1 Minor Subdivision
 - 1 Variance Request
- Recent Development Permits Issued: N/A in December
- Continued work on RMR; PUD Guide work.
- Code enforcement as time allowed.

LONG-RANGE PLANNING/SPECIAL PLANS

- Working with Eagle County on Intergovernmental Agreement for housing.
- Working with company on determining potential for GIS needs and how to complete an assessment and GIS strategic Plan in 2020 in preparation of possible 2021 project.
- Elevate Eagle and Land Use Code Update project management
 - Bi-weekly phone conferences with consultant
 - Working through draft plan amendments, including review and input from P&Z Committee.
 - Comp Plan anticipated final approval March/April 2020.
 - Addressing Land Use Code items with the consultant.
- Hwy 6 Corridor Plan RFP schedule: RFP to be developed in early 2020 by Town Engineer with input from Comm Dev.
- Working with County on West-Eagle Sub-Area/County Affordable Housing Property Plans (incorporating into comp plan; working on process for annexation and site development).
- Sub-Area plan for RED Development property – hoping to get underway in early 2020.
- Pool & Ice-Rink Master Plan work with Mountain Rec and present to School Board.

ECONOMIC DEVELOPMENT EFFORTS (ongoing)

- Immersive Arts experience in development with DCI and DBA.
- Met with incoming Chamber President to discuss how we can collaborate on econ dev efforts in 2020.
- Economic Vitality Committee meetings.

- Working with venture funds and developing a prospectus on Eagle for marketing with Assistant Town Manager.
- Continue working with Downtown Business Alliance and Assistant to Town Manager on downtown development.
- Gathering info for grant submittal for feasibility study as follow-up to Outdoor Rec/Innovation Summit (Oct 14th).
- Work collaboratively with Assistant Town Manager on economic development efforts.
- Soon to begin efforts on implementing the DCI Downtown Community Assessment (2020).

CODE UPDATES/POLICIES

- Items of Consideration prior to full Land Use Code Update: Mobile Vendors, Air B&B's/short-term rentals, Parklets, outdoor furniture/seating on public r-o-w along Broadway.
- Addressing ADU issues/permits.

ADMINISTRATIVE

- Received resignation of Admin Tech II (Dawn Koenig); addressing filling void until position is filled (Carla assisting part-time, dept staff doing rest); working to develop job description and recruit applicants.
- Received four applications for Planner (I/II/III) position and getting interviews scheduled with 2 applicants for early January.
- Working on department organizational structure/needs.
- Conducted year-end evals and setting 2020 goals with staff, and completed my year-end eval and goal-setting with Town Manager.

MISCELLANEOUS

- Attended Land Use Law Conference in Denver Dec. 5-6.
- Assisting with Conference Planning for 2020 Colorado APA Conference to be held in Vail.
- Committee/Major Meetings: P & Z Commission, TBOT, Economic Vitality Committee (bi-monthly), Downtown Business Alliance, Monthly meetings with Eagle Ranch HOA, Monthly meetings with Eagle County Comm Dev Director; Bi-monthly Dept lead meetings, weekly check-ins with Town manager, weekly comm dev staff meetings; NEW: monthly check-ins with each member of dept staff.

NEXT MONTH/UPCOMING COMM DEV

- Conduct interviews for Planner I/II/III positions.
- Recruit and conduct interviews for Admin Tech II position.
- Ensure department functions covered by staff and assistance from Carla until Admin Tech II position is filled.
- Pre-Apps and follow-up work on existing pre-apps as they prepare for submittal (annexations, development reviews, rezonings, subdivisions, variance, etc).
- Economic Development – Eagle Investor Gathering planning meeting; work with EVC.
- Finalize priorities for 2020 and plan out all projects/timeframes and goals.
- Comprehensive Plan draft work with consultant – revisions and prep for February joint worksession P&Z and TBOT.
- Worksession with consultant on Land Use Code Update and establish expectations for project through 2020.
- Assist with 2020 Conference Planning for Colorado Chapter of American Planning Association (APA) state conference to be held in Vail.

- Work with County on Affordable Housing property/west eagle area (P&Z and TBOT will see more in early 2020 after County Commissioners discuss in Feb).
- Continue work with County on projects (i.e., Fairgrounds Master Planning for late 2020).
- Contract with consultant on Sub-Area plan for RED Development property; Submit Grant to DOLA for sub-area plan for RED Development site.
- Committee/Major meetings: P & Z Commission 1-21; TBOT 1-14 and 1-28; Pre-App mtgs every Thursday afternoon; Downtown Business Alliance 1-9; EVC Meeting 1-16; comp plan coordination calls 1-7 & 1-21; County Comm Dev 1-13; weekly check-ins w/Town Manager; weekly Comm Dev staff meetings; bi-monthly dept lead meetings; Monthly check-ins with each team member; Eagle-Ranch HOA mtg 1-8.
- Pool & Ice Rink Open House 1-16.
- Continue work with new town engineer firm on dev review process.

BUILDING DEPARTMENT

- General coordination of contractors and projects
- Participation in Development Review Team meetings as needed
- Plan review and inspection services for pending and active permits
- Refine processes and procedures

The chart below shows the number of inspections conducted and building permits issued for the current month, the previous month, and the year to date.

Building Department Activity 2019						
	Sept 2019	Oct 2019	Nov 2019	Dec 2019	YTD 2019	YTD 2018
Number of Inspections	191	160	150	150	2125	1885
Number of Building Permits	24	22	18	17	255	284*
<i>ALL Commercial</i>	3	0	2	2	29	15
<i>SF Detached Residential</i>	1	2	1	0	12	22
<i>Multi-Family & Attached SF Residential</i>	2	8	1	0	23	17
<i>Residential Remodel/Addition/Basement Finish</i>	18	12	14	15	161	51

* 2018 YTD data reflects separate MEP permits included in permit count (total of 140 as of August 2018)

Major Construction Projects Under Review and Oversight:

- Lower Basin Water Treatment Plant
- Eagle Landing at Brush Creek (Seven More Units Issued Permits Oct. 2019)
- Soleil Homes-All homes have been permitted
- Outwest Drywall
- 210 Freestone (Eagle Ranch Apartments)
- 700 Chambers Lot 3 Mixed Use Building
- 1353 Chambers Avenue warehouse
- Upcoming Activities for 2020:
 - Integration of Public Works inspections for new construction in Community Core
 - Continue department audit of best practices, policies, and procedures
 - Continue customizing Community Core Solutions
 - Records retention, relocation and archiving project for upcoming THOR project.

FINANCE DEPARTMENT

Accounts Payable:

ACCOUNTS PAYABLE: INVOICES PAID				
	2018	2019	VARIANCE	
DECEMBER	276	387	(4)	-1.43%
YEAR TO DATE	3,498	3,460	(38)	-1.09%

ACCOUNTS PAYABLE: INVOICES PAID										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total Invoices	895	1,138	2,033	2,406	2,967	3,061	3,099	3,309	3,498	3,460
Annual % Change		27.15%	78.65%	18.35%	23.32%	3.17%	1.24%	6.78%	5.71%	-1.09%

Reports:

- Updated and sent out 2020 Finance Calendar and Payroll Schedule to all staff
- Completed Conservation Trust Fund (CTF) Certification of Eligibility to receive funds in 2020

Administration

- Staff completed updating the Pavilion and Studio contract with 2020 rate changes and staff procedural changes – staff will be translating into Spanish for the first time in January of 2020

Financial

- Staff initiated and set up a pay by phone service for all utility customers service
 - Service is in both English and Spanish
 - Customers only need their account number and a valid form of payment
 - Information will be on January statements and is also on the Town's webpage
- Processed all Year End Budgeted Fund Transfers
- Processed all Year End Combined Cash Transfers
- Revised Marijuana sales tax report with updated rate and issued to vendor and posted on website for 01/01/2020 change

Debt Service:

- Moody's Rating Discussion with Moody's Analyst - Update following assignment of Aa3 issuer rating and upgrade of special tax rating to A2 from an A3
- Scheduled 12/1/2019 – 2013 Water Fund Revenue Bond Payment - \$251,837 (Last Payment 2024)
- Scheduled 12/1/2019 – 2016 Sales Tax Revenue Bond Payment - \$208,769 (Last Payment 2046)

Budget:

- Revised and finalized budget amounts and fee schedule for approval
- Updated Budget and fee schedule ordinances and resolutions with appropriate amounts for Board approval
- Provided Mill Levy information to Eagle County by deadline

Training:

- Caselle Year End Webinars – Payroll and Accounts Payable: Kelly & Jill
- Completed required continuing education for CPA license 2018-2019 period (24 hours in Dec): Jill

Payroll/HR:

- Prepared 2020 Payroll Schedule of Employee Adjustments
- Holiday Bonuses prepared and issued at Holiday Party
- Completed 4th Quarter Unemployment Tax Report
- Completed 4th quarter 941 Report
- Started Year-end Payroll Process
- 457(b) – completed ICMA-RC 457(b) paperwork to set up new retirement plan for employees
- Workers Comp renewal meeting – Premiums decrease for 2020 by approximately \$7,000 to approximately \$60,500

Utilities:**October - December**

- New Accounts Setup – 2
- Property Transfers – 39
- Trash fees were not billed in November's billing cycle and staff did not catch this until after bills were issued
 - Customers were charged for November and December in December's billing cycle
 - Notice went out to customers in their December statement, in the Eagle Today, and on our website

Upcoming Activities:

- Finalize 2020 Budget document – To be sent to State
- Year-end Payroll and Accounts Payable
- 2020 Payroll Adjustments
 - Merit Increases
 - 5 additional pay codes for new benefits or better reporting
 - Addition of leave rates for part time employee who work over 20 hours a week

TOWN OF EAGLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2019

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>GENERAL GOVERNMENT</u>					
10-50-110 SALARIES & WAGES	.00	112,398.57	110,231.00	(2,167.57)	102.0
10-50-115 TOWN BOARD	.00	22,800.00	22,800.00	.00	100.0
10-50-125 BONUS	.00	916.02	7,472.00	6,555.98	12.3
10-50-130 CAR ALLOWANCE	.00	3,000.00	3,000.00	.00	100.0
10-50-141 UNEMPLOYMENT INSURANCE	.00	351.10	382.00	10.90	97.0
10-50-142 WORKERS COMPENSATION	.00	283.39	259.00	(4.39)	101.7
10-50-143 HEALTH BENEFITS	.00	20,895.78	35,843.00	14,947.22	58.3
10-50-144 F.I.C.A.	.00	4,535.59	10,978.00	6,442.41	41.3
10-50-145 RETIREMENT	.00	4,014.12	4,450.00	435.88	90.2
10-50-210 OFFICE SUPPLIES	.00	668.94	1,000.00	331.06	66.9
10-50-215 ELECTION EXPENSE	.00	23.89	5,000.00	4,976.11	.5
10-50-235 EQUIPMENT (NON-CAPITAL)	.00	2,328.40	6,500.00	4,171.60	35.8
10-50-310 COMMUNICATION & TRANSPORTATION	.00	173.54	500.00	326.46	34.7
10-50-320 LEGAL NOTICES	.00	150.00	1,000.00	850.00	15.0
10-50-330 DUES & SUBSCRIPTIONS	.00	23,252.44	23,974.00	721.56	97.0
10-50-340 UTILITY SERVICES	.00	582.52	1,758.00	1,175.48	33.1
10-50-347 PROFESSIONAL SERVICES	.00	43,743.29	36,500.00	(7,243.29)	119.8
10-50-351 LEGAL - GENERAL	.00	65,376.52	60,000.00	(5,376.52)	109.0
10-50-362 COMPUTER SUPPORT	.00	1,879.45	5,475.00	3,595.55	34.3
10-50-371 TRAVEL EXPENSE	.00	4,234.45	1,500.00	(2,734.45)	282.3
10-50-372 MEETING EXPENSE	.00	2,392.30	2,200.00	(192.30)	108.7
10-50-376 PUBLIC RELATIONS	.00	4,299.18	6,000.00	1,700.82	71.7
10-50-380 TUITION & BOOKS	.00	4,109.95	6,800.00	2,690.05	60.4
10-50-395 CONTRACT PAYMENTS	.00	19,061.91	23,000.00	3,938.09	82.9
10-50-510 INSURANCE	.00	27,432.50	31,250.00	3,817.50	87.8
10-50-915 COMMUNITY REQUESTS	.00	48,175.00	50,000.00	1,825.00	96.4
 TOTAL GENERAL GOVERNMENT	 .00	 417,058.85	 457,852.00	 40,793.15	 91.1

SPECIAL EVENTS

- 1) MEAC Funding process
 - a. Prepared info for Trustee's review at their 1/134/20 meeting.
 - b. Scheduled next MEAC meeting with the committee for Thursday, January 16, 2020.
 - c. Will review TOE Trustee's decisions on MEAC and Community Funding with MEAC Committee.
 - d. Will notify inform producers of funding decisions.
- 2) Continuing
 - a. Developing Event & Closure Plan for Broadway and surrounding area
 - b. Working on Communication Team to establish outward communication plan. (website, newsletter, social media, press releases, etc.).
 - c. Creating photo gallery for Communications Team for their stories.
 - d. Working with Bryon McGinnis to identify PW set-up & strike costs for road closers as pertains to special events.
 - e. 2019 MEAC & Community Funding payout reconciliation to producers
 - f. 2019 Sponsor Payments to TOE reconciliations
- 3) Eagle Information & Welcome Center
 - a. Met with staff to review our plan going forward.
 - i. Creating a sense of welcome and hospitality.
 - ii. Experiences, Not Stuff. (No, we got no jelly)
 - b. Help write up job description for new hire search.
 - c. Created plan to end all retail sales on January 31, 2020.
 - d. Creating plan to bulk sell all retail items.
 - e. Have Temporary host person hired for Sundays.
 - f. Developing January to May 15th plan.
 - g. Developing Summer 2020 plan.
- 4) Events
 - a. Eagle Park Ice Rink – on-going promotion/informational
- 5) 2020 Developmental
 - a. Spring Summer Events Calendar
 - b. Working with Mike McCormack on EagleOutside Festival
 - c. Waterpark Programming
 - d. Flight Days, July 4th
 - e. Working to organize MEAC for 2020
 - i. Review of original intentions of committee.
 - ii. Establishing 2020 MEAC goals
 - iii. Establishing and promoting MEAC and Community Funding application
 - iv. schedule for 2021
 - f. Researching event management software solutions.

Lower Basin Water Treatment Plant

Project Progress Report – January 14th, 2020

SAFETY

Total manhours worked to date = 60,000+

Health, Safety, and Environmental Incidents			
Incident Type	Details	Total Incidents in the Period	Total To Date
Health & Safety	None for reporting period	0	1
Environmental	None for reporting period	0	0
Community	None for reporting period	0	0

SCHEDULE

Project schedule update provided to team on December 18, 2019

Notice to Proceed: 17 August 2018	<u>Original Contract</u>	<u>Current Contract</u>	<u>Forecast</u>
Total Contract Time	731 Days	750 Days	~950 Days
Substantial Completion Date	11 July 2020	30 July 2020	17 January 2021
Final Completion Date	11 September 2020	30 September 2020	17 March 2021

PROJECT FINANCIALS

Payment Application #18 submitted and approved.

Preconstruction Contract Amount	\$638,062
Original Construction Contract Amount	\$22,938,752
Change Orders Approved to Date (CO's 1-9)	\$1,137,053
Overall GMP Including Approved CO's	\$24,075,805
Change Orders Approved to Date	1-9
Payment Applications Submitted	18
Amount Billed to Date	\$9,397,421

PROJECT UPDATE SUMMARY

- Water proofing install Treatment Building Basement
- Install Equipment Pads in Treatment and RWPS Buildings
- Water Testing in Chlorine Contact Basin.
- Place Concrete Fillets in RWPS and Flocc Basins
- Winter Protection

PLANNED ACTIVITIES FOR THE NEXT 4 WEEKS:

- Mobilize Mason to jobsite
- Backfill Water Treatment Building
- Water Test Membrane Basins, Flocc Basins, and Sed Basins
- Concrete Sealing the Interior of Basement
- Winter protection

PROJECT PHOTOS – SEE NEXT PAGE

Lower Basin Water Treatment Plant

PROJECT PHOTOS

Concrete Pour Flocc Basin 1-09-20



Winter Protection 1-08-20



Lower Basin Water Treatment Plant Budget Review

*Town Board of Trustees Update
January 14, 2020*

Warren Swanson, PE – President, SGM

warrens@sgm-inc.com

970-384-9051

Budget Discussion Outline

- Construction Contract
 - Current Contract Values & Expenditures
 - Projection
- Engineering Services Contract
 - Current Contract Values & Expenditures
 - Projection
- Overall Construction Project
 - Current Total Budget Forecast Compared to Previous Projections

Original Construction Contract Amounts

	Original
	Contract
<u>Item</u>	Amounts
Cost of Work	\$ 20,904,201
Allowances*	\$ 698,946
Contractor's Fee	\$ 1,335,605
Total Contract (GMP)	\$ 22,938,752
<u>*Allowances</u>	
Dewatering	\$ 498,946
Office Furniture	\$ 40,000
Laboratory Equipment	\$ 75,000
Startup Chemicals	\$ 45,000
Earthwork	\$ 40,000

(Subject to 75%/25% savings sharing)

(No savings sharing applies)

(Excludes \$486K Rebar Pre-Purchase)

(ear-marked construction contingency)

(Owner discretion item)

(Owner discretion item)

(Owner discretion item)

(ear-marked construction contingency)

Current Construction Contract Amounts

	Original Contract Amounts	Change Orders Executed To-Date**	Current Contract Amounts
<u>Item</u>			
Cost of Work	\$ 20,904,201	\$ 1,050,810	\$ 21,955,011
Allowances*	\$ 698,946	\$ 18,216	\$ 717,162
Contractor's Fee	\$ 1,335,605	\$ 68,027	\$ 1,403,632
Total Contract (GMP)	\$ 22,938,752	\$ 1,137,053	\$ 24,075,805

5% or Orig. Contract Value



Executed Construction Contract Change Orders Summary

<u>Change Order Summary**</u>			
	<u>Amount</u>	<u>% of Total COs</u>	<u>% or Orig. GMP</u>
Sewer Line Upgrades	\$ 107,441	9.4%	
Backup Generator Upsizing	\$ 411,205	36.2%	
Fire Suppression System	\$ 140,867	12.4%	
Subtotal	\$ 659,513	58.0%	2.9%
Other Changes	\$ 477,540	42.0%	2.1%
Total	<u>\$ 1,137,053</u>	<u>100.0%</u>	<u>5.0%</u>

“Other Changes” - Examples

- Additional Project Enhancements
 - Water Service Line for Future Bulk Water Sales Station & WWTP Tap
 - Lightning Protection System
 - Upgrade to Bulk Storage for Fluoride Solution
 - Membrane Tanks Coatings Longevity Improvement
 - Additional Floor Drains in the Basement Process Area
- Necessary Design Changes/Additions
 - Independent Support System for Equipment Hoist vs. From Roof Joists
 - Additional Lighting Fixtures, esp. in Lower Level Process Areas
 - Sludge Drying Beds Water Stop
 - Pressure Rating on 24” Finished Water Line Valves

“Other Changes” Examples

- Unknown Conditions
 - 4'- to 5'-Depth of Add'l Excavation & Structural Fill Needed Under Raw Water Pump Station – unsuitable materials
- Value Engineering
 - Use of Existing Pit Run Material as Base for Treatment Building
 - Reduced Footprint of WTP Building Foundation Slab
 - Simplification of Membrane Basin Covers System
 - Reducing Depth of Bury on 24" Water Line & Eliminating One 24" Valve
 - Optimizing Construction Joint Sealing Approach in Basins

Current Construction Contract Expenditures

	Current	Est. Spent				
	Contract	Through				
Item	Amounts	Dec. 31, 2019				
Cost of Work	\$ 21,955,011	\$ 9,628,110				
Allowances*	\$ 717,162	\$ 104,283				
Contractor's Fee	\$ 1,403,632	\$ 615,028				
Total Contract (GMP)	\$ 24,075,805	\$ 10,347,421				
		\$ 3,889,144	Add'l Committed in Equipment Purchase Orders			
		\$ 14,236,565	Total w/Purchase Order Commitments			

59% of Total Contract
Estimated as Paid or
Committed

Budget Projection - Construction Contract

Construction Contract Expenditures Projection	
Original Total Construction Contract Value	\$ 22,938,752
Executed Change Orders, to-date	\$ 1,137,053
Current Construction Contract Value	\$ 24,075,805
Projected Additional Costs/Savings	
Proposed COs (PCOs) Recommended for Approval	\$ 37,021
PCOs in Review by SGM	\$ 145,822
PCOs Being Quoted by MWHC	\$ 112,500
Future PCOs - itemized	\$ 48,000
<i>Subtotal - Itemized Estimated Add'l CO Amounts</i>	<i>\$ 343,343</i>
Likely Unspent Dewatering Allowance Savings	\$ (375,000)
Unspent CO No. 1 Sewer Bypass Pumping Allowance Savings	\$ (18,216)
Dewatering Allowance Budget Repurposed for Extended GCs	\$ 200,000
Contingency - Unknown Potential Future Changes	\$ 300,000
<i>Subtotal of All Projected Potential Add'l Changes</i>	<i>\$ 450,127</i>
<i>Subtotal of All Changes, Executed and Projected/Potential</i>	<i>\$ 1,587,180</i>
Projected Construction Contract Expenditures at Completion	\$ 24,525,932

To be Addressed in an Upcoming Change Order

For Schedule Extension Costs from Scope Additions & Early Delay

Excludes possible landscaping scope reduction savings (\$181K cost item)

6.9% of Original Value

Engineering Services During Construction

	Original Estimate	Change Orders Executed To-Date	Current Estimate with COs	Est. Spent Through Dec. 31, 2019
Item				
Engineering During Construction	\$ 1,386,016	\$ 48,272	\$ 1,434,288	\$ 870,437

For Generator Upsizing
& Fire Suppression

61% of
Current
Contract

Good News: Current budget *likely will* cover original scope + 19-day construction schedule extension from CO No. 2.

Bad News: Budget *will not* cover an add'l 6 to 7+ mons. discussed earlier

Engineering Services During Construction

Original Contract	\$ 1,386,016
Change Orders To-Date	\$ 48,272
Current Contract Amount	\$ 1,434,288
Pending CO for Arc Flash Study	\$ 11,300
Estimated Cost for 7.5 Add'l Months	\$ 245,250
Projected at Completion with Add'l 7.5 Months	\$ 1,690,838

\$32.7K/month, estimated

7% as Compared to Current
Construction Contract Amount

Overall Project Budget Summary

- See Separate Table for Details
- Forecasted Total for Construction Phase (\$27.16M) Is:
 - Approx. \$190,000 Less than Total Forecasted in Oct. 2017 (Start of CMAR Pre-Const. Services; Prelim GMP time)
 - Approx. \$458,000 More than Total Forecasted in Apr. 2018 (Final Construction GMP time)
 - Approx. \$837,000 Less than Amount Used for Water Rate Study and SRF Loan Application Planning

Table 1. Town of Eagle LBWTP Cost Estimate

Line Item	Oct. 2017 Cost Values & Estimates	April 2018 Cost Values & Estimates	June 2019 Cost Values & Estimates	Jan. 2020 Cost Values & Estimates	Notes
CMAR (MWHC) – Related Costs					
MWHC Pre- Construction Services for Value Engineering & CMAR Process	\$152,062	\$152,062	\$152,062	\$152,062	Actual executed contract value.
MWHC Rebar Pre-Purchase	N/A	N/A	\$486,000	\$486,000	Executed change order to pre-construction services contract
MWHC Construction GMP	\$23,164,475	\$23,524,732	\$22,938,752	\$22,938,752	MWHC executed construction contract GMP amount
Contingency for Increase from Preliminary to Final GMP at 5% of GMP	\$1,158,224	N/A	N/A	N/A	Oct. 2017 value was SGM estimate to cover design scope and pricing changes from 90% to 100% design progression and from initial to final GMP subcontract bidding processes.
Approved COs	N/A	N/A	\$107,441	\$1,137,053	Includes executed COs No. 1 through No. 9
Est. Cost for Expect- ed Add'l Changes	N/A	N/A	\$1,378,804	\$343,343	From current proposed change order tracking log + other SGM-ID'd anticipated future items
Anticipated Savings for Selected Items	N/A	N/A	(\$340,000)	(\$368,000)	Anticipated unspent dewatering and CO No. 1 allowances at project completion.
Proposed Allow- ance for Extended Schedule GCs Cost	N/A	N/A	N/A	\$200,000	Proposed allowance for Contractor's General Conditions costs for schedule extension due to scope changes and early delays
Contingency for Unknown Future COs	\$1,158,224	\$1,176,236	\$300,000	\$300,000	Contingency amount for any currently unidentified future COs
Sub-total for Potential CMAR Costs	\$25,632,989	\$24,853,030	\$25,023,060	\$25,163,994	~\$311,000 more than forecasted in April 2018. ~\$470,000 less than forecasted in Oct. 2017.

Line Item	Oct. 2017 Projection	April 2018 Projection	June 2019 Projection	Jan. 2020 Projection	Notes
Engineer (SGM) – related Costs					
Value Engineering & CMAR Pre-con Services Costs*	\$0 (Not avail. in Oct. '17)	\$132,606	\$132,606	\$132,606	April 2018 value is actual executed contract value.
Estimated Engineering Services During Construction Costs	\$1,485,000	\$1,485,000	\$1,451,113	\$1,690,838	Includes \$48.3K executed CO (Fire Supp. + Gen. Upsize) + \$11.3K for proposed Arc Flash Study + estimated \$245K for services during 7.5 months of added construction schedule time
Plant O&M Manual & Record Drawings	\$75,000	\$75,000	\$42,000	\$42,000	Placeholder value. Record Dwgs removed since included in above budget.
Sub-total for Potential Engineering Costs	\$1,560,000	\$1,692,606	\$1,625,719	\$1,865,444	~\$173,000 greater than April 2018 estimate
Other Costs					
Estimated Utility Service/Connection Costs	\$80,000	\$80,000	\$80,000	\$48,931	Updated based on actual contract for Holy Cross plus estimates for Black Hills and Century Link
Estimated 3rd-Party Materials & Geotech Testing during Construction	\$80,000	\$80,000	\$50,000	\$65,000	Updated based on Ground Engineering expenditures to-date + projection to complete
Brown's Hill Engineering	\$0	\$0	\$20,000	\$20,000	Best guess for services related to overall system SCADA/communications integration.
Sub-total for Potential Other Costs	\$160,000	\$160,000	\$150,000	\$133,931	\$26,069 reduction from April 2018 estimate
Total Estimated Cost					
Pre-construction & Construction - Total Potential Costs	\$27,352,989	\$26,705,636	\$26,798,778	\$27,163,369	\$458,000 more than April 2018 estimate. \$190,000 less than October 2017 estimate. Approx. \$837,000 less than \$28M used for rate setting and SRF loan request

Items for Upcoming Change Order

- Repurpose \$200,000 of Unused Dewatering Allowance Budget
 - For MWHC's General Conditions costs due to schedule extensions for work scope additions & early delays
 - Based upon 50 working days @ \$4,000 per day
 - No change to the Contract Price/GMP (change in Allowance \$ use)
 - MWHC offers to forego right to 25% cost savings share on Cost of Work
- Add Contract Time for Work Scope Additions/Changes Identified To-Date
 - 70 calendar days (= 50 working days @ 5-day work week)

Items for Upcoming Change Order

- Add Contract Time for Work Delays due to Abnormally Severe Weather
 - 35 Calendar Days for 2018 through May 2019
 - 12 Calendar Days for October & November 2019
 - 7 Calendar Days for Dec. 2019
 - 54 Calendar Days = Total through end of 2019
- Total Contract Time Addition of 124 Days
 - Resulting Substantial Completion Date: December 1, 2020
 - Resulting Ready for Final Payment Date: February 1, 2021

Items for Upcoming Change Order

- Adjust Contract Price (GMP) to Cover Cost of Proposed Change Orders Currently in the Review and Quotation Process
 - Currently estimated at \$296,000.

Town of Eagle LBWTP Project Status and Schedule

Michael Haarmann, District Director
Cliff Bjorgum, Operations Manager

January 14
2020



Agenda

1. Project Status Update
2. Schedule
3. Contributing Factors
4. Mitigative Opportunities
5. Summary



Excavation

Sludge Lagoons, RWPS and WTP

Late October to Early November 2018



December 2018 - RWPS, and WTP



End of Year 2018 - RWPS, and WTP



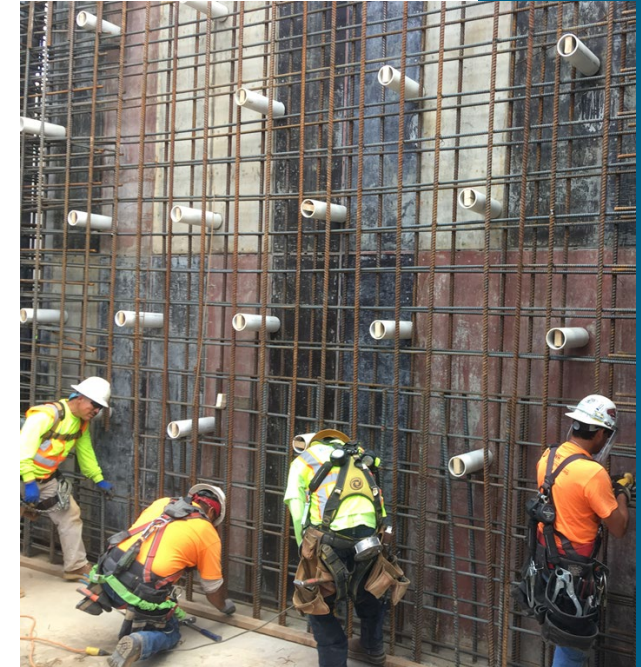
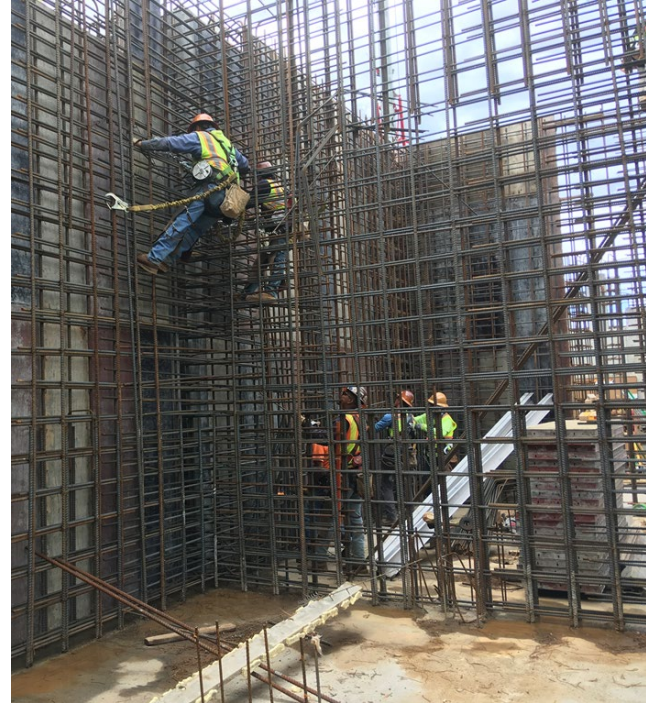
End of 1st Quarter 2019

RWPS, and WTP



End of 2nd Quarter 2019

Sludge Drying Beds, RWPS, and WTP



End of 3rd Quarter 2019 - RWPS, New Intake, and WTP



End of 4th Quarter 2019 - RWPS and WTP



Schedule Discussion



Schedule Comparison

		2018						2019												2020												2021														
Original Schedule		J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D			
	Mobilization	7/17/2018																																												
	Construction NTP	8/18/2018																																												
	Sewerline Start	9/26/2019																																												
	Grading Permit	7/31/2018																																												
	Work on Temp Power	7/26/2018																																												
	Sludge Drying Beds																																													
	RWPS																																													
	WTP																																													
	Masonry																																													
	Sitework																																													
	Startup & Commissioning																																													
	Substantial Completion	7/11/2020																																												
	Final Payment	9/11/2020																																												
Revised Schedule																																														
	Mobilization	7/17/2018																																												
	Construction NTP	8/18/2018																																												
	Sewerline Start	9/26/2018																																												
	Grading Permit	7/31/2018																																												
	Work on Temp Power	7/26/2018																																												
	Sludge Drying Beds																																													
	RWPS																																													
	WTP																																													
	Masonry																																													
	Sitework																																													
	Startup & Commissioning																																													
	Substantial Completion	Feb-21																																												



Contributing Factors

- Original schedule assumed that water leakage testing and backfill of structure could be completed before top deck was completed, but this assumption was incorrect, and pushed backfill into the winter months. Team has worked to mitigate the impact on schedule.
- Heritage Masonry is on critical path to get building “dried” in. Originally, scope of work was to be completed in approximately 3-4 months. Currently, after pre-work plan meeting, work scheduled for 6-7 months. Will be focus of team to reduce this duration. Heritage has discussed that they are talking with other local masonry companies and will use the companies to augment/supplement labor as available.
- Construction industry struggling for experienced labor resources across the country. Demand for work is high, and many companies striving to get as much work as possible, but unable to deliver on time or budget. RodCo (concrete subcontractor) struggled with this on WTP.



Mitigative Opportunities

- Work Saturdays and possibly Sundays depending on subcontractor resources, availability, work areas when weather offers better productivity opportunities.
- Work with Heritage Masonry on bringing additional resources to push masonry. Block work is on critical path.
- Evaluate and potentially mitigate backfill requirements for equipment and means and methods that meet industry standards.



Thanks for
your time.





To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: January 14, 2020

Agenda Item: Marketing & Events Advisory Committee (MEAC) and Community Request Grants

REQUEST:

Staff is requesting that the Board of Trustees review a summary of the MEAC grants and approve funding for the Community Requests for 2020.

INTRODUCTION:

Every year MEAC and the Board of Trustees allocates money towards community and event grants. MEAC reviewed and made determinations on funding awards in December. The board typically delegates the review of events to MEAC. The summary of the outcome is included. In 2019, the board started making determinations on community requests. Staff sent out materials for the board to review. Attached to this memo is a spreadsheet reflecting the board's allocations and averages.

ANALYSIS:

The process for the grant process starts in August. Last year we could have benefitted from a little more organization. The 2021 cycle will be more organized.

In the 2020 budget, \$20,000 is set aside for community requests and \$33,000 for MEAC grants. The next steps are the board needs to decide on funding allocations for community requests.

COMMUNITY INPUT:

Community input is solicited through the grant process for MEAC and the community requests cycles. Grantees also reach out to staff throughout the year and are encouraged to apply.

BUDGET / STAFF IMPACT

There is no impact to the budget. The funds have already been approved.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal doesn't align with the any strategic objectives but does touch on the following business values:

- Transparency and Community Engagement: Supporting community programs and events encourages engagement from the citizens of Eagle. The entities that were considered in the process enrich the lives of people here. The process is transparent. The voices of the board and MEAC were heard and are included in the outcome of the funding process.

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Motion to approve or deny community request grants.
2. Motion to approve or deny MEAC's recommendation for funding events.

ATTACHMENTS:

- Community Request BOT summary
- MEAC's grant request summary

MEAC 2020 Special Events Funding R

Event:	Producing Entity:
Our Community Table 2020	Friends of Eagle
11th Annual Eagle Mushroom and Wildfood Fest	Also: Joy Ariel, Tom Boni, and Maryanne Morisson
2020 LG Tri Sprint Triathlon	Brooke Skjonsby, Vail Valley Charitable Fund
American Scholastic Climbing League (ASCL) High School Championships	Larry Moore, Eagle Climbing & Fitness
Bonfire Block Party	Ted Wenninger, Optimum Events & Entertainment
Colorado High School Cycling League Annual Coach Summit - 2020	Colorado High School Cycling League
Colorado High School Cycling League Haymaker Classic - North Conference Championship	Colorado High School Cycling League
Colorado High School Cycling League Haymaker Classic - South Conference Championship	Colorado High School Cycling League

Dynafit Boneyard Boogie	Kip Tingle - Vail Rec
Eagle Outside Festival	Mike McCormack, The Greenspeed Project
Eagle Outside Funduro	Ernest Saeger, Vail Valley Mountain Trails Alliance
Eagle Winter Market & Holiday Fair	Krista Benedetti, Radiate Live Events
Mountain Rats Trail Festival & Ultra Races	Clark Gundlach, Color Raosters
Revolution Enduro	David Sculley, Revolution Enduro
ShowDown Town 2020	Sacha Kostick, Vail Valley Foundation
USSSA Western Championships	Christopher Harguth, USSSA West Championships - Baseball
Vail Valley Walk to End Alzheimer's	Catie Davis, Alzheimer's Association
VRD Mountain Bike Race Series	Beth Pappas, Vail Recreation District
Western Colorado Outdoor and Sportsman Expo	Krista DeHerrera, Colorado Mountain News Media / Vail Daily

(12/20/19)

Proposed Location(s):	2019 Funds Received	2020 Request	2020 Suggested by MEAC Board
Broadway, Eagle, CO.	\$1,000	\$1,500	\$1,500
Eagle Town Hall/Brush Creek for morning classes, Dusty Boot for Saturday ID & Saute	\$1,200	\$2,500	\$2,000
Eagle Pool & Ice Rink	\$500	\$500	\$500
Eagle Climbing & Fitness, Eagle, CO.	\$2,000	\$3,000	\$3,000
Downtown Eagle on Broadway from Grand Ave to 4th Street and 2nd Street from Capital to Wall.	\$10,000	\$10,000	\$10,000
Brush Creek Pavilion & Studio	\$1,500	\$1,500	\$1,000
Haymaker Trail System, Eagle, CO	7500 * one weekend	\$7,500	\$7,000
Haymaker Trail System, Eagle, CO	\$0	\$7,500	\$7,000

Bellyache Trailhead, Boneyard Trail, Pool/ice trail, Pool/Ice parking lot	\$500	\$500	\$500
Eagle Ranch	\$0-\$15,000	\$10,000	\$7,500
Eagle - Pool & Ice gravel parking lot - East Eagle and/or West Eagle trails	\$2,000	\$4,000	\$2,000
Eagle River Center	\$500	\$1,000	\$500
Eagle Trail System & Eagle Ranch start/finish	\$1,000	\$2,000	\$1,500
Eagle CO and surrounding trail system.	\$0	\$2,000	\$2,000
Concerts in the Eagle Town Park	\$12,000	\$12,000	\$12,000
Eagle County Fairgrounds	\$4,500	\$4,500	\$4,500
Brush Creek Park and Pavilion	\$2,000	\$3,000	\$1,000
Eagle Ranch	\$500	\$1,000	\$500
Eagle River Events Center	\$7,000	\$7,500	\$7,500
TOTAL:		\$81,500	\$71,500
AVAILABLE BUDGET:		\$72,500	\$72,500
CONTINGENCY		(\$9,000)	\$1,000

**TOE
Trustee's
Decisions**

Town of Eagle - Community Funding Requests for 2020

Organization	Event Date or Programming	Contact	2019 Received	2020 Request	Jesss v2 Allocation	Jesson v1 Allocation	Brubeck Allocation	Witt Allocation	Kerst Allocation	Solomon Allocation	Turnipseed Allocation	McKibbin Allocation	Average
1) Porchlight Players Theatre Company	Feb. 13-16 & 21-22, 2020	Ann Olin	\$ 500	\$ 1,000	\$ 500	\$ 500	\$ 500	\$ -	\$ 750	\$ 750	\$ 500	\$ 750	\$ 536
2) Vail Cup Soccer Tournament	October 3-4, 2020	Kerri Thelen	\$ 2,500	\$ 5,000	\$ 2,000	\$ -	\$ 2,500	\$ 1,500	\$ 2,500	\$ 2,500	\$ 1,500	\$ -	\$ 1,500
3) Community Concerts & Programming	July 6 & 30, 2020	Beth Pantzer	\$ 200	\$ 3,000	\$ 1,000	\$ 750	\$ 500	\$ 1,000	\$ 800	\$ 500	\$ 250	\$ 750	\$ 650
4) Rocky Mountain Shooters Rodeo	Sept. 18, 19 20, 2020	Dele Hobbs	\$ 1,500	\$ 2,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ -	\$ 1,500	\$ 1,700	\$ 1,500	\$ -	\$ 1,100
5) Vail Valley Mountain Trails Alliance	On going program supoport.	Ernest Saeger	\$ -	\$ 1,500	\$ 1,500	\$ 1,000	\$ 500	\$ 1,000	\$ -	\$ -	\$ 500	\$ 750	\$ 536
6) Eagle County Historcal Society	One time event, TBD	Kathy Heicher	\$ -	\$ 1,500	\$ 750	\$ 750	\$ 1,000	\$ 1,000	\$ 1,000	\$ 800	\$ 500	\$ 500	\$ 793
7) Christmas on Broadway - Chicken Soup	Dec. 7, 2019	Robyn Spain	\$ -	\$ 1,000	\$ 500	\$ 500	\$ 500	\$ -	\$ 500	\$ 1,000	\$ 1,000	\$ 1,000	\$ 643
8) EagleARTS	Ongoing program support	Tara Novak	\$ 1,000	\$ 4,800	\$ 2,000	\$ 2,000	\$ 1,000	\$ 1,500	\$ 1,500	\$ 1,000	\$ 1,500	\$ 1,250	\$ 1,393
9) Yoga Off Broadway	Yoga in the Park, Sundays in July August 2020	Yvonne Schwartz	\$ 750	\$ 1,200	\$ 1,000	\$ 1,000	\$ 500	\$ -	\$ 750	\$ 750	\$ 750	\$ 1,000	\$ 679
10) EGE Air Alliance	Ongoing program support	Chris Romer	\$ 4,675	\$ 5,000	\$ 4,000	\$ 4,000	\$ 5,000	\$ 4,500	\$ 4,675	\$ 5,000	\$ 5,000	\$ 4,000	\$ 4,596
11) Eage Valley Land Trust (funded in 2018 for 5,000)	Ongoing program support	Jim Daus	\$ -	\$ 5,000	\$ 4,000	\$ 3,000	\$ -	\$ 2,500	\$ -	\$ -	\$ 2,500	\$ 2,500	\$ 1,500
12) Castle Lodge #122 Toy Store	December 2020, 19th Annual	Luke Causey	\$ 1,000	\$ 2,000	\$ 1,000	\$ 500	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,500	\$ 1,000	\$ 1,000	\$ 1,000
13) Eagle Chamber	Ongoing program support	Mick Daly	\$ 4,650	\$ 6,500	\$ 6,500	\$ 3,500	\$ 5,000	\$ 5,000	\$ 5,000	\$ 4,500	\$ 2,500	\$ 4,000	\$ 4,214
14) Walking Mountains	Energy Smart program	Nikki Maline	\$ -	\$ 5,000	\$ 2,500	\$ 1,000	\$ 500	\$ 1,000	\$ -	\$ -	\$ 1,000	\$ 2,500	\$ 857
Total Requests			\$ 16,775	\$ 45,000	\$ 28,750	\$ 20,000	\$ 20,000	\$ 20,000	\$ 19,975	\$ 20,000	\$ 20,000	\$ 20,000	\$19,996
Available Funds			\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$20,000

Average includes Jesson

v1

(11/19/19)



To: Brandy Reitter – Town Manager

From: Deron Dirksen, P.E. – Utility Manager / Sustainability Coordinator

Date: December 26, 2019

Subject: Town of Eagle – 100% Renewable Electricity

REQUEST:

Staff is requesting that the Board of Trustees a funding proposal up to the amount of \$33,600 annually to have 100% renewable electricity for the town's facilities through the Holy Cross Energy's (HCE) Powered by Renewable Energy (PuRE) program.

BACKGROUND:

The town receives its electricity from HCE for all town facilities from the largest user, Wastewater Treatment Plant, to individual street lights. This electricity has both renewable energy sources (wind, solar, and hydro) and non-renewable energy sources. HCE has created its PuRE program which allows customers to offset their energy usage with 100% renewable electric.

Since HCE is currently supplied by 39% renewable energy, the town can offset the remaining 61% electricity with renewable energy. Allowing the Town of Eagle to become 100% renewable electric. If the town signs up, the town's costs will pay for this remaining 61%. This cost will decrease in the future and eventually go away as HCE increases renewable energy sources. HCE is making efforts to be 70% renewable energy by the end of 2020. Once HCE reaches 70% renewable energy the town's costs for being enrolled in PuRE will decrease from 61% to the remaining 30%. When HCE becomes 100% renewable energy, this cost to the town will go away.

ANALYSIS:

In 2019, the Town of Eagle energy usage cost is **\$260,000**. This usage is from forty-six (46) Holy Cross Energy accounts which includes Wastewater, Water, Buildings and Grounds, and Streets.

The Wastewater Treatment Plant is the town's biggest energy user at approximately 50%. The town's water system which includes pre-treatment water plant, treatment water plant, pump stations, pressure reducing vaults, irrigation systems, etc. uses approximately 25%. Buildings and Grounds which includes Town Hall, Public Works, Pavilion, Studio, Old Town Hall, Town Park, etc. uses approximately 15%. Streets which includes all street lights at roundabouts and intersections uses approximately 10%.

HCE's PuRE program has three renewable energy sources to choose from: Wind, Hydro, and Solar. Wind is the least expensive at \$0.0076 per kWh, Hydro is \$0.0107 per kWh, and solar is the most expensive at \$0.0122 per kWh. Below are three alternatives from the least expensive (wind) to the most expensive (solar), and then a combination of both. Each alternative has the four town funds separated out by percentage.

***These estimated costs do not incorporate HCE's anticipated 70% renewable energy in 2020.*

Alternative #1: 100% Wind (approximate costs)

1. Wastewater Fund:	\$10,500 (50%)
2. Water Fund:	\$5,300 (25%)
3. Building and Grounds:	\$3,300 (15%)
4. Streets:	\$2,000 (10%)
Total:	\$21,100

Alternative #2: 100% Solar (approximate costs)

1. Wastewater Fund:	\$16,900 (50%)
2. Water Fund:	\$8,400 (25%)
3. Building and Grounds:	\$5,200 (15%)
4. Streets:	\$3,100 (10%)
Total:	\$33,600

Alternative #3: 50% Wind / 50% Solar (approximate costs)

1. Wastewater Fund:	\$13,700 (50%)
2. Water Fund:	\$6,850 (25%)
3. Building and Grounds:	\$4,250 (15%)
4. Streets:	\$2,550 (10%)
Total:	\$27,350

To pay for the increased costs, there are several options.

1. Absorb the increased costs in each fund by utilizing budget savings and fund balance to cover the costs that exceed budget. i.e. Waste Water's 2019 utility budget is \$186,120 and due to process improvements, we are projecting \$160,000 for year end amounts. We have 2020 budget of \$187,981.

2. Use the HCE Community Enhancement Fund in the Capital Improvements fund and transfer to the appropriate fund. The town receives approximately \$40,000 annually from HCE and PuRE is an acceptable use of the funds.
3. Use a combination of both absorbing the costs (as much as budget allows) and using the HCE Community Enhancement Fund if the costs run over budget.
4. Accomplish 100% renewable electric over the next few years.

Pros:

- This an easy, affordable action to lower the town's carbon footprint, support environmentally-friendly renewable power generated in Colorado, and demonstrate the town is a leader.
- No large upfront capital cost like rooftop solar would have.
- This is a flexible plan with no long-term commitment and will decrease and eventually go away.
- If the town signs up for the program, we will join Eagle County, Eagle River Water and Sanitation District, Town of Avon, Town of Vail, Town of Carbondale, Town of Basalt, and Town of Snowmass Village.

Cons:

- Opportunity Cost – the town would not be funding other maintenance/capital/personnel costs.
- These funds go to HCE We Care program which increases the amount of renewable energy in their power supply mix.
- The town may forgo solar projects that may significantly reduce or eliminate the town's electric costs. This does not reduce energy costs.
- There is no added equity in purchasing renewable energy through HCE as there would be if the town purchased solar.

COMMUNITY INPUT:

The town supports the Climate Action Plan for the Eagle County Community. This Plan conducted a survey in 2018 to understand if the local community supported governments in Eagle County taking action on climate change. The results stated that 68.98% of survey respondents are "...concerned about climate change and think the government and individuals need to act now", and 15.62% answered "I am concerned and think we need to take action but we have time to decide what the appropriate responses should be." The survey had just over 1,500 respondents 20% of which live in Eagle.

BUDGET / STAFF IMPACT:

The impact to the budget will depend on which alternative is selected, which suggestion is selected, and how quickly HCE becomes more renewable.

Impact to staff's time will be beneficial. This program allows the town to be 100% renewable electric and staff would not have to research future solar and renewable energy projects.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the following strategic objectives and/or business values:

Major Objective #1 Develop a Long-Term Vision for Eagle

- Mission – Maintain and Enhance Quality of Life for Everyone in Our Community
- A great place to live, work, raise a family, and retire
- An economy that provides opportunities for a diverse population of all ages
- Total population that supports a sustainable economy, is consistent with Eagle's geography, and maintains a small-town feel
- Economic vitality, community amenities, and availability of jobs

Major Objective #2 Enhance the Financial Health of the Town

- Sound Planning and Appropriate Investment
- Investments that create compelling value for residents and businesses

Major Objective #5 Stimulate Economic Vitality, Development

- Sound Planning and Appropriate Investment
- Economic Development

Major Objective #7 Implement Priority Infrastructure Improvements

- Sound Planning and Appropriate Investment
- Economic Development
- Reliable and Cost-Effective Services
- Protecting Public Health, Safety, and the Environment

This proposal conflicts with the following strategic objectives and/or business values:

- Opportunity Cost – the town would not be funding other maintenance/capital/personnel costs

RECOMMENDED ACTION OR PROPOSED MOTION:

Give feedback and decide on the following options:

1. Motion to direct staff to move forward with funding PuRE
2. Fund up to what percentage
3. How to fund

ATTACHMENTS:

- Town of Eagle 2019 Holy Cross Energy costs for each town account

Town of Eagle

Consumer Name	Account #	Service Address	Rate	kWh Use 01/19 - 12/19	100% Wind (\$0.007625/kWh)	100% Hydro (\$0.010675/kWh)	100% Solar (\$0.0122/kWh)
TOWN OF EAGLE	110008600	0265 FULFORD DR WATER CONTROLS	52	0	\$ -	\$ -	\$ -
TOWN OF EAGLE	110022800	WHITING CT PARK SPRINKLER	52	17	0.13	0.18	0.21
TOWN OF EAGLE	110502800	EAGLE TOWN HALL COMMON HOUSE	50	8,856	67.53	94.54	108.04
TOWN OF EAGLE	110600701	0316 BRUSH CREEK TERRACE	50	1,309	9.98	13.97	15.97
TOWN OF EAGLE	112002300	3473 BRUSH CREEK RD TANK	52	10,148	77.38	108.33	123.81
TOWN OF EAGLE	112004500	6099 BRUSH CREEK RD POLE	52	45	0.34	0.48	0.55
TOWN OF EAGLE	112006402	8339 BRUSH CREEK RD WATER PLANT	63	258,450	1,970.68	2,758.95	3,153.09
TOWN OF EAGLE	112010202	0900 CAPITAL ST ARTS CRAFTS	21	3,525	26.88	37.63	43.01
TOWN OF EAGLE	112500803	EBY CREEK LIFT STATION	50	41,000	312.63	437.68	500.20
TOWN OF EAGLE	112502000	CHAMBERS AVE PUMP HOUSE	50	1,462	11.15	15.61	17.84
TOWN OF EAGLE	112505202	CHAMBERS AVE INFO CENTER	50	43,993	335.45	469.63	536.71
TOWN OF EAGLE	112513900	CHAMBERS PARK RESTROOMS	50	19,817	151.10	211.55	241.77
TOWN OF EAGLE	500204901	1050 CHAMBERS AVE	50	50,308	383.60	537.04	613.76
TOWN OF EAGLE	500376600	0185 VIOLET LN	63	1,425,600	10,870.20	15,218.28	17,392.32
TOWN OF EAGLE	500994301	0011 FOURTH OF JULY RD PUMP	62	93,150	710.27	994.38	1,136.43
TOWN OF EAGLE	501018601	0900 CAPITOL ST COMMUNITY CENTER	50	10,616	80.95	113.33	129.52
TOWN OF EAGLE	501107200	FIRST ST HOWARD ST STREET LIGHT	50	5,530	42.17	59.03	67.47
TOWN OF EAGLE	501107300	CAPITOL ST GRAND AVE STREET LIGHT	50	4,580	34.92	48.89	55.88
TOWN OF EAGLE	501118501	0920 CAPITOL ST COMMUNITY GARDENS	50	12	0.09	0.13	0.15
TOWN OF EAGLE	501122901	0900 CAPITAL ST B DAIRY BARN STAGE	50	5,640	43.01	60.21	68.81
TOWN OF EAGLE	501137201	0900 CAPITOL ST PARK RESTROOMS	50	16,495	125.77	176.08	201.24
TOWN OF EAGLE	501209301	SYLVAN LAKE ROUND ABOUT	50	5,073	38.68	54.15	61.89
TOWN OF EAGLE	501258700	0200 BROADWAY TOWN HALL	63	177,440	1,352.98	1,894.17	2,164.77
TOWN OF EAGLE	501266800	8617 BRUSH CREEK RD WATER INTAKE	51	90,200	687.78	962.89	1,100.44
TOWN OF EAGLE	501267000	4849 BRUSH CREEK RD VAULT	52	331	2.52	3.53	4.04
TOWN OF EAGLE	501494100	0731 E THIRD ST PUMP	63	69,300	528.41	739.78	845.46
TOWN OF EAGLE	501504000	BLUFFS DR STREET LIGHTS	52	3,271	24.94	34.92	39.91
TOWN OF EAGLE	502203800	0206 W FIFTH ST TOWN PARK	51	46,560	355.02	497.03	568.03
TOWN OF EAGLE	502410200	MILL RD POLAR STAR PRESSURE VALVE	50	37	0.28	0.39	0.45
TOWN OF EAGLE	502410300	0683 E SECOND ST PRESSURE VALVE	50	0	0.00	0.00	0.00
TOWN OF EAGLE	502606201	0200 CREEKSIDE LN DOMESTIC BOOSTER PMP	63	68,600	523.08	732.31	836.92
TOWN OF EAGLE	502613800	BROADWAY FOURTH ST LIGHTS	50	27,450	209.31	293.03	334.89
TOWN OF EAGLE	502706601	0381 HUNTERS VIEW LN PRV#1	50	3,193	24.35	34.09	38.95
TOWN OF EAGLE	502706701	0245 FROST CREEK DR PRV 2	50	1,790	13.65	19.11	21.84
TOWN OF EAGLE	502706801	0400 GRAY ROCK DR PRV#3	50	3,556	27.11	37.96	43.38
TOWN OF EAGLE	502706901	1116 GRAY ROCK DR PRV#4	50	516	3.93	5.51	6.30
TOWN OF EAGLE	502707401	1544 FROST CREEK DR PRV#5	50	581	4.43	6.20	7.09
TOWN OF EAGLE	502717401	2559 E HAYSTACKER DR PUMP	52	14,200	108.28	151.59	173.24
TOWN OF EAGLE	502794300	0200 BROADWAY LIGHTS IRRIGATION	50	30,008	228.81	320.34	366.10
TOWN OF EAGLE	502815100	SYLVAN LAKE RD NON POTABLE PUMP	51	40,150	306.14	428.60	489.83
TOWN OF EAGLE	502842501	2090 E HAYSTACKER DR HEAT TAPE	52	13	0.10	0.14	0.16
TOWN OF EAGLE	503042500	0101 CONDOR DR WATER TANK	52	1,073	8.18	11.45	13.09
TOWN OF EAGLE	503042600	0078 HORTON ST WATER TANK	52	366	2.79	3.91	4.47
TOWN OF EAGLE	503335001	I 70 ROUNDABOUT LIGHTING	50	13,926	106.19	148.66	169.90
TOWN OF EAGLE	503365401	CHAMBERS ROUNDABOUT STREET LIGHTS	50	15,559	118.64	166.09	189.82
TOWN OF EAGLE	503730302	0600 BROADWAY ST STREET LIGHT	50	31	0.24	0.33	0.38
TOWN OF EAGLE	503744400	0200 FAIRGROUNDS DR RESTROOMS	63	21,480	163.79	229.30	262.06
				2,635,257	\$ 20,093.83	\$ 28,131.37	\$ 32,150.14

				kWh Use 01/19 - 12/19	100% Wind @ \$1.25 per block)	100% Hydro @ \$1.75 per block)	100% Solar @ \$2.00 per block)
TOWN OF EAGLE	119603300	STREET LIGHT SYSTEM	70	108,578	\$ 1,357.50	\$ 1,900.50	\$ 2,172.00



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: January 14, 2020

Agenda Item: 2020 Tobacco Tax Ballot Proposal

REQUEST:

Staff is requesting that the Board of Trustees review a proposal to ask the voters of the Town of Eagle to levy a sales tax on tobacco products at the April 7, 2020 election.

INTRODUCTION:

During the 2020 budget process, staff proposed several revenue generating ideas. Tobacco tax was one proposal. The feedback from the board was to explore the idea of a tax on tobacco that was consistent with what the county had proposed. As of January 1, 2020, retailers that sell cigarettes, tobacco and nicotine products are required to pay \$4 per pack for cigarettes and 40% on tobacco and other nicotine products. Eagle County currently collects the tax in the Town of Eagle. If voters approve, Town would collect the tax instead of the County.

If the Town collects the tax, the State will no longer redistribute the Town's share of state collected cigarette tax back which totals approximately \$11,000 per year (\$0.2268/pack of 20 cigarettes). The State also requires communities who pass their own tobacco tax to self-collect. Home rule and statutory communities can self-collect tobacco tax. Included with this memo is Vail, Avon, Aspen, and Basalt ballot questions regarding tobacco tax. Staff is proposing to use similar language with modifications. Early polling and election results in the County showed strong support to levy a tobacco tax. Staff has determined that the success in Town is highly likely. This initiative should not impact home rule because they are separate issues.

ANALYSIS:

Tobacco Authorization

The enabling legislation for the taxation and licensing of tobacco products is here:

https://leg.colorado.gov/sites/default/files/documents/2019A/bills/2019a_1033_enr.pdf

Tobacco Support

Eagle County passed ballot measure 1A in November of 2019. The results of the election were positive with 69% in favor and 31% opposed. Town of Eagle voters already endorsed the tax in November. The BOT supported an ordinance to establish licensing of tobacco retailers. Details of the licensing program can be found on the town website: <https://www.townofeagle.org/893/Retail-Tobacco-License>

Tobacco Sales Tax Ballot Request

- Town would ask voters to collect what has already been approved in the County. Eagle County's tobacco tax is \$4 per pack, \$.20 per cigarette, and 40% on vaping and tobacco products.
- Town has approximately 8 retailers and is still researching the appropriate TABOR limit. Initial estimates range from \$400,000 - \$600,000 the first year. Setting conservative estimates eliminates having to issue refunds due to collecting above the voter approved limit in year one.
- Staff recommends dedicating revenues to the General Fund so that funding can be appropriated according to the budget priorities established by the BOT. Currently, Avon and Vail dedicate revenue to the General Fund.
- If the BOT wants to dedicate funds to public health, staff recommends letting the County continue collecting on behalf of the Town. Eagle does not have the capacity to set up public health programs and would have to administrate public health grants or fund county programs.
- Staff will propose July 1, 2020 to begin collecting revenue to allow enough time to set up a process and vendor for retailers to remit payments to the Town instead of the County.

Tobacco Sales Tax Pros

- The tax will support Town operations and enforcement of the tobacco licensing program.
- The tax on tobacco may decrease the use of products by adults and under age users.
- The County would not collect revenue from Eagle retailers to fund operations.
- Eagle can prioritize the revenue based on the unique needs of Eagle instead of the County.
- The support/process is established since the County did most of the work on public outreach.
- The tax would exceed what the State allocates to the Town for its annual share back of approximately \$11,000.

Tobacco Sales Tax Cons

- Tobacco sales tax may have a negative impact on sales for retailers.
- Letting Eagle County collect the tax, Town is forgoing potential revenue.
- Higher taxes on products may encourage black market sales.
- A tax increase on the sale of cigarettes and other tobacco products is regressive and disproportionately burdens lower-and-middle income citizens.

Next Steps

If the BOT supports the proposal staff will bring a ballot question for approval for January 28. Staff will begin to identify a vendor and use the County process to ensure a seamless transition in July for Eagle retailers.

COMMUNITY INPUT:

Input from the community occurred during the November election and early polling the County conducted in 2019. There was strong support for the tax during both processes. The BOT discussed tobacco at 6 public meetings and one budget work session, and the public gave input.

BUDGET / STAFF IMPACT

There is a financial and staffing impact to the Town:

- \$400,000 - \$600,000 in potential sales tax to the Town in year one.
- Town will need to purchase and implement sales tax collection software.
- Administrative staff will manage the collection similar to the process for lodging tax.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with the following strategic objectives/business values:

- Protecting Public Health, Safety, and the Environment: Higher taxes on tobacco might inspire people to quit using products. Raising the age and adding a tax will reduce access to users under the age of 21. Reducing the use of tobacco products is better for the environment and leads to better public health outcomes.
- Sound Finances and Increasing Efficiency: Taxes on tobacco would raise revenue to offset operations and capital costs. Revenues are important so that Town can be resilient, improve service delivery, and maintain existing assets.
- Major Objective No. 2: Enhance the Financial Health of the Town: Tobacco tax would increase revenues to fund operating costs, reserve funding, and needed capital investments. The State redistributes approximately \$11,000 per year in cigarette tax to the Town which is less than what the tax would provide. This tax is a much-needed boost to Town resources.

This proposal conflicts with the following strategic objectives/business values:

- Economic Development: An increase in tobacco taxes will likely result in a decrease in sales to some retailers. Some users might abandon retailers in Eagle County and purchase tobacco products somewhere else. This would require significant travel since surrounding counties had passed similar measures.

RECOMMENDED ACTION OR PROPOSED MOTION:

Give feedback and decide on the following options:

1. Motion to direct staff to draft a ballot question for approval on January 28.
2. Table the ballot question for another election cycle.
3. Let Eagle County continue collecting tax on behalf of the Town of Eagle.

ATTACHMENTS:

- Town of Vail's ballot question
- Town of Avon's ballot question
- City of Aspen's ballot question
- Town of Basalt's ballot question

RESOLUTION 18-12

SUBMITTING TO THE ELECTORATE OF THE TOWN OF AVON, DURING THE NOVEMBER 6, 2018 GENERAL ELECTION, A QUESTION SEEKING AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER TOBACCO AND NICOTINE PRODUCTS

WHEREAS, the Town of Avon, Colorado (the “Town”), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter of the Town of Avon, Colorado (the “Town Charter”); and

WHEREAS, the members of the Town Council of the Town of Avon (the “Council”) have been duly elected and qualified; and

WHEREAS, the Council hereby finds that tobacco and nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of tobacco and nicotine products and encouraged to quit the use of tobacco and nicotine products, and that taxes on the sale of tobacco and nicotine products are effective at preventing and reducing tobacco and nicotine use; and

WHEREAS, the Council hereby designates revenues collected through this tax would be placed in the General Fund with the specific purpose of financing health and human services, tobacco related health issues, and addiction and substance abuse education and mitigation; and

WHEREAS, Section 13.1 of the Town Charter authorizes the Town to levy and collect taxes for municipal purposes; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any increase in taxes; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electorate on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 6, 2018, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to submit to the electorate of the Town, the question of authorizing a tax increase on the sale of tobacco and nicotine products at its regular municipal election to be held on November 6, 2018; and

WHEREAS, the Eagle County Clerk and Recorder is conducting a coordinated election pursuant to the Uniform Election Code of 1992, being Articles 1 to 13 of Title 1, C.R.S. (the “Uniform Election Code”) on November 6, 2018; and

WHEREAS, on August 14, 2018, the Council approved an Intergovernmental Agreement with the Eagle County Clerk and Recorder concerning the November 6, 2018 general election.

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code, C.R.S. Title 1, Article 1.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the regular municipal election of November 6, 2018, with the following ballot title which is set pursuant to C.R.S. §31-11-111:

Tax Increase on the Sale of Tobacco and Nicotine Products.

SHALL TOWN TAXES BE INCREASED BY UP TO \$600,000 IN 2019 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JANUARY 1, 2019, THERE SHALL BE A NEW TAX OF FIFTEEN CENTS PER CIGARETTE OR THREE DOLLARS PER PACK OF TWENTY CIGARETTES SOLD;

BEGINNING JANUARY 1, 2019, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO AND NICOTINE PRODUCTS;

THE TERMS "CIGARETTES" AND "TOBACCO PRODUCTS" HAVE THE SAME MEANINGS AS IN SECTION 5.10.030 OF THE AVON MUNICIPAL CODE;

AND THAT THE TOWN MAY COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNINGS THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 5. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provision of this resolution.

Section 7. All resolution or parts of resolution inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, READ, AND ADOPTED by the Town Council of the Town of Avon on the 28th day of August, 2018.

By: Jennie Fancher
Jennie Fancher, Mayor

Attest: Debbie Hoppe
Debbie Hoppe, Town Clerk



**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO,
SUBMITTING TO THE ELECTORATE OF THE TOWN OF BASALT, A QUESTION SEEKING
AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER
TOBACCO AND NICOTINE PRODUCTS**

**Town of Basalt, Colorado
Resolution No. 01
Series of 2018**

WHEREAS, the Town of Basalt, Colorado (the "Town"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town of Basalt (the "Council") have been duly elected and qualified;

WHEREAS, the Council hereby finds that tobacco and nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of tobacco and nicotine products and encouraged to quit the use of tobacco and nicotine products, and that taxes on the sale of tobacco and nicotine products are effective at preventing and reducing tobacco and nicotine use;

WHEREAS, the Council hereby designates that revenues collected through this tax would be placed in the General Fund with the specific purpose of financing health and human services, tobacco related health issues, and addition and substance abuse education and mitigation.

WHEREAS, Section 11-1 of the Charter authorizes the Town to levy and collect sales taxes for municipal purposes;

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any increase in taxes;

WHEREAS, pursuant to Section 2.3 of the Town Charter, the regular Town election is to be held on the first Tuesday in April of even numbered years, and pursuant to Section 2.1 the Town elections are governed by the Colorado municipal election laws except as otherwise provided in the Town Charter or by ordinance; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electorate on limited election days before action can be taken on such ballot issues;

WHEREAS, April 3, 2018, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to submit to the electorate of the Town, the question of authorizing a tax increase on the sale of tobacco and nicotine products at its regular municipal election to be held on April 3, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:

Section 1. All action heretofore taken (not inconsistent with the provision of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code, C.R.S. Title 31, Articles 10 and 11.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the regular municipal election of April 3, 2018, with the following ballot title which is set pursuant to C.R.S. 31-11-111.

Tax Increase on the Sale of Tobacco and Nicotine Products.

BALLOT TITLE AND TEXT:

SHALL TOWN TAXES BE INCREASED BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JULY 1, 2018, THERE SHALL BE A NEW TAX OF TEN CENTS PER CIGARETTE OR TWO DOLLARS PER PACK OF TWENTY CIGARETTES SOLD;

BEGINNING JULY 1, 2018, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO AND NICOTINE PRODUCTS;

THE TERMS 'CIGARETTE', 'TOBACCO PRODUCTS', OR 'NICOTINE PRODUCTS', HAVE THE SAME MEANINGS AS IN SECTION 18-13-121 OF THE COLORADO REVISED STATUTES;

THE TAX REVENUES SHALL BE USED FOR THE SPECIFIC PURPOSES OF FINANCING TOBACCO RELATED EDUCATION AND TOBACCO RELATED HEALTH ISSUES, AND ADDICTION AND SUBSTANCE ABUSE EDUCATION AND MITIGATION;

AND THAT THE TOWN MAY COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNING THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 5. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provision of this resolution.

Section 7. All resolution or parts of resolution inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

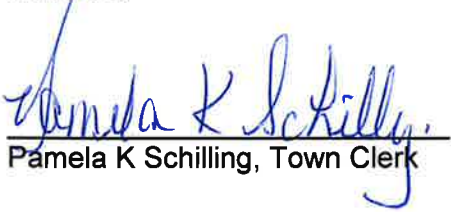
INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Basalt on the 9th day of January, 2018.

READ AND ADOPTED by a vote of 6 to 0 on January 9, 2018.

TOWN OF BASALT, COLORADO

By: 
Jacque R Whitsitt, Mayor

ATTEST:


Pamela K Schilling, Town Clerk



Res 01 2018 – Setting Tobacco Tax Question for Ballot

**RESOLUTION NO. 36
SERIES 2019**

**A RESOLUTION OF THE VAIL TOWN COUNCIL SUBMITTING A
BALLOT ISSUE TO THE REGISTERED ELECTORS OF THE TOWN OF
VAIL AT THE NOVEMBER 5, 2019 REGULAR ELECTION TO IMPOSE
A SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS
AND NICOTINE PRODUCTS**

WHEREAS, the Town Council finds that nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of cigarettes, tobacco products and nicotine products and encouraged to quit the use of cigarettes, tobacco products and nicotine products, and that taxes on the sale of cigarettes, tobacco products and nicotine products are effective at preventing and reducing tobacco and nicotine use;

WHEREAS, on March 28, 2019, Governor Polis signed House Bill 19-1033, which took effect on July 1, 2019;

WHEREAS, House Bill 19-1033 allows municipalities to impose a special sales tax on cigarettes, tobacco products and nicotine products, subject to prior voter approval under Article X, Section 20 of the Colorado Constitution ("TABOR");

WHEREAS, House Bill 19-1033 allows the Town to use the revenues collected from such special sales tax for "any purpose determined by the governing body"; and

WHEREAS, the Town Council finds it in the best interest of the public health, safety and welfare to submit to the registered electors of the Town at the November 5, 2019 election a ballot issue to approve the imposition of a special sales tax on cigarettes, tobacco products and nicotine products.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL:**

Section 1. At the November 5, 2019 election, the following ballot issue shall be presented to the registered electors of the Town:

SHALL TOWN OF VAIL TAXES BE INCREASED \$1,000,000 IN THE FIRST FISCAL YEAR AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, THROUGH THE IMPOSITION OF A SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS AND NICOTINE PRODUCTS, AS THOSE TERMS ARE DEFINED IN C.R.S. §§ 39-28-202 AND 18-13-121, AT THE RATE OF 15 CENTS PER CIGARETTE SOLD OR \$3.00 PER PACK OF 20 CIGARETTES SOLD AND 40% ON THE PRICE PAID FOR THE PURCHASE OF ALL OTHER TOBACCO PRODUCTS AND NICOTINE PRODUCTS, STARTING ON JANUARY 1, 2020, WITH THE REVENUES FROM SUCH TAX TO BE USED FOR GENERAL GOVERNMENTAL PURPOSES, AND SHALL

THE REVENUES FROM SUCH TAX AND ANY INVESTMENT EARNINGS THEREON BE COLLECTED AND SPENT BY THE TOWN FOR THE ABOVE-STATED PURPOSES AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

INTRODUCED, READ, APPROVED AND ADOPTED THIS 3RD day of SEPTEMBER, 2019.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk



NOTICE TO CITIZENS

The City Council of the City of Aspen has approved the submission to the City electorate one tax question at the November 5, 2019, coordinated municipal election. Amendment One (1992) to the Colorado Constitution requires a notice of the election to be mailed to all registered voters with certain information about the election and financial implications of the ballot questions. Part of the notice to be sent to electors must include summaries of written comments, up to 500 words each, one for and one against the proposal, filed with the election officer by 45 days before the election.

The City hereby solicits written comments for and against the questions listed below. Please address your comments to the City Clerk, 130 S. Galena Street, Aspen, CO 81611 or via email to linda.manning@cityofaspen.com. **Only comments filed by persons eligible to vote in the city will be summarized in the ballot notice.** To be summarized in the ballot issue notice, the comments shall address these specific ballot issues and shall include a signature and an address where the signor is registered to vote. **Written comments must be received no later than Friday September 20, 2019 at 4:00 p.m.**

The TABOR ballot issues at the November special municipal election are:

Ballot Issue: Retention of excess of initial revenue estimate of tobacco sales tax

WITHOUT IMPOSING ANY NEW TAX OR INCREASING ANY TAX RATE, MAY THE CITY OF ASPEN KEEP ALL REVENUES (INCLUDING THOSE IN EXCESS OF THE INITIAL REVENUE ESTIMATE) FROM THE NOVEMBER 2017 VOTER-APPROVED TOBACCO RELATED PRODUCTS SALES TAX (BALLOT ISSUE 2B), AND CONTINUE TO COLLECT THE TAX AT THE PREVIOUSLY DEFINED RATE, AND SPEND ALL REVENUES COLLECTED FOR THE PURPOSES AS APPROVED BY VOTERS, INCLUDING HEALTH AND HUMAN SERVICES, TOBACCO-RELATED HEALTH ISSUES, AND ADDICTION AND SUBSTANCE ABUSE EDUCATION AND MITIGATION?

Yes/For

No/Against



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: January 14, 2020

Agenda Item: Home Rule Charter Review

REQUEST: Staff requests that Board of Trustees review drafts of the proposed Home Rule ballot language, resolution of support, and the charter presented by the Charter Commission.

BACKGROUND: The Charter Commission has completed the draft charter and will solicit public comment at hearings scheduled for January 15 and 22. Chairman, Brent McFall will update the board on the process and highlight changes in the charter on January 14. The Board of Trustees does not develop the charter but can provide comments at the public hearings this month. Staff has included drafts of the proposed ballot language that will be presented on January 28 for review. The proposed charter and a draft resolution of support by the board are included.

ANALYSIS: Staff is requesting feedback and review of the following items to incorporate into the final presentation on January 28.

1. Resolution No. 4: The draft resolution sets the ballot for the charter for voters to consider at the April 7, 2020 election.
2. Resolution No. 5: The draft resolution is an official endorsement by the Board of Trustees in support of the proposed charter.
3. Proposed Charter: The charter is a constitution that grants flexibility in governance and gives local control to a community. The final charter will be presented on January 28 after soliciting input from the community during two public hearings.

COMMUNITY INPUT: Community input was solicited at 6 Charter Commission meetings in November - January. Two public hearings are scheduled for January 15 and January 22 to solicit input prior to finalizing the draft charter.

BUDGET / STAFF IMPACT: There is no impact with the review of the attached proposals.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

This proposal aligns with the following strategic objectives and/or business values:

Major Objective No. 14: Encourage Implementing Home Rule - The review of the charter and resolutions is the final step prior to the election in April. If town is successful at the ballot, this objective will be complete.

RECOMMENDED ACTION OR PROPOSED MOTION: There is no motion for the items attached. Staff is requesting

feedback to incorporate in the final presentation on January 28.

ATTACHMENTS: None

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 04
(Series of 2020)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO SUBMITTING THE PROPOSED HOME RULE CHARTER TO THE REGISTERED ELECTORS OF THE TOWN AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2020 AND ORDERING THAT SUCH ELECTION BE CONDUCTED AS A MAIL BALLOT ELECTION

WHEREAS, the Board of Trustees adopted Ordinance No. 18-A to initiate the process to establish a home rule charter commission;

WHEREAS, on November 5, 2019, the registered electors of the Town approved the formation of a nine-member home rule charter commission to draft a proposed home rule charter to be submitted to the registered electors for approval at a subsequent election;

WHEREAS, the home rule charter commission submitted the proposed charter to the Board of Trustees on January 28, 2020, a copy of which is attached to this Resolution and also published at www.townofeagle.org;

WHEREAS, C.R.S. § 31-2-211(1) provides that elections under the Municipal Home Rule Act of 1971 shall be conducted in conformity with the provisions of the Colorado Municipal Election Code, which Code allows the Town to conduct a mail ballot election; and

WHEREAS, C.R.S. § 31-2-207(1.5) requires the Board of Trustees to set the ballot title for the election to approve the proposed charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF TOWN OF EAGLE, COLORADO, THAT:

Section 1. The Board of Trustees hereby refers and approves the following ballot title for submission to the voters and to appear on the ballot for the election to be held on April 7, 2020:

Shall the Town of Eagle Home Rule Charter, as drafted by the nine-member citizen-elected home rule charter commission, be adopted as the home rule charter of the Town of Eagle, Colorado?

_____ Yes
_____ No

Section 2. The Town's regular municipal election to be held on April 7, 2020 shall be conducted as a mail ballot election, and the Town Clerk shall be the designated election official for such election. The Board of Trustees hereby authorizes the Town Clerk to take whatever action is necessary to carry out the election, including publishing notice of the election in conformity with the requirements of C.R.S. § 31-2-207, and otherwise complying with all applicable state and local elections laws, as appropriate.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 05
(Series of 2020)

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,
COLORADO SUPPORTING AND URGING A "YES" VOTE ON THE TOWN OF EAGLE
HOME RULE CHARTER AT THE APRIL 7, 2020 REGULAR MUNICIPAL ELECTION**

WHEREAS, on November 5, 2019, the Town's registered electors elected a Home Rule Charter Commission consisting of nine citizens of the Town to draft the Town's first local home rule charter, or local constitution;

WHEREAS, after three months of numerous meetings and Commissioner and public input, the Town of Eagle Charter Commission reached consensus on a final draft of a complete and comprehensive Home Rule Charter;

WHEREAS, the Charter Commission approved the proposed Home Rule Charter and recommends that the Home Rule Charter be approved by the citizens of the Town;

WHEREAS, the Town is currently operating as a statutory municipality, which means that the Town is primarily governed by laws enacted by the state legislature as opposed to allowing local control by the citizens over local matters;

WHEREAS, by becoming a home rule municipality, the citizens of the Town can decide how their own governmental affairs will be conducted and will not be dependent upon the state legislature to direct the Town's affairs; and

WHEREAS, the Board of Trustees recognizes the direct and substantial benefits of becoming a home rule municipality, as summarized in the staff memo for Resolution 05-2020.

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

Section 1. The Board of Trustees hereby URGES A YES VOTE on the proposed Town of Eagle Home Rule Charter at the April 7, 2020 Regular Municipal Election of the Town of Eagle.

INTRODUCED, READ, PASSED AND ADOPTED ON JANUARY 14, 2020.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Preamble

The Charter Commission of the Town of Eagle, under the authority granted by the Constitution of the State of Colorado, by the Municipal Home Rule Act of 1971 and by the electors of the Town has crafted this Home Rule Charter for consideration by those electors. Through this Charter and the local government that it defines the people of Eagle reserve their right to address matters of local concern at the local level. The Home Rule Charter enables the people of Eagle to fully enjoy the benefits of self-governance and to provide for a successful future for the community by establishing a municipal government that is accessible, responsive, accountable, responsible and professional.

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Article I
General Provisions

- 1.01 Name and Boundaries. The municipal corporation heretofore existing as the Town of Eagle, Eagle County, State of Colorado, shall remain and continue a body politic and corporate and under this Charter be known as the Town of Eagle, with boundaries the same as presently established, until changed in a manner authorized by law.
- 1.02 Form of Government. The municipal government established by this Charter shall be a Council/Manager form of government.
- 1.03 Authority.
- (1) The Town shall have all the authority of local self-government and home rule and all authority possible for a municipality to have under the Constitution and laws of the State of Colorado.
 - (2) The enumeration of any particular authority in this Charter shall in no way be deemed to limit or exclude the exercise of any authority.
 - (3) All authority shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as shall be provided for by ordinance, resolution, or state statute.
- 1.04 Rights and Liabilities. By the name of the Town of Eagle, a municipal corporation, the Town shall have the following rights and liabilities:
- (1) The right to perpetual succession.
 - (2) The right to own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the Town and does assume and shall manage and dispose of all trusts in any way connected therewith.
 - (3) The right to purchase or otherwise acquire property on which there are delinquent taxes or special assessments and to dispose of them in like manner as any other property.
 - (4) The right to succeed to all rights and liabilities of the Town.
 - (5) The right to acquire all benefits of the Town and does assume and shall pay all bonds, obligations and indebtedness of the Town.
 - (6) The right to sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings.

(7) The right to purchase, lease, receive, hold, and enjoy, or sell and dispose of real and personal property; provided, however, that disposal of land designated as a park or open space area shall require prior approval by the Town's registered electors, subject to the following limitations:

(a) "Disposal" means divesting the Town of the full fee interest in the land;

(b) Disposal of less than one-half (½) acre of land, even if designated as a park or open space area, shall not require voter approval provided the Council makes an express finding that use of the land after disposal will be for a public purpose; and

(c) The Town may by ordinance further regulate and protect the designation, conveyance and disposition of Town land in use as parks or open space areas.

(8) The right to establish municipal water works, wastewater treatment works, water and sewer systems, internet services, and other utility systems.

(9) The right to adopt, have, and use a common seal and alter the same.

(10) The right to adopt ordinances and resolutions on local and municipal matters unless otherwise prohibited by this Charter or by laws applicable to home rule municipal corporations in the State of Colorado.

(11) The right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Colorado Constitution and Title 31, Colorado Revised Statutes, and other applicable statutes, as the same now exist or as they may hereafter be amended.

Article II Elections

2.01 Election Laws. Town elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified except as otherwise provided in this Charter or by ordinance hereafter enacted.

2.02 Types of Elections.

(1) Regular municipal elections shall be held on the Tuesday following the first Monday in November of 2021 and in each odd-numbered year thereafter.

(2) The Mayor and each Council Member shall take office at the first regular meeting of the Council following the date on which the election has been finally

certified and shall continue in office until their successors have been elected and take office or a vacancy occurs.

(3) Special Town elections shall be held in accordance with the provisions of this Charter and the Colorado Municipal Election Laws. Any special Town election may be called by resolution of the Council not less than thirty (30) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purpose or purposes of such election.

2.03 Nonpartisan Elections. All municipal elections shall be nonpartisan.

2.04 Recall. Any elected official of the Town may be recalled at any time after the completion of six (6) months in office by the electors entitled to vote for a successor of such incumbent, as mandated in the Colorado Constitution, C.R.S. § 31-4-501, *et seq.*, as amended, and Section 11.12 of this Charter.

Article III Town Council

3.01 Town Council.

(1) The Council shall include a Mayor and six (6) Council Members. The positions of Mayor and Council Member are separate offices.

(2) The Mayor and all Council Members shall be elected at large by the registered electors of the Town.

(3) The Mayor and all Council Members shall be elected to serve four (4) year terms unless a two (2) year term is required to restore staggered positions on the Council. In such case, the four (4) year term(s) shall go to the candidate(s) with the highest number of votes, and the two (2) year term(s) shall go to the candidate(s) with the next highest number of votes.

(4) No elected Mayor or Council Member shall serve more than two consecutive terms in one office.

(5) Terms shall not be considered consecutive if they are at least two (2) years apart or are for separate offices. For the purposes of this limitation, terms to which an individual is appointed shall not count as a term.

3.02 Authority of the Council.

(1) The Council shall have the following authority:

(a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property;

(b) To declare, prevent and summarily abate and remove nuisances in accordance with due process;

(c) To preserve and enforce good government, general welfare, order and security of the Town and the inhabitants thereof;

(d) To enforce ordinances and regulations by ordaining as permitted by state law for municipal court jurisdiction, or imprisonment as permitted by state law, or both fine and imprisonment for each and every offense; and

(e) To delegate to boards and commissions, within limitations of the Constitution and this Charter, such functions and authority of the Town as it deems proper and advisable.

(2) The Council shall deal with the administrative service solely and directly through the Town Manager. Neither the Mayor nor any Council Member shall dictate the appointment of or direct or interfere with the work of any employee under the Town Manager.

(3) The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town and shall adopt such laws, ordinances, and resolutions as it deems proper.

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as may be amended. The Council shall adopt by resolution procedures for filling any such vacancy.

3.03 Qualifications to Serve on Council.

(1) No person shall be eligible to be elected or appointed to the Council, or to remain seated as Mayor or a Council Member, unless they meet the following requirements:

(a) Is a citizen of the United States of America;

(b) Is a registered elector of the Town;

(c) Is a resident of the Town for a period of no less than twelve (12) consecutive months preceding the election; and

- (d) Is currently eligible to vote in state general elections.
- (2) No person who is an employee of the Town may serve on the Council. Any Town employee elected to the Council shall be deemed to have resigned as an employee on the date of taking office.
 - (a) No person may be a candidate for both Mayor and Council Member at the same election.
 - (b) A person may be a candidate for the office of Mayor while serving as a Council Member and, if not elected Mayor, may serve out their term as a Council Member.
- (3) The Town Clerk shall be the judge of all qualifications for candidates for Council, except as otherwise provided by ordinance.

3.04 Council Meetings.

- (1) The Council shall meet regularly at least once each month, unless increased by ordinance, at a day and hour and place to be fixed by the rules and proceedings of the Council.
- (2) Four (4) members of the Council shall constitute a quorum, but, in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week.
- (3) All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard. Written minutes of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

3.05 Voting.

- (1) Votes for and against shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings. The minutes of each meeting shall reflect the specific vote of each Council member.
- (2) To be adopted, every ordinance shall require the affirmative vote of a majority of the Council Members present, and every emergency ordinance shall require the affirmative vote of two-thirds of Council Members present.
- (3) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Council Members present.

(4) Every Council Member present shall vote on every matter unless the Member is excused from voting due to a conflict of interest as provided in Section 3.06 below. If a Council Member refuses to vote without being excused, the Town Clerk shall consider the refusal as an affirmative vote.

3.06 Code of Conduct and Ethics. The Council shall adopt by resolution a Code of Conduct and Ethics, which shall address Council conflicts of interest. No member of the Council shall vote on any question in which he or she has a conflict of interest. A conflict of interest occurs when a Council Member has a substantial personal or financial interest in the outcome of the question, whether direct or indirect, or on any questions concerning their own conduct, as may be further defined in the adopted Code of Conduct and Ethics. The adopted Code of Conduct and Ethics shall specify penalties for a Council Member's violation of its provisions as well as for a Council Member's violation of this Charter.

3.07 Compensation of Council Members.

(1) Council Members shall receive such compensation as the Council shall by ordinance prescribe.

(2) The Council shall neither increase nor decrease the compensation of any member during their term of office.

(3) Council Members may, upon order of the Council, be paid such necessary bona fide expenses incurred in service on behalf of the Town as are authorized by the Council.

3.08 Oath of Office. Before entering upon the duties of the office of Mayor or Council Member, every person shall take, subscribe before, and file with the Town Clerk the following an oath or affirmation:

I, (name), swear (or affirm), that I will support the Constitution of the United States, the Constitution of the State of Colorado, the Charter and the ordinances of this Town, and will faithfully perform the duties of my office.

3.09 Mayor Pro Tem. A Mayor Pro Tem shall be elected by the Council from its own membership at the first meeting in January following each biennial election.

(1) The Mayor Pro Tem shall serve until the January Council meeting following the next regular Town election, and shall act as Mayor during the absence or disability of the Mayor.

(2) In the event of absence or disability of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its members by majority vote to serve as Acting Mayor during such absence or disability.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

3.10 Special Meetings.

(1) Special meetings of the Council shall be called by the Town Clerk on the verbal request of any four (4) Council Members, on at least twenty-four (24) hours' notice to each member of the Council.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Council unless such business has been stated in the notice of such meeting.

3.11 Executive Sessions.

(1) Any Council meeting may be recessed into an executive session by the affirmative vote of two-thirds (2/3) of the quorum present and may be closed to the public for the purpose of considering any of the following matters:

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

(b) Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions.

(c) Matters required to be kept confidential by federal or state law or rules and regulations. The Council shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

(d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

(f) 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 employee, all of the employees have requested an open meeting.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended.

(h) Any other matter authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, as amended.

(2) The general subject matter of every executive session shall be stated in the motion calling for the session, unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.

(3) The Mayor, members of Council, the Town Manager, and the Town Attorney may attend executive sessions. Other persons may be invited to attend an executive session upon the affirmative vote of a majority of the Town Council members present, and the Town Manager or Town Attorney may be excluded upon the affirmative vote of a majority of the Council Members present.

(4) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.

Article IV

Town Administration, Appointed Officials and Town Departments

4.01 Mayor. The Mayor shall be the presiding officer of the Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor as provided for in Section 3.09 of this Charter, shall have the following duties, authorities, and responsibilities:

(1) To vote as a regular Council Member without veto power upon any question;

(2) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the Seal of the Town; and

(3) To have such other authority as may be conferred upon the Mayor by the Council so long as that grant of authority is not in conflict with the provisions of this Charter.

(4) In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property.

(a) Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council which may take such action as it deems necessary.

(b) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration and shall be effective only until the Council may be convened to ratify the action.

(5) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Council shall have the authority to provide for the continuity of government of the Town in the event of disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem, and shall then revert to Council Members, then through an orderly line of succession of the administrative department heads.

4.02 Town Manager. The Town Manager shall be the chief executive officer of the Town and shall serve at the will of the Council.

(1) The Council, by a majority vote of those then in office, shall appoint a Town Manager without a definite term and at a salary fixed from time to time by resolution of the Council.

(2) The Town Manager shall be accountable to the Council and shall perform such duties as provided by ordinance, or at the direction of the Council, so long as such direction is not contrary to this Charter, state or federal law or the Ordinances of the Town.

(3) The Town Manager may only delegate to others the authority and duties prescribed to their position to the extent allowed by ordinance.

(4) The Town Manager may appoint a Town department head to function in their capacity during short absences.

(5) The Town Manager may hire staff as such are provided for in the Town's budget.

(6) The Town Manager shall prepare an annual budget and submit it to the Council.

4.03 Town Attorney. The Town Attorney shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Town Attorney shall serve at the will of the Council without a definite term at a salary or hourly rate fixed from time to time by resolution of the Council.

(2) The Town Attorney shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.04 Municipal Judge. The Municipal Judge shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Municipal Judge shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.

(2) The Municipal Judge shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.05 Town Clerk. Town Clerk shall be hired by the Town Manager as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

(1) To be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same.

(2) To be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for.

(3) To certify by their signature all ordinances and resolutions enacted or passed by the Council.

(4) To provide and maintain in the Town Clerk's office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder.

(5) To review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk.

(6) To administer oaths of office.

(7) To perform such other duties as may be prescribed by this Charter or by the Town Manager.

4.06 Town Departments.

(1) The Council may by ordinance create, consolidate or dissolve any Town department.

(2) All departments and department heads of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the Town Manager.

(3) All department heads hired after the effective date of this Charter shall be hired by the Town Manager and shall be considered, at all times, at-will employees of the Town. The provisions of this Section are specifically intended to supersede conflicting state law on this matter, including C.R.S. § 31-4-307.

Article V
Boards and Commissions

5.01 Existing Boards and Commissions. All boards and commissions existing at the time this Charter is adopted shall continue as established by ordinance, except as otherwise provided by this Charter or subsequent ordinance.

5.02 Right to Establish, Amend and Abolish.

(1) The Council may create any boards or commissions, including advisory and appeal boards, provided that no such board or commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Unless otherwise required by law or this Charter, all boards and commissions shall be created by ordinance, which shall prescribe the duties delegated by the Council and the qualification of members.

(2) Each board and commission shall elect its own chair and vice-chair from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board, and commission meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

(3) The Council may increase, reduce or change by ordinance any or all of the duties and procedures of any board or commission existing at the time of the adoption of this Charter or as created by ordinance thereafter.

(4) Any board or commission existing at the time this Charter is adopted or created under the provisions of this Section, which is not required by statute or this Charter, may be abolished by the Council.

(5) Terms and conditions of appointment and composition of all boards and commissions shall be determined by ordinance, except that appointment of a member to any board or commission shall require a majority vote of the Council, and removal of any member from a board or commission shall require a two-thirds (2/3) affirmative vote by the Council and, in no case, fewer than five (5) affirmative votes for removal, following notice and an opportunity to be heard.

Article VI Ordinances

6.01 Action by Ordinance Required. In addition to such acts of the Council that are required by other provisions of this Charter to be by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. However, this Section shall not apply to the budget adoption or other appropriations as defined in Section 8.05 of this Charter.

6.02 Form of Ordinance. Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EAGLE, COLORADO. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not.

6.03 Adoption Procedure for Ordinances. With the exception of emergency ordinances, the following procedure shall be followed in adopting any ordinance:

(1) The ordinance shall be introduced at a regular or special meeting of the Council and read by title.

(2) If required by law, the Council shall conduct a public hearing on the ordinance.

(3) After the public hearing, if applicable, and any discussion or deliberation, the Council shall vote to amend, adopt, or reject the ordinance, or take other action as it deems appropriate.

(4) If the ordinance is adopted by the Council, either as presented or as amended, it shall be published and available for public inspection.

(5) Each ordinance shall be effective ten (10) days after publication or at such later date as specified in the ordinance.

(6) The method of official Town publication of ordinances shall be set by ordinance.

(7) The ordinance shall be signed by the Mayor and attested to by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.

6.04 Emergency Ordinances.

(1) The Council may adopt an emergency ordinance if necessary for the immediate preservation of public property, health, welfare, peace, or safety. Determination by the Council as to the existence of an emergency shall be final and conclusive.

(2) Emergency ordinances shall also meet the following criteria:

(a) The facts determining the emergency shall be specifically stated in the ordinance.

(b) No ordinance granting, renewing, or amending any franchise, or imposing any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the Town shall be adopted as an emergency ordinance.

(3) An emergency ordinance may be introduced and adopted at any regular or special meeting. An emergency ordinance shall take effect upon adoption. Following adoption, an emergency ordinance shall be published in full.

6.05 Codification.

(1) The Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 6.06 of this Charter.

(2) Any ordinance that is not of a general and permanent nature shall not be codified.

6.06 Adoption of Codes by Reference. The Council by ordinance may adopt by reference any code by the federal government, State of Colorado or by any agency of either of them, or by any municipality, or by recognized trade or professional organizations, or amendments or revisions thereof. The procedure of adoption of a code by reference shall be as provided in the Colorado Revised Statutes applicable to the adoption of codes by reference.

- 6.07 Public Records. All public records of the Town shall be open for inspection by any person at reasonable times in accordance with applicable law.
- 6.08 Fines and Penalties for Ordinance Violations. Penalties for the violation of Town ordinances shall be established by ordinance. No fine or sentence for such violation shall exceed the maximum established by Colorado Revised Statutes for municipal ordinance violations.

Article VII Municipal Court

7.01 Created.

- (1) There shall be a Municipal Court that shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the Town. The scope of the Municipal Court's jurisdiction is hereby expressly declared not to be exclusive, original jurisdiction over matters arising under this Charter and ordinances.
- (2) The Council shall provide a suitable place and all supplies and personnel necessary for the proper functioning of the Court.
- (3) The Council shall provide by ordinance for the enforcement of its ordinances by fine or imprisonment.
- (4) The Municipal Court shall be presided over by the Municipal Judge, who shall be appointed by the Council as provided by state law.

7.02 Powers.

- (1) The powers of and the procedure in the Municipal Court and the manner of enforcement of its orders and judgments shall be as provided for by ordinance presently enacted or hereafter enacted. The Municipal Court shall be a qualified Municipal Court of record and all proceedings therein and evidence at trials shall be kept by verbatim record.
- (2) The Municipal Court may provide for the granting of probation and the conditional suspension of sentences.

The Municipal Court may order restitution as the Municipal Court deems appropriate.

Article VIII
Town Finances and Borrowing

8.01 Fiscal Year. The fiscal year of the Town, and all of its agencies, shall begin on the first day of January and end on the thirty-first day of December of each year.

8.02 Annual Budget. A proposed budget reflecting the needs and desires of the community for the ensuing fiscal year shall be delivered to the Council by the Town Manager on or before the fifteenth day of October of each year.

8.03 Budget Hearing.

(1) The Council shall hold a public hearing on the proposed budget on or before the thirtieth (30th) day of November of each year.

(2) Notice of the time and place of such hearing shall be published at least once seven (7) days prior to such hearing, and copies of the proposed budget shall be made available to the public by depositing them in the office of the Clerk.

(3) The Council may at any time before final adoption increase, decrease, add or strike out any item in the budget.

8.04 Scope of Annual Budget.

(1) The budget shall provide a complete financial plan of all Town funds and activities for the ensuing 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.

(2) In organizing the budget, the Town Manager shall utilize fund, department, revenue, and expenditure/expense classifications and groupings congruent with generally accepted budgetary practices for municipal governments in keeping with guidelines published from time to time by the Government Finance Officers Association of the United States and Canada or its successor entity. The budget shall include a budget message from the Town Manager highlighting the key features of the proposed budget. The budget shall lay out a clear plan for all the operations, programs, capital acquisitions, projects, and debt service payments of the Town.

(3) The budget shall display beginning fund balances, revenues and other sources of funds, expenditures and other uses of funds, transfers between funds, and ending fund balances for all governmental and proprietary funds of the Town, as defined by the Governmental Accounting Standards Board (GASB) or its successor entity. These displays shall include the actual, audited amounts for at least the immediately preceding year, the budgeted amounts for the current year,

estimated amounts for the current year, and proposed amounts for next fiscal year.

(a) Reasonable provisions for contingencies may be budgeted for any fund.

(b) The total of proposed expenditures, including contingencies, shall not exceed the total of beginning fund balances available plus revenues and other sources of funds for any fund.

8.05 Adoption of Budget and Appropriation.

(1) Not later than the fifteenth (15th) day of December of each calendar year, the Council shall adopt a resolution adopting the budget and a resolution adopting the annual appropriations. All such annual appropriations shall lapse at the end of each fiscal year.

(2) Budget records are public records that shall be conveniently available to the public.

(3) If the Council fails to adopt a budget by this date, the amounts appropriated for the operation of the various departments and areas of the Town during the prior fiscal year shall be deemed adopted for the current fiscal year on a month to month basis, with all items prorated accordingly until such time as the Council adopts the budget for the current fiscal year.

8.06 Certification of Tax Levy.

(1) As required by law, the Council shall fix the amount of tax levy that shall be assessed, if any, upon each dollar of assessed valuation of all taxable property within the incorporated limits of the Town, and the Council shall cause the same to be certified to the County as required by law.

(2) If the Council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as by law provided.

(3) The Town shall not be bound by Colorado's so-called "Gallagher Amendment", Article X, Section 3, of the Colorado Constitution, regarding valuations for assessment on real and personal property, which amendment does not apply to any Colorado home rule municipality.

8.07 General Fund. The General Fund is the Town's primary operating fund. All revenues not specifically allocated to any other fund shall be placed in the General Fund.

- 8.08 Other Funds. In addition to funds provided for in this Charter, the Council may by ordinance establish other funds, including enterprise and special purpose funds, as it deems necessary and appropriate in accordance with Generally Accepted Accounting Principles (GAAP). The ordinance establishing such funds shall clearly state the purpose for the fund.
- 8.09 Capital Program. The Council shall adopt a long-range capital program, the contents of which are designated by the Council, simultaneously with the recommended budget.
- 8.10 Transfer of Funds. Except as may be restricted by law, the Council may by resolution transfer any unencumbered appropriation, balance, or portion thereof from a fund to another.
- 8.11 Increase or Reduction of Appropriations.
- (1) The Council may modify appropriations by resolution during the fiscal year for unanticipated budgetary issues. Such modified appropriations shall not cause total expenditures within a fund to exceed the beginning fund balance or the funds available plus anticipated revenues and other sources of funds within the fund as estimated in the budget.
- (2) If at any time during the fiscal year it appears probable to the Town Manager or their designee that the funds available plus anticipated revenues and other sources of funds within any fund will be insufficient to meet the amount appropriated, the Town Manager shall provide a report to the Council without delay recommending any steps to be taken to correct the deficiency. The Council shall then take such further action as it deems necessary to correct the deficiency.
- 8.12 Records of Authorized Expenditures. Records of expenditures authorized to be made are public records that shall be conveniently available to the public.
- 8.13 Independent Audit. An independent audit shall be made of all Town accounts for each fiscal year and more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants selected by the Council who shall complete the audit in accordance with state regulations. Copies of such audit shall be made available for public inspection at the office of the Town Clerk.
- 8.14 Forms of Borrowing.
- (1) The Town may, subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Council to be in the best interests of the Town. All prior Town borrowing, securities, or financial obligations, including

without limitation those involving voter-approved waivers or amendments to constitutional limits, remain in full force and effect.

(2) In addition to being authorized by this Article to issue bonds for any municipal purpose as authorized by law, the Town is specifically authorized, by ordinance, with or without an election, as determined by the Council, to issue revenue bonds or otherwise to extend its credit for the purpose of purchasing, equipping, constructing, or otherwise acquiring, extending or improving a water, sewer, or other public utility, facility or project, provided that the bonds or other obligation shall be made payable from the net revenues derived from the operation of such system, utility or project, or from the proceeds of any tax other than the general ad valorem tax imposed by the Town.

(a) Such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held.

(b) Notice of such hearing shall be published in advance.

8.15 Long-Term Rentals and Leaseholds.

(1) In order to provide necessary land, buildings, equipment and other property for governmental or proprietary purposes, the Town may enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be approved by ordinance.

(2) The Council may provide for payment of installments thereof out of the general *ad valorem* tax levy, by the imposition of rates, tolls or service charges for the use of such property or any part thereof, out of any other available municipal revenues or by any combination of the foregoing methods.

8.16 Short-Term Notes. The Town by ordinance may borrow money without an election in anticipation of the collection of taxes and issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature within twelve (12) months.

8.17 Municipal Investments. The Council shall adopt guidelines for municipal investments as long as those guidelines comply with the following conditions:

(1) Such guidelines are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval; and

(2) Such guidelines are determined by the Council to be in the best interest of the Town.

8.18 Special Districts. The Council may, by ordinance, limit the maximum mill levy authorized to be imposed by any special district formed under Title 32, C.R.S. by a developer to finance development in the Town.

Article IX

Public Utilities, Franchises, and Use of Public Property

9.01 Town Authority.

(1) The Town shall have and exercise with regard to all utilities, public services and franchises, including water and water rights and acquisition thereof and bonded indebtedness in connection therewith, all municipal authority and functions now existing and that may be hereafter provided by the Colorado Constitution and Colorado Revised Statutes.

(2) The Town shall have authority, within or without the territorial limits of the Town, to construct, condemn, purchase, acquire, lease and operate public works, utilities and assets, equipment and everything in relation to or in connection therewith, in whole or in part, for the use of the Town, its inhabitants and those it serves.

(3) Except as otherwise provided by the Colorado Constitution or this Charter, all authority concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Council.

9.02 Grant of Public Utility Franchise. Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the Colorado Constitution and statutes that are applicable to home rule municipalities as now in effect or as hereafter amended.

9.03 Water Rights. The Town shall have the authority to buy, exchange, lease, sell, own, control and otherwise deal in water rights.

9.04 Utility Rates. The Council shall, by resolution, establish rates, rules and regulations for services provided by municipally owned utilities.

9.05 Extraterritorial Utility Service. If the Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

9.06 Term, Compensation, and Restriction.

(1) No franchise, lease or right to use the streets or the public places or property of the Town shall be granted for a term that exceeds twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such

compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of the Council. This provision shall not except the grantee from any lawful taxation upon his or its property, nor from any license, charges or other impositions levied by the Council, not levied on account of the use granted by the franchise.

(2) Every non-Town owned public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the Town harmless from all damages arising from said use.

(3) Every such public utility may be required by the Town to permit joint use of its property and appurtenances located in the streets, alleys or other public places of the Town by the Town and by other utilities insofar as such joint use may be reasonably practicable.

9.07 Assignment of Franchise. Any assignment or leasing of a franchise shall be considered forfeiture unless consent is given by the Council by ordinance.

9.08 Franchise Records. Franchise records are public records that shall be conveniently available to the public.

9.09 Existing Franchises. All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

9.10 Revocable License. The Council may grant a license at any time for the temporary use, control or operation of any Town-controlled property, provided such licenses shall be revocable at the will of the Council, regardless of whether or not such right to revoke is expressly reserved in such license.

Article X Taxation

10.01 Power to Tax. The Town shall have all powers of taxation available to home rule municipalities in the Colorado Constitution or any other enabling law.

10.02 Expenditure of Revenues.

(1) The Town shall be authorized to collect, retain and expend all of the sales and use tax revenues and all revenues generated by the Town, subject only to those limitations previously approved by the voters, notwithstanding any

limitation contained in Article X, Section 20, of the Colorado Constitution or any other law.

(2) The Town hereby declares its intent not to be bound by Colorado's so-called Gallagher Amendment, Article X, Section 3, of the Colorado Constitution, regarding valuations for assessment on real and personal property, which amendment does not apply to any Colorado home rule municipality.

Article XI

Initiative, Referendum and Recall

11.01 Initiative.

(1) The initiative power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to that Town legislation that is subject to the initiative power reserved in said Constitution.

(2) Procedures for initiative shall be governed by the Colorado Constitution and the Colorado Revised Statutes, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(3) An initiative petition shall be signed by registered electors of the Town equal in number to at least ten percent (10%) of the total number of registered electors of the Town as of the date of filing the petition.

(4) The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

(5) A complete initiative petition shall be filed within one hundred eighty (180) days of the Town Clerk's approval of the form of petition.

11.02 Referendum.

(1) The referendum power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to those ordinances that are subject to the referendum power reserved in said Constitution. Such ordinances shall be referred pursuant to the Colorado Revised Statutes that establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(2) Procedures for referendum shall be governed by the Colorado Revised Statutes, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(3) A referendum petition shall be signed by registered electors of the Town equal in number to at least ten percent (10%) of the total number of registered electors of the Town as of the final date of publication of the ordinance at issue.

(4) The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

(5) Complete referendum petitions must be filed within forty-five (45) days after adoption by the Council of the ordinance sought to be reconsidered.

(6) When a valid referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall remain in effect until such time as:

(a) The Council, at its discretion, suspends the ordinance pending an election;

(b) A majority of the registered electors voting on the ordinance vote against the ordinance at an election held for that purpose; or

(c) A court order reverses the ordinance.

11.03 Petitioners' Committee. Any two (2) registered electors of the Town may commence initiative or referendum proceedings by filing with the Town Clerk during regular business hours an affidavit stating the following:

(1) Identification of the ordinance that may be subject to a referendum or initiative petition;

(2) They will constitute the Petitioners' Committee; and

(3) Stating their names and mailing address to which all notices to the Committee are to be sent.

11.04 Form and Content of Petitions.

(1) The petition shall set out in full the proposed initiative or cite the ordinance sought to be reconsidered. All pages of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in nonerasable ink and shall be followed by the printed name, street address of the person signing and date of signature. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or proposed Charter amendment sought to be considered.

(2) The form of petition shall be submitted to the Town Clerk, during regular business hours, for review and approval. The Town Clerk shall approve or reject

the form of the petition no later than five (5) business days following the date on which the Clerk received the petition for review.

11.05 Affidavit of Circulator. Each page of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating the following:

- (1) The affiant's name, address, and the date the affiant signed the affidavit;
- (2) That the affiant has read and understands the laws governing the circulation of petitions;
- (3) That the affiant was eighteen (18) years of age or older at the time of circulating the petition;
- (4) That the affiant personally circulated the petition;
- (5) That all signatures were affixed in their presence;
- (6) That the affiant believes the signatures to be the genuine signatures of the persons whose name they purport to be;
- (7) That, to the best of affiant's knowledge, all signatures are of persons who are registered electors of the Town of Eagle;
- (8) That the affiant has not paid or will not in the future pay, and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

11.06 Procedure After Filing. Within thirty (30) working days after a petition is filed, the Town Clerk shall complete a certificate as to its sufficiency and as to the validity of the signatures thereon, specifying if it is insufficient the particulars wherein it is defective. The Town Clerk shall promptly send by mail a copy of the certificate to the Petitioners' Committee.

11.07 Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall, within thirty (30) days, either:

- (1) Adopt the ordinance as submitted by the initiative petition; or
- (2) Repeal the ordinance, or part thereof, subject to the referendum petition;
or
- (3) Determine to submit the proposal provided for in a petition to the registered electors of the Town; provided, however, the Council shall have power

to change the detailed language of any proposed initiated ordinance and to affix the title thereto without changing the meaning of the initiated ordinance.

11.08 Results of Election.

(1) Initiative. If a majority of the registered electors voting on a proposed initiated ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(2) Referendum. If a majority of registered electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

(3) Amendment or repeal. An ordinance adopted by the electorate may not be amended or repealed for the period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Article, or if submitted to the electorate by the Council on its own motion. A proposed ordinance or proposed Charter amendment that fails at the election held to consider it shall not be refiled as an initiative petition for at least six (6) months after the election held to consider said ordinance or Charter amendment.

11.09 Council Referral. The Council shall have the power to submit to a vote of the registered electors of the Town, without receipt of any petition, any proposed ordinance or any question.

11.10 Withdrawal of Petition. No initiative or referendum petition may be withdrawn once it has been certified as sufficient by the Town Clerk.

11.11 Exceptions. Notwithstanding these provisions for initiative and referendum, the following ordinance matters shall not be subject to initiative or referendum:

(1) Ordinances addressing budgets, capital programs, appropriations, levies of taxes, economic development, and salaries of Town officers or employees shall not be subject to initiative.

(2) Ordinances addressing budgets, capital programs, appropriations, levies of taxes, salaries of Town officers or employees, special elections, emergencies, authorization of issuance of improvement district bonds payable in part from

special assessments, levying special assessments, or contractual obligations of the Town shall not be subject to referendum.

11.12 Recall.

(1) A petition to recall any Council Member may be filed at any time after the Council Member has been in office for six (6) months, pursuant to the Colorado Revised Statutes that establish procedures for the recall of municipal elected officers, as amended, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

(2) A petition to recall a Council Member must be presented to the Town Clerk for review and shall name not less than three (3) and not more than five (5) registered electors who shall represent the recall effort and specify a mailing address where notices related to the petition shall be sent.

(3) The petition shall include a statement, in not more than two hundred (200) words, of the grounds on which the recall is sought.

(4) No recall petition shall be circulated until approved as to form by the Town Clerk. The Town Clerk shall approve or disapprove the form of the petition by the close of the third business day following submission of the proposed petition, and the Clerk shall mail notice of their action to the Council Member sought to be recalled on the day that any such petition is approved.

(5) A petition to recall a Council Member shall be signed by registered electors of the Town. Each signature shall be executed in non-erasable ink and shall be followed by the printed name, street address of the person signing and date of signature. The signers shall number at least twenty-five (25) percent of the number of eligible electors of the Town at the last preceding regular election.

(6) The Town Clerk shall not count as valid any signature on a recall petition if more than thirty (30) days have elapsed between the date the petition was approved by the Town Clerk and the date of the signature.

(7) The signed recall petition shall be submitted to the Town Clerk during regular business hours, and the Town Clerk shall issue a statement to the mailing address provided in Section 11.12(2) and the incumbent of the number of valid signatures and whether the recall petition is sufficient or insufficient by the close of business on the fifth business day after the petition is filed.

(8) Written protests to the determination of sufficiency may be filed by registered electors of the Town within fifteen (15) days after the filing of the petition. Protests shall be processed in accordance with the Colorado Revised Statutes.

(9) If a recall petition is determined sufficient, the Town Clerk shall submit it to the Council at the first regular meeting of the Council after the close of the protest period.

(10) The recall election shall be held not less than thirty (30) days nor more than ninety (90) days from the date of the determination of sufficiency of the petition. However, if a regular municipal or statewide general election is scheduled to be held within one hundred eighty (180) days after submission of a recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular municipal or statewide general election.

(11) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which Council Member was elected or appointed, unless the signers number at least fifty (50) percent of the number of registered electors at the last preceding regular election.

Article XII

Miscellaneous Provisions

12.01 Purchase, Sale or Lease of Real Property. Except as otherwise expressly provided herein, the Council by ordinance may purchase, sell, exchange or dispose of any interest in real property. The Council by resolution may lease, for such a term as the Council shall determine, any real property to any person, firm or corporation, public or private.

12.02 Eminent Domain. The Town shall have the right of eminent domain for all municipal purposes, either within or without the limits of the Town.

12.03 Contracts with Other Governmental Entities. The Council may by resolution enter into contracts or agreements with other governmental or quasi-governmental entities.

12.04 Bequests, Gifts and Donations.

(1) The Council, on behalf of the Town, may receive or refuse bequests, gifts and donations of all kinds or property in fee simple or in trust, for public, charitable or other purposes, and do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with the power to manage, lease, sell or otherwise dispose of the same in accordance with the terms of the bequests, gifts or donation.

(2) The Council may provide in each annual budget for the amount, if any, of money that the Council may have available to donate for public, charitable or

other purposes. The Council may delegate the responsibility for such bequests, gifts and donations to such persons as the Council may deem advisable.

12.05 Contracts for Purchases, Leases, and Construction of Public Works.

(1) The Council may establish procedures for entering into contracts for purchases, contracts for leases and contracts for construction of public works.

(2) Purchases of or contracts for supplies, material, equipment or improvements shall be made under such requirements regarding competitive bidding as shall be prescribed by Council.

12.06 Amendment.

(1) In addition to the provisions otherwise stated in this Charter, this Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any general election or special election called for such purpose under the following circumstances:

(a) Upon proposed amendments referred to the Town electors by a majority of the Council; or

(b) Upon proposed amendments submitted by electors pursuant to the initiative process.

(2) If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the greatest number of votes shall prevail on the conflicting issue.

12.07 Effect of Colorado Revised Statutes. The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject only to restrictions of the State Constitution and subsequent amendments to this Charter. Unless otherwise provided by this Charter or by ordinances adopted by the Council hereunder, the statutes of the State of Colorado shall be in effect.

12.08 Severability. If any provision, article, section, sentence, clause or part of this Charter, or the application thereof to any person or circumstance, is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the Charter as a whole or any part hereof other than the parts so adjudged to be invalid, and to this end, the provisions of this Charter are declared to be severable.

12.09 Chapter Titles and Subheadings. The Chapter titles and subheadings in this Charter are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provision herein.

- 12.10 Construction of Words. Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular, and the masculine gender shall extend to and include the feminine gender and neuter. "Person" may extend to and be applied to bodies politic and corporate and to partnerships as well as individuals.
- 12.11 Indemnification of Mayor and Council. The Council may indemnify any Council member, the Mayor, any employee or any appointed official who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding by reason of the fact that he or she is or was an officer of the Town, against expenses (including attorney fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by them in connection with such action, suit, or proceeding if he or she acted in good faith within the scope of their employment, in a manner he or she reasonably believed to be in the best interest of the Town, and had no reasonable cause to believe their conduct was unlawful.

Article XIII

Transition Period

- 13.01 Purpose of Transitional Provisions. The purpose of this Article is to provide for an orderly transition from the present Town government to a Home Rule Town government under provisions of this Charter. The provisions of this Article shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.
- 13.02 Effective Date of Charter. This Charter shall become effective immediately upon voter approval at a regular or special election held for the purpose of considering this Charter.
- 13.03 Continuation of Appointed Officers and Employees.
- (1) All appointed officers and all employees of the Town at the time this Charter is adopted shall continue in that office or employment that corresponds to the Town office or employment that they held prior to the effective date of this Charter.
- (2) They shall, in all respects, be subject to the provisions of this Charter, as though they had been appointed or employed in the manner provided in this Charter, except that any officer or employee who holds a position that this Charter provides to be held at the pleasure of Council shall hold such position only at such

pleasure regardless of the term for which he or she was originally appointed or hired.

- 13.04 Continuation of Prior Town Legislation. All bylaws, ordinances, resolutions, contracts, rules and regulations of the Town in force at the time this Charter becomes effective shall continue in full force except insofar as they conflict with the provisions of this Charter or are subsequently amended or repealed by ordinance enacted under authority of this Charter.
- 13.05 Savings Clause. This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town and individuals, corporations or public agencies.
- 13.06 Current Trustee Terms. Trustees in office as of the date of adoption of this Charter shall become Council Members instead of Trustees. The term of any Trustee that would end in April of 2022 shall be extended until the first regular Council meeting following the final certification of the November 2023 election. Trustees elected in April of 2020 shall become Council Members instead of Trustees, and their terms shall be extended until the first regular Council meeting following the final certification of the November 2025 election.
- 13.07 Time Limitation. All acts required by this Charter to be performed by the new Town Council shall be performed within one hundred eighty (180) days of the effective date of this Charter.

THE TOWN OF EAGLE
CHARTER COMMISSION
CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Town of Eagle Home Rule Charter Commission, duly elected by the people of Eagle, Colorado, at a regular election held on _____, under the authorization of Article XX of the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Eagle, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Charter Commission on the ____ day of _____, for submission to the Town of Eagle Board of Trustees for referral to the people of Eagle at the general election of _____.

Respectfully submitted to the Board of Trustees at Eagle, Colorado, the ____ day of _____, 20____.



To: Mayor and Town Board of Trustees

From: Brandy Reitter, Town Manager

Date: January 14, 2020

Agenda Item: Ordinance 01, Series 2020, "An Ordinance of the Town of Eagle, Colorado, Setting Forth the Compensation to be Paid to Eagle Town Officers." (*Roll Call Vote Required*)

REQUEST: Staff requests that the Board of Trustees review an ordinance setting compensation for appointed officials for 2020.

BACKGROUND: Every year the Board of Trustees approves compensation for appointed officials. The proposed 2020 compensation includes a full merit increase of 4% for the Town Treasurer/Finance Director and a market adjustment of 11% for the Town Clerk. The Town Manager's compensation was approved by the board on December 10, 2019 and is also included in the ordinance.

ANALYSIS: Analysis is included in the ordinance.

COMMUNITY INPUT: Community input is not required.

BUDGET / STAFF IMPACT: There is no budget impact. Increases are already included in the 2020 budget.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This is routine business and doesn't align specifically with the Strategic Plan. However, the BOT has prioritized investing in the workforce to retain employees.

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to approve or deny adoption of Ordinance 01, Series 2020, "An Ordinance Of The Town Of Eagle, Colorado, Setting Forth The Compensation To Be Paid To Eagle Town Officers."

ATTACHMENTS:

1. 01 ORDINANCE-CompensationToEagleTownOfficers2020 (1)

ORDINANCE NO. 01

Series of 2020

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO, SETTING FORTH THE COMPENSATION TO BE PAID TO EAGLE TOWN OFFICERS.

WHEREAS, pursuant to Section 31-4-304, as amended, the Board of Trustees is required to prescribe by ordinance compensation or fees the Town Officers are to receive for their services, and

WHEREAS, pursuant to Section 2.04.080 of the Eagle Municipal Code, all appointed officers shall receive compensation to be fixed by the Board of Trustees for services rendered.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1.

1. Brandy Reitter, Town Manager shall receive an annual compensation in the amount of \$150,933.07 for the calendar year 2020.
2. Jenny Rakow, Town Clerk shall receive an annual compensation in the amount of \$78,000.08 for the calendar year 2020.
3. Jill Kane, Treasurer shall receive an annual compensation in the amount of \$110,299.42 for the calendar year 2020.

Section 2. The compensation provided herein shall be paid to said officer in equal installments every two weeks during the calendar year 2019.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on January 14, 2010.

TOWN OF EAGLE, COLORADO

By: _____
Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

Publication Date: Vail Daily: January 23, 24 and 25 2020
Publication Date: Eagle Valley Enterprise: January 23, 2020



Designation of Representative To Northwest Colorado Council of Governments (NWCCOG)

*** Representatives to the Council shall be designated by each Member Jurisdiction annually prior to the regular Council meeting in January. Each representative shall serve from the January meeting to the following January unless sooner replaced by the Member Jurisdiction. Representatives and voters of the Member Jurisdiction may be Elected Officials and appointed administrators.*

WHEREAS, the governing body of _____ (“Public Entity”) is advised that the business to be conducted at Members’ Meetings of the Northwest Colorado Council of Governments (NWCCOG) must be transacted by the Official Representative of each Member; NOW, THEREFORE, BE IT RESOLVED, that the governing body of _____ (“Public Entity”), hereby and herewith: designates the following as its Official Representative and Alternate Representative;

The **Official Representative** to all NWCCOG meetings;

NAME: _____

TITLE: _____

PHONE: _____ EMAIL: _____

☐ _____ Please check box and initial if you have completed Council/Board Ethics Training over the course of your government tenure (for CIRSA coverage reduction)

The **Alternate Representative**:

NAME: _____

TITLE: _____

PHONE: _____ EMAIL: _____

☐ _____ Please check box and initial if you have completed Council/Board Ethics Training over the course of your government tenure (for CIRSA coverage reduction)

TOWN OF EAGLE BOARD OF TRUSTEES GOVERNING POLICIES MANUAL

Comment [MS1]: Formatting of this document is for ease of review. Do we have a standardized "Town of Eagle Formatting" for all Town documents we can drop this in? If not, part of our branding and message should be the same formatting for all town documents.

Comment [MS2]: Larger Vision: this is one "tab" of a Board Handbook that should include, new member FAQ, ethics, practices, policies, etc, etc.....

TOWN OF EAGLE BOARD OF TRUSTEES GOVERNING POLICIES MANUAL

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INTRODUCTION

These Governing Policies, as adopted by the Board of Trustees, incorporate four categories of policy. The first category is the Governance Process, which clarifies the board's own job and rules, how they work together and how the Board relates to the citizens of Town of Eagle. Category two is Board/ Staff Linkages which outlines the delegation and accountability through the Town Manager. The third category is Executive Limitations which describes the prudence and ethics, and limitations of the authority and responsibilities of the Town Manager in his/her role as the Chief Appointed Official for the board directing the staff of the Board of Trustees. The first three all work together to efficiently and effectively implement the fourth category, which is the vision, direction, and policy of the Board of Trustees. These describe what benefits will occur, for which people, at what cost.

To further its accountability to the citizens and taxpayers of the Town of Eagle, the Board of Trustees adheres to the following principles of governance:

- 1. Ownership:** The Board connects its authority and accountability to its “owners” – the citizens and taxpayers of the Town – seeing its task as servant-leader to and for them.
- 2. Governance Position:** With the ownership above it and operational matters below it, governance forms a distinct link in the chain of command and authority. The Board’s role is that of leader and advisor. It exists to exercise its authority and properly empower others; functioning as management’s consultant, rather than adversary. The Trustees—not the staff—bear full and direct responsibility for the process and products of governance, just as it bears accountability for any authority and performance expectations delegated to others.
- 3. Board Holism:** The Board of Trustees makes authoritative decisions – directed toward management and toward itself, its individual Trustees, and committees – only as a total group. That is, Town Board authority is a group authority rather than a summation of individual authorities.
- 4. Goals Policies:** The Town Board defines, in writing, the (a) results, changes, or benefits that should come about for specified goals (b) recipients, beneficiaries, or otherwise defined impacted groups, and (c) at what cost or relative priority for the various benefits or various beneficiaries. These are not all the possible “side benefits” that may occur, but those that form the purpose of the organization, the achievement of which constitutes organizational success. Policy documents containing solely these decisions are categorized as “Goals” in the policies that follow.
- 5. Board Means Policies:** The Board of Trustees defines, in writing, those behaviors, values added, practices, disciplines, and conduct of the Board itself and of the Board’s delegation/accountability relationship with its own subcomponents and with the management part of the organization. Because these are not decisions relating to Goals, they are called “Board Means” and “Staff Means” to distinguish them from “Ends”. These decisions are categorized as “Governance Process” and “Board Management Delegation”.
- 6. Management Limitations Policies:** The Board makes decisions with respect to its staff’s means decisions and actions only in a proscriptive way in order simultaneously (a) to avoid prescribing means and (b) to put off limits those means that would be unacceptable even if they work. These decisions are categorized as “Management Limitations” in the policies that follow.
- 7. Self-Enforcing:** These policies are collectively adopted by the Eagle Board of Trustees and as such only the board and individual trustees are responsible for compliance both individually and collectively.

CATEGORY 1 GOVERNANCE PROCESS

POLICY 1.0 GOVERNANCE COMMITMENT

Within the authority granted to it by Colorado Revised Statutes, the purpose of the Town of Eagle Board of Trustees (the "Board"), on behalf of the citizens of Town of Eagle, is to see to it that the Town of Eagle government (a) achieves results for citizens at an acceptable cost and (b) avoids unacceptable actions and situations.

- 1.1 The Board of Trustees will approach its task with a style which emphasizes outward vision rather than an internal preoccupation, strategic leadership more than administrative detail, clear distinction of Board and staff roles, collective rather than individual decisions, future rather than past or present, and proactively rather than reactively. -OR- The job of the Board of Trustees is to make contributions which lead the town government toward the desired performance and to assure that it occurs. The board's specific contributions are unique to its trusteeship role and necessary for proper governance and management.
- 1.2 The operating principles and commitments of the Board of Trustees, as it relates to the working relationship between the Trustees, staff and citizens of the Town of Eagle, are to emphasize fairness; responsibilities as elected officials; respect; honesty and integrity; and communication.
- 1.3 The job of the Board of Trustees is to make contributions which lead the Town Government toward the desired performance and to assure that it occurs. The Board's specific contributions are unique to its trusteeship role and necessary for proper governance and management.
- 1.4 The responsibility of the Mayor is, primarily, to establish procedural integrity and representation of the Board of Trustees and the Town to outside parties (as delegated by the Board).
- 1.5 The Board expects of its members ethical and businesslike conduct.
- 1.6 The Board of Trustees may establish committees to advise the Board in carrying out its responsibilities. Other than those statutorily required, all committees appointed by the Town of Eagle Board of Trustees exist so that Board decisions (a) will be made from an informed position, and (b) will be made in a public forum consistent with Board policy.
- 1.7 The Board of Trustees may appoint an individual Trustee to serve as the official liaison of the Board to Town Boards and Commissions. The Board of Trustees may appoint an individual Trustee to serve as the official liaison to other community groups.
- 1.8 Board Committees, when used, will be assigned so as to reinforce the wholeness of the Board's job and so as never to interfere with delegation from the Board to Town Manager. The purpose of Board Committee's shall be to provide more in-depth discussion and information on the specific areas assigned to the Committee. Committee's may not vote or adopt policy, but may make recommendations to the Town Board for action.
- 1.9 The Town Board will prepare and follow an annual agenda plan that includes (1) a complete re-exploration of Goals policies and (2) opportunity for continuous improvement in Town Board performance through Town Board education, enriched input, and deliberation.

POLICY 1.1 GOVERNING STYLE

The Board of Trustees will approach its task with a style which emphasizes outward vision rather than an internal preoccupation, strategic leadership more than administrative detail, clear distinction of Board and Staff roles, collective rather than individual decisions, future rather than past or present, and proactive rather than reactive. In this spirit:

- 1.1.1 The Board of Trustees will operate fully aware of its trusteeship and stewardship obligation to its constituents.
- 1.1.2 The Board of Trustees will conduct itself individually and collectively with whatever discipline is needed to govern with excellence through:
 - 1.1.2.1 Being committed to matters such as policy making principles, role clarification, speaking with one voice and self-policing of any tendency to stray from governance adopted in Board policies.
 - 1.1.2.2 Individual Board members' thorough preparation for meetings and regular attendance.
 - 1.1.2.3 Continuation of Board development including orientation of new members in the Board's governance process, participation in relevant continuing education, and periodic Board discussion of process improvement.
- 1.1.3 The Board of Trustees will direct, control and motivate the organization through the careful establishment of broad written policies reflecting the Board's values and perspectives. The Board's emphasis will be on impacts on the Town outside the organization, not on the administrative means.
- 1.1.4 The Board of Trustees, as trustees for and working with the citizens of the Town of Eagle, will be the primary initiator of policy, and will also be receptive to other policy initiatives from citizens and staff. The Board, not the Staff, will be responsible for Board performance as specified in the policy entitled Board Job Products.
- 1.1.5 The Board of Trustees will be accountable to the Citizens of the Town of Eagle for competent, conscientious and effective accomplishment of its obligations as a body. It will allow no individual, committee or entity to usurp this role or hinder this commitment.
- 1.1.6 The Board of Trustees will monitor and discuss the Board's own process and performance, and ensure the continuity of its governance capability through continuing education and training.
- 1.1.7 A member of the Board of Trustees who votes in the minority is free to express his/her dissent, but will respect the process and legitimacy of the majority decision. **Once a decision has been made, all members of the Board shall stand behind said decision, as a unified Board.**
- 1.1.8 All Town Trustees will respect the legitimacy of the opinions and reasoning of other Trustees when and after making board decisions.
- 1.1.9 All Town Trustees agree not to hold grudges or bring disagreements from past actions into future decisions.
- 1.1.10 A member of the Board of Trustees who, in their sole opinion, believes they have a conflict of interest or, for any other reason, believes that they cannot make a fair and impartial decision in a

Comment [MS3]: We have discussed this as practice, but not as policy. It is a good policy to keep us and future boards honest.

legislative or quasi-judicial decision, will recuse themselves from the discussion and decision. Any recusal will be made prior to any board discussion of the issue.

- 1.1.11 Any Trustee may choose to abstain from voting on any question, at their sole discretion. If there is not conflict of interest or reason for recusal as outlined in 1.1.10, the trustee may participate fully in Board discussions of the issue, yet abstain from voting, should they so choose.

POLICY 1.2 OPERATING PRINCIPLES

The operating principles and commitments of the Board of Trustees, as it relates to the working relationship between the Trustees, staff and citizens of Town of Eagle, are to emphasize fairness; responsibilities as elected officials; respect; honesty and integrity; and communication.

- 1.2.1 Fairness. We are committed to fairness in our day to day activities. To ensure an atmosphere of fairness, we agree to the following principles:
 - 1.2.1.1 We will listen to all sides of an issue.
 - 1.2.1.2 We will be fair with each other.
 - 1.2.1.3 Citizens will have opportunity to access the Board of Trustees, with the exception of any contact that may be considered ex-parte communication associated with a quasi-judicial decision.
 - 1.2.1.4 We have an obligation to listen to each other, Citizens, and Staff with the understanding that an obligation to listen does not necessarily equate to an obligation to agree or to act as requested. We will treat each other as equals.
- 1.2.2 Responsibilities as Elected Officials. We understand and agree that we have certain responsibilities to the public and community beyond those simply articulated in law.
 - 1.2.2.1 We believe we are each responsible for our own actions as Trustees. We will take responsibility for our own actions.
 - 1.2.2.2 We agree to address issues and respond to each other's requests in a timely and open manner.
 - 1.2.2.3 We will give equal weight to rights and responsibilities when making decisions.
 - 1.2.2.4 When giving staff responsibility we will grant the appropriate authority to carry out that responsibility.
 - 1.2.2.5 We have a fiduciary responsibility to uphold the Constitutions of the United States and the State of Colorado, and all laws and regulations of the United States, the State of Colorado, and the Town of Eagle.
- 1.2.3 Respect. Citizens' trust in government is critically important. The key to building and maintaining this trust is placing a high value on respecting each other and those we work with and serve as public officials.
 - 1.2.3.1 We agree to take others' concerns seriously.
 - 1.2.3.2 We agree to accept and respect each other's individuality, supporting each other by capitalizing on our individual strengths, working together as a team, utilizing each other's expertise, to accomplish our goals and the goals of the Town of Eagle.
 - 1.2.3.3 We believe that information flow within the organization is important and that all affected parties should have all of the information that is important to them, whenever possible.
 - 1.2.3.4 We agree to respect each other's feelings and ideas and to treat everyone with respect.
 - 1.2.3.5 We will make every effort to not just listen, but to understand the point from other perspectives.

- 1.2.3.6 We understand that respect comes in many forms and we will make every effort to show respect for others both in our verbal and non-verbal actions.
- 1.2.3.7 We treat those providing input at Town meetings with respect.
- 1.2.4 Honesty and Integrity. As elected officials we will hold ourselves to a high standard of honesty and integrity in the community.
 - 1.2.4.1 We will deal with each other honestly.
 - 1.2.4.2 We are committed to high standards of ethics in our dealings with each other, employees, and citizens.
 - 1.2.4.3 If an interpersonal conflict or problem develops, we will work with the people involved only and strive to settle the conflict or problem in a constructive basis.
 - 1.2.4.4 We treat our office as a public trust. The Town's resources and powers are to be used for the benefit of the public.
 - 1.2.4.5 We will refrain from decisions in which our financial or personal interests are specifically affected by a decision and shall adhere to applicable Colorado Law governing conflict of interest.
 - 1.2.4.6 We do not accept personal gifts, except as specifically allowed by Colorado Law.
 - 1.2.4.7 We will respect and adhere to our oath of office.
 - 1.2.4.8 We will abide by Article 29 of the Constitution of the State of Colorado regarding ethical behavior.
- 1.2.5 Communication. We believe that to be effective as elected officials, we must communicate clearly and completely at all times.
 - 1.2.5.1 We believe in full disclosure and "no surprises" in our internal operations and in working together as a Board. We will strive for open and candid communication among Citizens, Staff, and each other.
 - 1.2.5.2 We are committed to providing our citizens with relevant, accurate, and timely information about the Town goals, services, fiscal programs, services provided, and the decisions that will affect the public.
 - 1.2.5.3 We believe it is important to keep each other informed of our activities and of issues facing us as a Board of Trustees.
- 1.2.6 Accountability.
 - 1.2.6.1 We will exercise our authority with open meetings and access to public records.
 - 1.2.6.2 We will hold executive sessions only for reasons allowed by Colorado Revised Statutes.
 - 1.2.6.3 We are positive advocates for the Town and are accessible to the citizens of Eagle.

POLICY 1.3 BOARD JOB DESCRIPTION

The job of the Board of Trustees is to lead the Town Government toward the desired performance and to assume a good faith effort toward those objectives. The Board's leadership is unique to its trusteeship role and necessary for proper governance and management.

- 1.3.1 The products of the Board shall be:
 - 1.3.1.1 Linkage: As the Town of Eagle Board of Trustees places a high value on open, participatory government, the board will produce the linkage between Town of Eagle government and the Citizens of Town of Eagle.

- I. Needs Assessment: The Board of Trustees will strive to identify the needs of the Citizens as they relate to Town of Eagle's activities and scope of influence, and shall translate such knowledge into the articulation of Board Objectives policies (see definition below).
- II. Advocacy and Ambassadorship: The Board of Trustees will act as the representatives of the Citizens to the Town of Eagle government, and shall take steps to inform and clarify:
 - i. the Citizen's relationship with government; and
 - ii. the Organization's focus on future results, as well as present accomplishments.

1.3.1.2 Written governing policies that, at the broadest levels, address each category of organizational decision:

- I. *GOVERNANCE PROCESS*: Specification of how the Board of Trustees conceives, carries out, and monitors its own tasks. Processes include the collective vision and strategic plan.
- II. *STAFF LIMITATIONS*: Constraints on Staff authority which establish the prudence and ethical boundaries within which all Town Manager and Staff activity and decisions must take place.
- III. *BOARD/STAFF LINKAGE*: How power is delegated and its proper use monitored; the role, authority, and accountability of the Town Manager (and the Town Attorney).
- IV. *OUTCOMES*: Organizational products, effects, benefits, to answer the questions (for what good, for which recipients, and at what cost?) asked.

Comment [MS4]: Need to fine tune with 1.3.1.3

1.3.1.3 The Board will produce assurance of:

- I. Town Manager performance (in accordance with policies in 2A and 2B)
- II. Town Attorney performance (in accordance with policies in 2A and 2B)
- III. Town Treasurer performance
- IV. Town Clerk performance
- V. Municipal Judge

Comment [MS5]: Is this the correct full list of appointments/ direct reports?

1.3.1.4 Adopted resolutions, regulations, ordinances, and fee schedules; legislative positions; the Audit; the Budget; Boards and Commissions; and statutorily mandated items.

1.3.2 Role of Town Trustees

1.3.2.1 Representation:

- I. Providing leadership for the Town on behalf of the Citizens of Eagle.
- II. Representing and acting in the best interest of Citizens of the Town of Eagle.
- III. Being knowledgeable of issues, researching background information, attending regularly scheduled meetings, and acting as a resource for Citizens' concerns.
- IV. Serving as a conduit for information from Citizens to the Town Manager and the Mayor in responding to questions and individual problems.
- V. Finding a balanced approach for addressing competing interests among constituent groups to ensure the Community is fairly represented.
- VI. Representing the Board of Trustees on standing committees of the Town for the purpose of monitoring major Town activities and policy implementation.

1.3.2.2 Legislative:

- I. Serving as the governing body of the Town and holding all legislative and corporate powers of the Town specifically granted or implied by statutory provisions and the Municipal Code.

- II. Enacting ordinances, resolutions and policies for the governance of the Town of Eagle and protecting the life, health and property of its Citizens and Visitors.
- III. Establishing policy for the direction of the Town Board and Town Staff.
- IV. Establishing fiscal policy, financial targets, and budget goals for the Town government.
- V. Having final decision-making responsibilities over pertinent land use issues and application of development code requirements within the Town of Eagle.

1.3.2.3 Quasi-Judicial:

- I. Acting in a quasi-judicial manner in matters brought before it that relate to public hearings, appeals, land use, and licensing.
- II. Making decisions concerning quasi-judicial matters based upon testimony presented at formal hearings which are normally conducted during regularly scheduled Town Board meetings.
- III. Not accepting nor seeking outside input or lobbying that attempts to influence their decision prior to the quasi-judicial Public Hearing. Any and all ex-parte communication shall be disclosed at the beginning of the hearing. Not doing so may cause a Trustee to be disqualified from the proceedings.

1.3.2.4 Communications:

- I. Following a formal decision, acting as a united body, not as individual Trustees, and acknowledging the decision of the Town Board.
- II. The Town Manager is the sole point of contact between the Trustees, as policy makers, and Town Staff.
- III. Interacting with the media, governmental entities, the public or other bodies as an individual Trustee, and not as a representative of the majority of Trustees, unless an official position or legislative action has been established or authorized to do so.
- IV. Communicating to the Mayor and other Trustees items of importance from their respective committees and providing information that may be necessary to keep other members aware of important Town activities or critical functions.
- V. In times of community emergency, it is important that the Town Board speak with one voice. The Mayor, or the Mayor Pro-Tem, if the Mayor is not available, shall speak for the Board during an emergency. Other Trustees will refer all requests for information to the Mayor or Mayor Pro-Tem. The Mayor will coordinate all communication with the Incident Commander and the Town Manager. The purpose of this policy is not to restrict the communication of the Trustees or the Mayor, but to ensure all communication is timely, accurate, and in concert with the Incident Response Plan.

POLICY 1.4 MAYOR'S RESPONSIBILITY

The Mayor serves at the will of the Citizens of the Town of Eagle and of the Board of Trustees. The responsibility of the Mayor is, primarily, to establish procedural integrity and representation of the Board of Trustees and the Town to outside parties (as delegated by the Board). Accordingly:

- 1.4.1 The responsibility of the Mayor is to consistently guide the behavior of the Board with its own rules and those legitimately imposed upon it from outside the Organization.
 - 1.4.1.1 Meeting agendas and discussion content will be only those issues which, according to Board policy, clearly belong to the Board to decide, not the Town Manager.

- 1.4.1.2 Deliberation will be fair, open, orderly, and thorough, but also efficient, limited to time, and kept to the point.
- 1.4.2 The authority of the Mayor is to preside over meetings and to sign documents as authorized by the Board of Trustees and to preside over the evaluation of the Town Manager by the Town Board.
- 1.4.3. The Mayor shall not act on behalf of the Town in any unilateral manner, except as approved by the Board of Trustees. This shall include any appointment of committee or board positions, making any financial or other binding obligations on behalf of the Town, or expressing the official position of the Town on any matter.
- 1.4.4 Representation:
 - 1.4.4.1 Provide leadership for the Town of Eagle.
 - 1.4.4.2 Serve as the primary representative of the Town of Eagle in official and ceremonial functions.
 - 1.4.4.3 Represent the Town in interaction with other government agencies.
 - 1.4.4.4 Be the spokesperson for the Town, unless the Town Board has decided otherwise.
 - 1.4.4.5 Represent the Town Board as a liaison with the Town Manager to promote the timely flow of information between the Town Board, Town Staff, and other governmental organizations.
 - 1.4.4.6 Represent the Town on the Platte River Power Authority Board.
- 1.4.5 Enactment:
 - 1.4.5.1 The Mayor, in conjunction with the Town Board and Town Manager, enforces the ordinances and laws of the Town.
 - 1.4.5.2 Signs all warrants (see **section 2.12.020 of the Municipal Code**).
 - 1.4.5.3 Executes all ordinances and resolutions authorizing expenditure of money or the entering into a contract before they become valid. The Mayor has the authority to disapprove such ordinances or resolutions in writing, subject to Board of Trustees override.
 - 1.4.5.4 The Mayor, with Town Board approval, appoints members of committees, and other entities that may be necessary from time to time for the effective governance of the Town.
 - 1.4.5.5 Facilitating policies and procedures for the effective management of the Board, establishing Town goals in conjunction with the Town Board, promoting consensus and enhancing Board performance.
- 1.4.6 Mayor Pro Tem - Mayor Pro-Tem shall assume all duties of the Mayor in the Mayor's absence, in accordance with **Section 2.16.010 of the Municipal Code**.
- 1.4.7 Mayoral Appointments
 - 1.4.7.1 Board Standing Committees – ***"At the first regular meeting following the certification of the results of each biennial election, the Mayor shall appoint three (3) Trustees to the following standing committees: community development, public safety, public works and utilities."*** (Ord. 26-88 §1(part), 1988; Ord. 7-03 §1, 2003; Ord. 10-10 §1, 2010).
 - 1.4.7.2 Special Assignments – The Mayor may appoint other Trustees to serve on temporary committees, community groups, interview panels or in some other capacities as a representative of the Town, except in cases where a Board Liaison has been approved by the Board of Trustees (Policy 1.7.) The Mayor shall inform the entire Board of any special assignments and will make every effort to distribute special assignments equitably among the members of the Board.

Comment [MS6]: Need to verify the code, if we have one to reference.

Comment [MS7]: Need to verify the code, if we have one to reference.

Comment [MS8]: Where is our master list of minimum required committees? Need to verify the code, if we have one to reference.

- 1.4.7.3 Special committees – Special committees may be established by the Board of Trustees. The Mayor shall appoint all members of any special committee subject to the approval of the Board of Trustees. (Ord. 26-88 §1(part), 1988; Ord. 10-10 §1, 2010)

Comment [MS9]: Need to verify the ordinance, if we have one to reference.

POLICY 1.5 BOARD MEMBER'S CODE OF CONDUCT

The Board of Trustees shall operate in an ethical and businesslike manner. Accordingly:

- 1.5.1 Members of the Board of Trustees must represent unconflicted loyalty to the interests of the Citizens of the entire Town. This accountability supersedes any conflicting loyalty such as that to any advocacy or interest groups, or membership on other Boards or Staffs. This accountability also supersedes the personal interest of any Board member acting as an individual consumer of the Town government's services.
- 1.5.2 Members of the Board of Trustees must avoid any fiduciary conflict of interest, ex-parte communication involving quasi-judicial matters or nepotism conflicts.
- 1.5.3 Members of the Board of Trustees will act in accordance with the Colorado Revised Statutes and the Code of the Town of Eagle, as they relate to the Board's responsibilities and authorities.
- 1.5.4 Individual Board members can represent the Board on Town matters when delegated those responsibilities by the Board
- 1.5.5 Members of the Board of Trustees may not attempt to exercise individual authority over the Town government except as explicitly set forth in Board policies.
 - 1.5.5.1 Board of Trustees interaction with the Town Manager or with Staff must recognize the lack of authority in any individual Board member or group of Board members except when explicitly authorized by the Board in a public meeting.
 - 1.5.5.2 Individual Board member's interaction with public, press or other entities must recognize the same limitation except when explicitly authorized by the Board of Trustees in a public meeting.
 - 1.5.5.3 Individual Board members will not formally evaluate the performance of the Town Manager, his/her staff or the Town Attorney except as that performance is assessed in accordance with explicit Board of Trustee's policies.
 - 1.5.5.4 Individual members of the Board of Trustees may not intentionally coerce or intimidate Town employees, interfere with Town employees' duties or authority.

POLICY 1.6 BOARD APPOINTED COMMITTEE PRINCIPLES

For simplicity and clarity in this policy, the term "Committee" shall refer to any board, commission, task force, council, committee or any other volunteer group of citizens serving the Town of Eagle.

The Board of Trustees may establish committees to advise the Board in carrying out its responsibilities. Other than those statutorily required, all committees appointed by the Town of Eagle Board of Trustees exist so that Board decisions (a) will be made from an informed position, and (b) will be made in a public forum consistent with Board policy. Accordingly:

- 1.6.1 This policy applies only to committees which are appointed by the Board of Trustees.

- 1.6.2 Other than those legislatively directed, committees may not speak or act for the Board of Trustees except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the Staff.
- 1.6.3 Committees appointed by the board are to help the Board of Trustees do its job, not to help the Staff do its job. Committees ordinarily will assist the Board by preparing policy alternatives and implications for Board deliberation. Committees are not created by the Board to advise Staff. The Board understands that at times the Town Manager or Town Staff may convene ad-hoc or ongoing advisory boards to serve as advisors for operational issues. These advisory groups are subject to the same limitations as Board appointed committees.
- 1.6.4 In keeping with the Board of Trustees broader focus, committees normally will not have direct dealings with current Staff operations. Committees cannot exercise authority over staff.
- 1.6.5 Because the Staff works for the Board, they will not be expected to obtain approval of a committee before taking action unless otherwise authorized by state statute, Board policy, or federal regulation.
- 1.6.6 Because of the differing nature of committees, some of which are defined by state statute, the Board shall have and keep current an operating policy defining the role of different committees and setting forth rules and procedures for [Town of Eagle committees (OPS xxx)].
- 1.6.7 The authority and responsibility of any committee will not duplicate the authority or responsibility of:
- 1.6.7.1 The Board of Trustees
 - 1.6.7.2 Town Staff
 - 1.6.7.3 Any other committee
 - 1.6.7.4 Town Auditor
 - 1.6.7.5 Town Attorney
- 1.6.8 All committees will undergo a regular sunset review, [at least once every five years], unless otherwise provided for more frequently and according to a staggered schedule to be adopted separately by the Board of Trustees.
- 1.6.9 Said sunset review shall include a review of the Board and Commission's Mission Statement, and of the Board of Trustees charge to the Committee of their role, responsibility, and authority.

Comment [MS10]: Do we have an ops manual?

Comment [MS11]: Should this be 2 years, since there is an election every 2 years?

POLICY 1.7 BOARD LIAISON ROLES

The Board of Trustees may appoint an individual Trustee to serve as the official liaison of the Board to Town committees and/or other Community groups.

- 1.7.1 Appointment - Any Trustee serving as a liaison to any group, either internal or external, shall be appointed by the Town Board.
- 1.7.2 Term – A Trustee shall serve as the Town Board Liaison solely at the pleasure of the Town Board, with no specific term limit.
- 1.7.3 Duties of a Liaison

- 1.7.3.1 Communicate with the committee when Board of Trustees communication is needed and to serve as the primary two-way communication channel between the Town Board and the committee or Community group.
- 1.7.3.2 Review applications, interview candidates, and make recommendations to the Town Board for final approval.
- 1.7.3.3 Serve as the primary Trustees contact for the committee or Community group.
- 1.7.3.4 Attend assigned committee or Community group meetings when requested or whenever appropriate, in the opinion of the Trustee liaison. Trustee liaisons are not expected to attend every meeting of the committee or group.
- 1.7.3.5 The liaison is not a member of the committee and when in attendance at a meeting is there as an observer for the Board of Trustees and a resource for the committee. Participation in Board discussions should be minimal and restricted to clarification of Town Board positions or collection of information to bring back to the full Town Board.

POLICY 1.8 BOARD STANDING COMMITTEES

For the purpose of this policy, Board Committee is defined as a sub-committee of the Board of Trustees and membership is composed solely of Town Trustees.

- 1.8.1 Board Committees – The Board shall have the following Board Committees (Ord. 26-88 §1(part), 1988; Ord. 7-03 §1, 2003; Ord. 10-10 §1, 2010)
 - 1.8.1.1 Community Development and Community Services Committee – Responsible for discussions of issues and policy associated with Community Planning, Building and Code Compliance, Fairgrounds and Events, Museum, Senior Center, Visitors Center, Finance and Administration
 - 1.8.1.2 Public Works, Utilities and Public Safety Committee – Responsible for discussions of issues and policy associated with Police, Engineering, Facilities, Parks, Streets, and Utilities.
 - 1.8.1.3 MEAC – what other Committees do we have to list here??
- 1.8.2 Board Committees, when used, will be assigned so as to reinforce the wholeness of the Board's job and so as never to interfere with delegation from the Board to Town Manager. The purpose of Board Committees shall be to provide more in-depth discussion and information on the specific areas assigned to the Committee. Committees may not adopt policy, but shall make recommendations to the Town Board for action.
- 1.8.3 The following principles shall guide the appointment and operation of all Town Board Committees:
 - 1.8.3.1 Board Committees may not speak or act for the Board except when formally given such authority for specific and time limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the Town Manager.
 - 1.8.3.2 Board Committees cannot exercise authority over staff. Because the Town Manager works for the full Board, he or she will not be required to obtain approval of a Board, Committee or Commission before an executive action.
 - 1.8.3.3 Board committees shall consist of no more than 3 trustees so that the committee is never a quorum of the Town Board.

Comment [MS12]: Need to verify the ordinance, if we have one to reference.

Comment [MS13]: What other committees do we have to list here?

POLICY 1.9 ANNUAL PLANNING AND AGENDAS

The Town Board will prepare and follow an annual agenda plan that includes (a) a complete re-exploration of Goals policies and (b) opportunity for continuous improvement in Town Board performance through Town Board education, enriched input, and deliberation. Accordingly:

- 1.9.1 The Town Board annual planning cycle will conclude each year on April 30, so that administrative planning and budgeting can be based on accomplishing a one-year segment of long-term Goals.
 - 1.9.1.1 The cycle will start with the Town Board development of its agenda for the next year. In April-May of each year, the Board will adopt its key objectives for the following year.
 - 1.9.1.2 The Town Board will identify its priorities for Goals, objectives and other issues to be resolved in the coming year, and will identify the information-gathering necessary to fulfill its role. This may include consultations with selected groups in the ownership, other methods of gaining ownership input, governance education, and other education related to Goals issues (e.g. presentations by advocacy groups, demographers, other providers, and staff).
 - 1.9.1.3 The Board of Trustees, with the assistance of the Town Manager at the commencement of the Town Board annual planning cycle, prepare a tentative agenda plan for the following year's meetings.
- 1.9.2 Agendas
 - 1.9.2.1 Regular Board Meetings: The Town Clerk will prepare the agenda for any regular meeting of the board, in consultation with the Town Manager and Staff. A draft agenda will be distributed to the Board of Trustees for comment prior to the publication of the agenda. Individual trustees may request agenda matters for Town Board consideration.
 - 1.9.2.2 Work Sessions: The Town Board will approve the schedule for upcoming Work Sessions. The Mayor, Trustees, or Staff may request or recommend any appropriate matters for Town Board consideration; however, the Town Manager will only place items on a Work Session agenda with the direction of a majority of the Board.
 - 1.9.2.3 By an affirmative vote of a majority of the Trustees present at a meeting, additional matters may be added to the agenda of any such meeting, as long as it is allowed by statute.
- 1.9.3 The Town Board will attend to Consent Agenda items (those items delegated to the Town Manager, yet required by law or contract to be Town Board-approved, or minor non-controversial or routine matters) as expeditiously as possible.
- 1.9.4 Monitoring reports due and/or submitted to the Town Board will be on the Town Board Meeting agenda for acceptance. Discussion of the reports will be only for indication of policy violations or if the Town Board does not consider the Interpretation to be reasonable. Potential, extensive policy revisions under consideration will be scheduled during a Town Board Work Session or future Town Board Meeting.
- 1.9.5 The board will develop and review annually the Strategic Plan and Collective Vision Statement. This process establishes the policy framework that the Town Manager is responsible for executing. Progress will be monitored against the policy outcomes established by the board

POLICY 1.10 POLICY FILTERING QUESTIONS

Comment [MS14]: This whole section was in one of the documents I read and I thought it was something handy we could discuss/ consider.

Filtering questions have been established by the board in order to pass potential strategies, policies, etc. towards the collective vision for Eagle and strategic outcomes. Any requests, ideas, and initiatives generally pass the filtering questions, the board could approve with a fair degree of certainty, acknowledging that the board cannot account for every possible variable. The application of filtering questions in the approval process should consider monetary and staffing resources.

1.10.1 Cause/Effect:

- 1.10.1.1 Is the proposed action/strategy/policy in reaction to something? If so, what? Does it address the root cause of whatever we are reacting to?
 - i. For a policy: what is the problem this policy is addressing/preventing and why does this problem exist: Ask 'Why?' 5 Times. What does the problem prevent the citizens from achieving?

1.10.2 Social Logjam:

- 1.10.2.1 Will this negatively affect the quality of life of others? Will this so offend neighbors, the county, our constituency, etc. that we will stop progress toward our Vision?

1.10.3 Marginal Reaction:

- 1.10.3.1 If the board has to choose between various options, which option will accomplish the vision most effectively?

1.10.4 Energy/Money Source/Use:

- 1.10.4.1 What is the *source* and *use* of energy needed for this action, if any? Is it the best fit for the board vision?
- 1.10.4.2 What is the *source* and *use* of money needed for this action? Is it the best fit for the vision?

1.10.5 Economic Contribution:

- 1.10.5.1 Will this contribute to our sales tax? (Or: Will this enhance the local economy?)
- 1.10.5.2 If this is a new enterprise, what is its potential gross profit and how does that compare with other enterprises the town has?

1.10.6 Financial Weak Link:

- 1.10.6.1 If the board plans to spend money, will this channel town resources in the most appropriate way, according to what is presently need most as a town: 1) Capitalizing on/enhancing staff's capabilities and/or town's current resources 2) Enhancing the "brand" as a town, or 3) actually marketing town to potential tourists, new residents and/or businesses?

1.10.7 Sustainability:

- 1.10.7.1 Will this enhance or degrade the overall natural, social and economic resources that are needed in the future to sustain the desired quality of life?

1.10.8 Final Check: Now that the board has answered the questions, will this particular action/ strategy/ policy accomplish the vision?

CATEGORY 2 BOARD/STAFF LINKAGE

POLICY 2.0 GOVERNANCE – MANAGEMENT CONNECTION

The Board of Trustees official link to the operation of departments of Town Government and staff is the Town Manager.

- 2.1 The Board of Trustees job is generally confined to establishing the broadest policies; implementation and subsidiary decision making is delegated to the Town Manager.
- 2.2 As the Board's primary link to the operations of Town government, the Town Manager's performance will be considered to be synonymous with organizational performance (within the scope of the Town Manager's authority).
- 2.3 Monitoring Town Manager performance is synonymous with monitoring organizational performance against Board policies and Staff Limitations. Any evaluation of Town Manager performance, formal or informal, may be derived only from these monitoring criteria.
- 2.4 The Town Attorney represents the Board of Trustees as specified in the Eagle Municipal Code 2.24.020 (3) and anyone acting on its behalf so long as they are not acting in conflict with the Board of Trustee or its policies.

Comment [MS15]: Need to verify the code, if we have one to reference.

POLICY 2.1 DELEGATION TO THE TOWN MANAGER

The Board of Trustees job is generally confined to establishing the broadest vision and policies. Implementation and subsidiary decision making are delegated to the Town Manager as specified in the Eagle Municipal Code 2.28.)

Comment [MS16]: Need to verify the code, if we have one to reference.

- 2.1.1 Only decisions of the Board of Trustees, by majority vote, are binding on the Town Manager.
- 2.1.2 With the exception of the Town Attorney and the Municipal Judge, the Town Manager shall have line authority over all Town Departments. This authority shall include supervision and control over day to day functions and management decisions required to carry out the objectives of the Board of Trustees.
- 2.1.3 The policies, goals, and objectives of the Board of Trustees direct the Town Manager to achieve certain results; the policies permit the Town Manager to act within acceptable boundaries of prudence and ethics. With respect to the policies, the Town Manager is authorized to make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the policies of the Board of Trustees.
- 2.1.4 The Board of Trustees may change its policies, thereby shifting the boundary between Board and Town Manager domains. Consequently, the Board may change the latitude of choice given to the Town Manager, but so long as any particular delegation is in place, the Board will respect and support the Town Manager's choices. The Board will not allow the impression that the Town Manager has violated policy when the Town Manager supports an existing policy.
- 2.1.5 No individual member of the Board of Trustees has authority over the Town Manager. Information may be requested by individual Board members, but if such request, in the Town Manager's judgment, requires a material amount of resources or is detrimental to other necessities, the Town Manager may ask for majority Board action on such a request.
- 2.1.6 It is understood that at times it may be in the best interest of the Town to waive or grant exceptions to adopted Board policy. The Town Manager shall request Board approval for any policy waiver or exception prior to its implementation.
- 2.1.7 Should the Town Manager deem it necessary to, or inadvertently, violate a Board policy, he or she shall promptly inform the Board of Trustees. Informing is simply to guarantee no violation may be intentionally kept from the Board, not to request approval. Board response, either approving or disapproving, does not exempt the Town Manager from subsequent Board judgment of the action.

POLICY 2.2 TOWN MANAGER JOB DESCRIPTION

As the Board's primary link to the operations of Town government, the Town Manager's performance will be considered to be synonymous with organizational performance (within the scope of the Town Manager's authority).

- 2.2.1 The Town Manager's job contributions can be stated as performance in two areas:
 - 2.2.1.1 Board outcomes are met and policies are followed.
 - 2.2.1.2 Town government operation within the boundaries established in Board policies on STAFF LIMITATIONS.

- 2.2.2 The official job description for the Town Manager shall be as adopted by the Town Board and as incorporated by reference in the Employment Agreement between the Town and the Town Manager.

POLICY 2.3 MONITORING TOWN MANAGER PERFORMANCE

The Board of Trustees will systematically and rigorously monitor Town Manager job performance to determine the extent to which goals are being achieved and whether operational activities fall within boundaries established in management limitations policies. Accordingly:

- 2.3.1 The purpose of monitoring is simply to determine the degree to which Board policies are being met. Information which does not do this will not be considered to be monitoring. Monitoring will be as automatic as possible, using a minimum of Board time so that meetings can focus on creating the future.
- 2.3.2 A given policy may be monitored in one or more of three ways:
- 2.3.2.1 Internal Report: Disclosure of compliance information to the Board of Trustees from the Town Manager.
 - 2.3.2.2 External Report: Discovery of compliance information by a disinterested party who is selected by and reports directly to the Board of Trustees. Such reports must assess executive performance only against policies of the Board, not those of the external party unless the Board has previously indicated that party's opinion to be the standard.
 - 2.3.2.3 Direct Board Inspection: Discovery of compliance information by a Board member or the Board of Trustees as a whole. This is a Board inspection of documents, activities or circumstances directed by the Board which allows a "prudent person" test of policy compliance.
- 2.3.3 In every case, the Board of Trustees will judge whether (a) the Town Manager's interpretation is reasonable, and (b) whether data demonstrate accomplishment of or compliance with the Town Manager's interpretation.
- 2.3.4 In every case, the standard for compliance shall be "any reasonable Town Manager's interpretation" of the Board of Trustees policy being monitored; however, the Board of Trustees is the final judge of reasonableness, and will always judge with a "reasonable person" test (what a reasonably prudent person would do in that context). Interpretations favored by individual board members or by the Board of Trustees as a whole do not necessarily constitute a "reasonable person" test.
- 2.3.5 Actions determined to be not compliant with a reasonable interpretation of Board of Trustees policies will be subject to a remedial process agreed to by the Town Board.
- 2.3.6 The Board of Trustees will conduct an annual formal evaluation of the Town Manager, which will include a summation examination of the monitoring data acquired during that period.

POLICY 2.4 TOWN ATTORNEY

The Town Attorney represents the Board of Trustees as specified in the Eagle Municipal Code 2.24.020 (3) and anyone acting on its behalf so long as they are not acting in conflict with the Board of Trustee or its policies.

- 2.4.1 Ethical Obligation of Town Attorney

Comment [MS17]: Need to verify the code, if we have one to reference.

- 2.4.1.1 The Town Attorney at all times will be guided by, and subject to, the Colorado Rules of Professional Conduct for Attorneys and specifically **Rule 1.13 Organization as Client**

Comment [MS18]: What is this Rule?

2.4.2 Accountability of the Town Attorney

- 2.4.2.1 The Town Attorney shall report directly to the Town Board. The purpose of the Town Attorney is to ensure that the Board's actions take place with competent and prudent legal counsel and representation.
- 2.4.2.2 The Town Attorney is accountable to the Board acting as a body, never to any individual Board member or group of members, nor to the Town Manager.
- 2.4.2.3 If individual Board members request information or assistance without Board authorization, the Town Attorney may refuse such requests that require, in his/her opinion, an inappropriate amount of staff time or funds or is disruptive. In such a case, the requesting member may choose to bring the request to the Board.
- 2.4.2.4 Town Attorney accountability is for all resources, including personnel, under his or her control. Therefore, any accomplishments or violations due to actions of a subordinate of the Town Attorney are considered to be accomplishments or violations by the Town Attorney.
- 2.4.2.5 The Town Attorney may accomplish the "Job Products" of the position in any manner not imprudent, unethical, or in violation of the prohibitions listed below under "Limitations on Town Attorney Authority."
- 2.4.2.6 The Town Attorney may use any reasonable interpretation of Board policies as they pertain to his/her authority and accountability. The Town Attorney is authorized to establish all further policies, make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the Board's policies.

2.4.3 Job Products of the Town Attorney

- 2.4.3.1 Timely opinion on documents and contemplated decisions or actions of the Board, the Town Manager or other Town Officials holding the authority to make such decisions. Requests to the Town Attorney to provide opinions about the wisdom of policy of decisions shall be discouraged.
- 2.4.3.2 Timely opinion on the legal ramifications of pending or actual laws, regulations, court decisions, and pending or threatened litigation.
- 2.4.3.3 Timely opinion on the legality or propriety under the law of the Board's processes.
- 2.4.3.4 Timely opinion on the legality or propriety under the law of pending or actual acts or omissions of any Trustee, Board, Committee, Commission, the Town Manager or other Town employee or official.
- 2.4.3.5 When requested or appropriate, alternate language or action to achieve Board or Town Manager intentions in a lawful manner.
- 2.4.3.6 Timely and thoughtful advice and recommendations on the range of legal options available.
- 2.4.3.7 The Town Attorney shall endeavor to provide professional advice based upon the law as determined by the Town Attorney and also other considerations as may be appropriate to the decision. The Town Attorney should refrain from influencing policy based upon the personal belief of the attorney.
- 2.4.3.8 Litigation:

- I. Advice regarding avoidance of litigation or settlement of potential litigation
- II. Timely provision to the Board and the Town Manager on the status of settlement negotiations and all threatened/actual litigation.
- III. Settlement of litigation, with authority as obtained from the Board.
- IV. Diligent and competent representation of the Board, the Town, and the Town's officer's agents and employees in litigation.
- V. The Town may carry out its obligation to defend Town officials and employees from third party claims by using the services of the Town Attorney's office. The Town Attorney will be responsible for determining conflicts of interest in such defense and advise the Board and individuals involved. The Town Attorney may advise the Board to retain separate counsel to represent the Town, its individual officials, and/or employees.

2.4.3.9 Adequately brief the board on emerging legal issues and trends affecting the Town.

2.4.4 Limitations on Town Attorney Authority. The Town Attorney shall not:

- 2.4.4.1 Exercise authority over Town Manager or staff.
- 2.4.4.2 Violate applicable codes of professional ethics and conduct.
- 2.4.4.3 Treat the public or staff in a disrespectful or unfair manner.
- 2.4.4.4 Incur expenditures or fiscal encumbrances beyond those authorized under Board Policy.
- 2.4.4.5 Unreasonably withhold information from the Town Manager, nor shall the Town Attorney fail to cooperate with the Town Manager in the performance of his/her official functions.

2.4.5 Evaluation of Town Attorney performance.

- 2.4.5.1 Town Attorney accountability is only for job expectations explicitly stated by the Board in this document. Consequently, the provisions herein are the sole basis of any subsequent evaluation of Town Attorney performance, though he or she may use any reasonable interpretation of the Board's words.
- 2.4.5.2 The Board of Trustees will monitor the Town Attorney's performance with respect to these expectations on a routine basis.
- 2.4.5.3 Any modification to the compensation paid the Town Attorney shall be as specified in the Eagle Municipal Code, section 2.24.030.)

Comment [MS19]: Need to verify the code, if we have one to reference.

CATEGORY 3 STAFF LIMITATIONS

POLICY 3.0 GENERAL TOWN MANAGER CONSTRAINT

Within the scope of authority delegated to him/her by the Board of Town Trustees, the Town Manager shall not cause nor allow any practice, activity, decision or organizational circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

- 3.1 The quality of life in the Town of Eagle depends upon the partnership between citizens, elected officials and Town employees. Therefore, within the scope of his/her authority, the Town Manager shall not fail to ensure high standards regarding the treatment of our Citizens.
- 3.2 With respect to the treatment of paid and volunteer Staff, the Town Manager may not cause or allow conditions that are unsafe, unfair or undignified.
- 3.3 With respect for strategic planning for projects, services and activities with a fiscal impact, the Town Manager may not jeopardize either the operational or fiscal integrity of Town government.
- 3.4 With respect to the actual, ongoing condition of the Town government's financial health, the Town Manager may not cause or allow the development of fiscal jeopardy or loss of budgeting integrity in accordance with Board Objectives.
- 3.5 Within the scope of his/her authority and given available resources, the Town Manager shall not allow the Town's assets to be unprotected, inadequately maintained or unnecessarily risked.
- 3.6 In order to protect the Board from sudden loss of Town Manager services, the Town Manager may have no less than two other member(s) of the Town management team familiar with Board and Town Manager issues and processes.
- 3.7 The Town Manager shall have an Emergency Preparedness Process in place for the coordination of all emergency management partners – Federal, State, and local governments, voluntary disaster relief organizations, and the private sector to meet basic human needs and restore essential government services following a disaster.
- 3.8 With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the Town Manager shall not cause or allow jeopardy to fiscal integrity.
- 3.9 The Town Manager shall not permit the Board of Town Trustees to be uninformed or unsupported in its work.
- 3.10 With respect to planning for and reporting on Capital Equipment and Improvements Programs, the Town Manager may not jeopardize either operational or fiscal integrity of the organization.
- 3.11 With respect to Town government's quality of life for the Community, the Town Manager shall not fail to plan for implementing policies of the Board regarding economic health, environmental responsibility and community interests.

- 3.12 With respect to internal operating procedures, the Town Manager will ensure that the Town may not fail to have internal procedures for the well-being of the Town to promote effective and efficient Town operations.

POLICY 3.1 CUSTOMER SERVICE

The quality of life in The Town of Eagle depends upon the partnership between citizens, elected officials and Town employees. Therefore, within the scope of his/her authority, the Town Manager shall not fail to ensure high standards regarding the treatment of our Citizens.

- 3.1.1 The Town Manager shall not fail to encourage the following basic attitudes in employees:
 - 3.1.1.1 The Citizens of The Town of Eagle deserve the best possible services and facilities given available resources.
 - 3.1.1.2 Prompt action is provided to resolve problems or issues.
 - 3.1.1.3 Attention is paid to detail and quality service is provided that demonstrates a high level of professionalism.
 - 3.1.1.4 Each employee represents excellence in public service.
 - 3.1.1.5 Each employee is “the Town” in the eyes of the public.
- 3.1.2 The success of Eagle Town Government depends upon the partnership between Citizens, elected officials and Town employees. Accordingly, regarding the treatment of Citizens and customers, the Town Manager shall not:
 - 3.1.2.1 Fail to inform citizens of their rights, including their right to due process.
 - 3.1.2.2 Ignore community opinion on relevant issues or make material decisions affecting the community in the absence of relevant community input.
 - 3.1.2.3 Allow the community to be uninformed (or informed in an untimely basis) about relevant decision-making processes and decisions.
 - 3.1.2.4 Be disorganized or unclear with respect to interactions with the community.
 - 3.1.2.5 Ignore problems or issues raised by the community or fail to address them in a timely manner.
 - 3.1.2.6 Allow incompetent, disrespectful or ineffective treatment from Town employees.
 - 3.1.2.7 Unduly breach or disclose confidential information.

POLICY 3.2 TREATMENT OF STAFF AND VOLUNTEERS

With respect to the treatment of paid and volunteer staff, the Town Manager may not cause or allow conditions which are unsafe, unfair or undignified.

Accordingly, pertaining to paid staff within the scope of his/her authority, the Manager shall not:

- 3.2.1 Operate without written personnel policies that clarify personnel rules for employees.
- 3.2.2 Fail to acquaint Staff with their rights under this policy upon employment.
- 3.2.3 Fail to commit and adhere to the policies of Equal Employment Opportunity and Fair Labor Standards Act.
- 3.2.4 Fail to make reasonable efforts to provide a safe working environment for employees, volunteers and Citizens utilizing Town services
- 3.2.5 Operate without written volunteer policies that clarify the responsibilities of volunteers and of the Town for all volunteers.

POLICY 3.3 FINANCIAL PLANNING

With respect for strategic planning for projects, services and activities with a fiscal impact, the Town Manager may not jeopardize either the operational or fiscal integrity of Town government. Accordingly, the Town Manager shall not allow budgeting which:

- 3.3.1 Deviates from statutory requirements.
- 3.3.2 Deviates materially from Board-stated priorities in its allocation among competing budgetary needs.
- 3.3.3 Contains inadequate information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and subsequent audit trails, and disclosure of planning assumptions.
- 3.3.4 Plans the expenditure in any fiscal year of more funds than are conservatively projected to be received in that period, or which are otherwise available.
- 3.3.5 Reduces fund balances or reserves in any fund to a level below that established by the Board of Town Trustees.
- 3.3.6 Fails to maintain a Budget Contingency Plan capable of responding to significant shortfalls within the Town's budget.
- 3.3.7 Fails to provide for an annual audit.
- 3.3.8 Fails to protect, within his or her ability to do so, the integrity of the current or future bond ratings of the Town.
- 3.3.9 Results in new positions to staffing levels without specific approval of the Board of Town Trustees. The Town Manager may approve positions funded by grants, which would not impose additional costs to the Town in addition to the grant funds and any temporary positions for which existing budgeted funds are allocated.

POLICY 3.4 FINANCIAL CONDITION AND ACTIVITIES

With respect to the actual, ongoing condition of the Town government's financial health, the Town Manager may not cause or allow the development of fiscal jeopardy or loss of budgeting integrity in accordance with Board Objectives. Accordingly, the Town Manager may not:

- 3.4.1 Expend more funds than are available.
- 3.4.2 Allow the general fund and other fund balances to decline below twenty-five percent of annual expenditures as of the end of the fiscal year, unless otherwise authorized by the Board.
- 3.4.3 Allow cash to drop below the amount needed to settle payroll and debts in a timely manner.
- 3.4.4 Allow payments or filings to be overdue or inaccurately filed.

- 3.4.5 Engage in any purchases wherein normally prudent protection has not been given against conflict of interest and may not engage in purchasing practices in violation of state law or Town purchasing procedures.
- 3.4.6 Use any fund for a purpose other than for which the fund was established.

POLICY 3.5 ASSET PROTECTION

Within the scope of his/her authority and given available resources, the Town Manager shall not allow the Town's assets to be unprotected, inadequately maintained or unnecessarily risked. Accordingly, he or she may not:

- 3.5.1 Fail to have in place a Risk Management program which insures against property losses and against liability losses to Board members, staff and the Town of Eagle to the amount legally obligated to pay, or allow the organization to be uninsured:
 - 3.5.1.1 Against theft and casualty losses,
 - 3.5.1.2 Against liability losses to Board members, staff and the town itself in an amount equal to or greater than the average for comparable organizations,
 - 3.5.1.3 Against employee theft and dishonesty.
- 3.5.2 Subject plant, facilities, and equipment to improper wear and tear or insufficient maintenance (except normal deterioration and financial conditions beyond Town Manager control).
- 3.5.3 Receive, process, or disburse funds under controls insufficient to meet the Board-appointed auditor's standards.
- 3.5.4 Unnecessarily expose Town government, its Board of Town Trustees, or its Staff to claims of liability.
- 3.5.5 Fail to protect intellectual property, information, and files from loss or significant damage.
- 3.5.6 Acquire, encumber, dispose, or contract for real property except as expressly permitted in Town policy.
- 3.5.7 Allow internal control standards to be less than that necessary to satisfy generally accepted accounting/auditing standards recognizing that the cost of internal control should not exceed the benefits expected to be derived.

POLICY 3.6 EMERGENCY TOWN MANAGER REPLACEMENT AND BACK UP

In order to protect the Board from sudden loss of Town Manager services, the Town Manager may have no fewer than two (2) other members of the Town management team familiar with Board of Town Trustees and Town Manager issues and processes.

- 3.6.1 The Assistant Town Manager shall act in the capacity of Town Manager in his/her absence. In the absence of the Town Manager and Assistant Town Manager a Town Department Head previously designated by the Town Manager will act in the capacity of Town Manager.
- 3.6.2 The Town Manager shall provide the necessary training needed to enable successful emergency replacement.

Comment [MS20]: Do we have a designated "assistant"? If I recall it's Jill or Jenny?

POLICY 3.7 EMERGENCY PREPAREDNESS

The Town Manager shall have an Emergency Preparedness Process in place for coordination of all emergency management partners – Federal, State, and local governments, voluntary disaster relief organizations, and the private sector to meet basic human needs and restore essential government services following a disaster.

- 3.7.1 The Town Manager shall be responsible for the assigned responsibilities identified in the (Town of Eagle Emergency Operations Plan)
- 3.7.2 The Town Manager shall not fail to have a business continuity plan for the Town.
- 3.7.3 In the event of an emergency, the Town Manager shall not fail to take appropriate action immediately to ensure the safety of the public and public and private assets, including authorizing specific actions by Town Staff and declaring an emergency on behalf of the Board of Town Trustees.

Comment [MS21]: Has this been written yet?

POLICY 3.8 COMPENSATION AND BENEFITS

With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the Town Manager shall not cause or allow jeopardy to fiscal integrity of the Town. Accordingly, pertaining to paid workers, he or she may not:

- 3.8.1 Change his or her own compensation and benefits.
- 3.8.2 Promise or imply permanent or guaranteed employment.
- 3.8.3 Establish current compensation and benefits which deviate materially for the regional or professional market for the skills employed:
- 3.8.4 Establish deferred or long-term compensation and benefits.

POLICY 3.9 COMMUNICATION AND SUPPORT TO THE BOARD

The Town Manager shall not permit the Board of Town Trustees to be uninformed or unsupported in its work. Accordingly, he or she may not:

- 3.9.1 Let the Board of Town Trustees be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes, and particularly changes in the assumptions upon which any Board policy has been previously established.
- 3.9.2 Fail to submit monitoring data required by the Board (see policy on Monitoring Town Manager Performance in Board/Staff Linkage) in a timely, accurate and understandable fashion, directly addressing provisions of Board policies being monitored.
- 3.9.3 Fail to establish a process that brings to the Board of Town Trustees as many staff and external points of view, issues and options as needed for informed Board choices on major policy issues.
- 3.9.4 Present information in unnecessarily complex or lengthy form.

- 3.9.5 Fail to provide support for official Board of Town Trustees activities or communications.
- 3.9.6 Fail to deal with the Board of Town Trustees as a whole except when fulfilling individual requests for information.
- 3.9.7 Fail to report in a timely manner any actual or anticipated noncompliance with any policy of the Board of Town Trustees.

POLICY 3.10 CAPITAL EQUIPMENT AND IMPROVEMENTS PROGRAMMING

With respect to planning for and reporting on capital equipment and improvements programs, the Town Manager may not jeopardize either operational or fiscal integrity of the organization. Accordingly, he or she may not allow the development of a capital program which:

- 3.10.1 Deviates materially from the Board of Town Trustees stated priorities.
- 3.10.2 Plans the expenditure in any fiscal period of more funds than are conservatively projected to be available during that period.
- 3.10.3 Contains too little detail to enable accurate separation of capital and operational start-up items, cash flow requirements and subsequent audit trail.
- 3.10.4 Fails to project on-going operating, maintenance, and replacement/perpetuation expenses.
- 3.10.5 Fails to provide regular reporting on the status of the budget and on the progress of each active project, including data such as changes and the financial status of each project, including expenditures to date.

POLICY 3.11 GENERAL TOWN MANAGER CONSTRAINT-QUALITY OF LIFE

With respect to Town government's quality of life for the community, the Town Manager shall not fail to plan for implementing policies of the Board regarding economic health, environmental responsibility, and community interests.

POLICY 3.12 GENERAL TOWN MANAGER CONSTRAINT –INTERNAL PROCEDURES

With respect to internal operating procedures, the Town Manager will ensure that the Town has internal procedures to promote effective and efficient Town operations.

CATEGORY 4 ADOPTED RESOLUTIONS

POLICY 4.0 NO TITLE

Blah blah blah text text text

4.1 Members from the public often ask the Board of Trustees for support, or resolutions, for ballot measures, initiatives, or programs of various natures. Depending on the election cycle and public affairs, the Town receives many requests. The purpose of this policy is to provide guidance on what are acceptable requests for support made to the Board of Trustees.

4.2 From time to time, the Board may come to a decision that some members of the Board disagree with and want to repeal. In order to recognize the policies and standard practices outlined in the book, this policy requires a full board to be present to reverse any decision previously made by the Board.)

Comment [MS22]: Placeholder section to reference past resolutions passed by ours and previous Boards before we had a policy document so that those decisions and practices aren't lost or omitted.

Comment [MS23]: See note below at Policy 4.2 Section

POLICY 4.1 HELPFUL HINTS AND GUIDANCE FOR RESOLUTIONS OF SUPPORT

Purpose:

Members from the public often ask the Board of Trustees for support, or resolutions, for ballot measures, initiatives, or programs of various natures. Depending on the election cycle and public affairs, the Town receives many requests. The purpose of this policy is to provide guidance on what are acceptable requests for support made to the Board of Trustees.

Guidelines:

The Board of Trustees are elected to represent the community's interests. Provided in this policy are criteria for the public to consider when bringing a request to the board. If a request for support aligns with the criteria, then the Board of Trustees will consider the resolution of support. This policy does not prevent the public from making presentations to the Board. This policy does not apply to the routine business conducted by the Town of Eagle.

Request Criteria:

A request WILL NOT be considered by the Board of Trustees if it aligns with the following criteria:

1. Supports a candidate running for office.
2. Another government entity requesting support for a ballot measure or issue.
3. A request WILL be considered by the Board of Trustees if it aligns with the following criteria:
4. The request is a matter of public safety.
5. The request has a positive or negative impact on the quality of life for residents.
6. The request has a positive or negative financial impact to the Town.
7. The request aligns with the Board of Trustees adopted Strategic Plan.
8. The request aligns with other community plans adopted by the Town of Eagle.

Presentations:

Request must be presented to the Board of Trustees for consideration. Please reference the Board's "Helpful Hints and Guidance for Public Comment and Presentation" guidelines on the Town's website: www.townofeagle.org for more information. Public requests must be made to the Town Clerk prior to being placed on the agenda.

POLICY 4.2 RE-OPENING CLOSED DECISIONS

From time to time, the Board may come to a decision that some members of the Board disagree with and want to repeal. In order to recognize the policies and standard practices outlined in the book, this policy requires a full board to be present to reverse any decision previously made by the Board.

Comment [MS24]: Introduction point #3 and Policy 1.1.7 mention this as a practice. Do we need to draft a formal resolution or does outlining it as the policy in 1.1.3 define it enough for to hold?