



**City of
Thornton**

Chapter 2
Thornton City Code

**Contains City Code provisions relating to
City Council, Boards and Commissions,
Divisions and Departments,
Code of Ethics and Elections**

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ARTICLE II. - CITY COUNCIL

DIVISION 1. - GENERALLY

Sec. 2-26. - Payments to mayor, mayor pro tem and councilmembers.

(a) Each councilmember shall receive as salary the amount established by ordinance but such compensation may increase or decrease only on the date of the first regular or special council meeting following any regular election and only if the increase or decrease was adopted prior to the date of the election.

(1) *Reserved.*

(2) Councilmembers whose terms expire in November 2017 shall be paid \$900.00 per month for the remainder of their term. Councilmembers elected to office in November 2015, or duly appointed thereafter, shall be paid \$1,500.00 per month effective on the date of the first regular or special council meeting following the November 3, 2015 election. The mayor who will be elected to office in November 2015, or duly appointed thereafter, shall be paid \$2,000.00 per month. The Mayor Pro Tem who will be elected by city council on or after November 17, 2015 shall be paid \$1,750.00 per month.

(b) Councilmembers shall be paid no additional compensation for attending meetings of city boards and commissions pursuant to the requirements of the Charter, this Code and ordinances or otherwise attending meetings and civic events as representatives of the city and its council. Councilmembers shall, however, be eligible to receive reimbursement for necessary and bona fide expenses incurred in service in behalf of the city as are authorized by the travel, training, subsistence and incidental expense administrative directive and the approved council policy on travel, training, subsistence and incidental expense reimbursement.

Sec. 2-27. - Medical benefits.

The mayor and each councilmember shall be eligible to participate in the group medical benefits provided the city employees. The city shall fund such benefits on the same basis as city employees.

DIVISION 2. – RULES OF ORDER AND PROCEDURE

Sec. 2-51. - General rules.

That city council shall, pursuant to Section 4.15(3) of the Thornton City Charter, by ordinance establish a city council policy regarding rules of order and procedure for city council meetings.

Sec. 2-52. - Types of meetings.

(a) Regular meetings.

(1) The city council shall hold regular meetings on the second and fourth Tuesdays of each month at 7:00 p.m.

(2) Regular city council meetings shall be held in the Council Chamber at Civic Center, 9500 Civic Center Drive, Thornton, Colorado.

(3) The place and time of regular meetings may be otherwise designated by the city council when it deems necessary; provided, however, that all members shall be duly notified of the time and place of such meeting and provided that at least two meetings a month shall be held.

(4) A regular meeting may be cancelled by the mayor if it is known in advance that a quorum will not be present. All councilmembers shall be notified of the cancellation. The reason for cancellation shall be stated on the record at the next regular council meeting following the cancelled meeting.

(b) Special meetings .Special meetings of the council shall be called as provided in the Charter and the business of special meetings shall be as provided therein.

Sec. 2-54. - Public hearings.

City council may direct that a matter of significant interest be scheduled as a public hearing. Where the method of notice for a public hearing is not otherwise specified by law or by council action, notice shall be given pursuant to Section 2-1 at least ten consecutive days prior to the hearing, or less than ten days for good cause shown.

ARTICLE III. - BOARDS AND COMMISSIONS

Sec. 2-81. - General provisions.

(a) Creation; appointments; removal of members; officers. The council shall have the power to create such boards, commissions, and authorities as it may decide, provided that no such board, commission, or authority shall have the authority to perform functions or duties otherwise assigned in the Charter or to interfere with any function or duty otherwise assigned in the Charter. Unless otherwise required by law or the Charter, all boards, commissions, and authorities shall be appointed by the council and shall have such powers and perform such duties as are required by the Charter or by ordinance. Initial appointments by the council shall specify the term of office of each individual in order to achieve overlapping tenure. Members shall be appointed to serve four-year overlapping terms ending March 1 of even-numbered years except as otherwise provided. All members shall be subject to removal by the council. The council shall make appointments to fill vacancies for unexpired terms. Except as otherwise provided in the Charter, each board, commission, or authority shall choose its own chairman and vice-chairman from its members and shall operate in accordance with the rules of procedure set forth by the council. Any groups created by a board, commission, or authority are also subject to removal by council.

(b) Reports; residency requirements. Reports shall be made to the council as the council shall require. All board and commission members shall have been residents of the city immediately preceding appointment and shall be qualified electors of the city, except for the Businesses of Thornton Advisory Commission.

(c) Payments to members. Each board, commission, and authority member shall receive \$35.00 per meeting, and the chairman of each board shall receive \$45.00 per meeting attended; however, the council may by resolution provide that any such board, commission or authority be served by uncompensated volunteer citizens, in which event only authorized, reasonable expenses incurred will be reimbursed. Members of the

election commission, excluding city employees, shall be compensated for working on any election day in the same amount provided for election judges in the Colorado Uniform Election Code of 1992 (C.R.S. § 1-1-101 et seq.), as amended from time to time. In the event that the council should convert an existing board, commission or authority to volunteer status, during the remaining unexpired term of members then serving and receiving compensation, such compensation shall continue during the unexpired term of continuing office unless such continuing compensation is specifically prohibited by the council action or waived by the board, commission, or authority member.

Sec. 2-82. - Development permits and appeals board.

(a) *Creation.* There is hereby created the development permits and appeals board ("board").

(b) *Duties.* The board shall have the duties specified in the Code or as otherwise assigned by the city council. The board may adopt bylaws to establish procedures for meetings.

(c) *Membership.* The board shall consist of nine members to be appointed by the city council.

Sec. 2-83. - The Businesses of Thornton Advisory Commission.

(a) *Creation.* There is hereby created the Businesses of Thornton Advisory Commission.

(b) *Duties.* The Businesses of Thornton Advisory Commission shall have the duties assigned by the city council. The commission shall prepare and submit to the city council, for review and approval, bylaws for the procedural conduct of meetings.

(c) *Membership.* The commission shall consist of at least nine members to be appointed by the city council.

(d) [Staff support.] The city manager shall provide staff support to the Businesses of Thornton Advisory Commission.

Sec. 2-84. - Election Commission.

(a) *Creation.* An election commission is hereby created consisting of the Thornton city clerk and four or more registered electors of the

city. The city clerk shall be the chair of the election commission.

(b) Power and purpose. The election commission shall have the following powers, duties and responsibilities:

(1) The election commission shall have charge of all activities and duties required of it by state law, including the Colorado Municipal Election Code (C.R.S. 31-10-101, et seq., as amended), the Thornton City Code and ordinances relating to the conduct of elections in the city. In any case, when election procedures are in doubt, the election commission shall prescribe the procedure to be followed.

(2) The election commission shall appoint election judges for each of the precincts located within the city.

(3) The election commission shall establish precincts and polling places within the city.

(4) The election commission shall have power to adopt rules and regulations not in conflict with the state constitution, the City Charter, the Code or ordinances of the city.

(5) The election commission shall have such additional powers and duties as may be required by the city clerk for conduct of the municipal election and shall abide by all applicable ordinances and regulations prescribed by city council.

(c) Membership. During the terms of office, appointees shall not be city officers, employees, candidates or nominees for elected city office.

Sec. 2-85. - Thornton Active Adult Board.

(a) Purpose and functions. There is established the Thornton Active Adult Board. The purpose of the board shall be to promote and facilitate communications between the board and the city council in matters impacting the needs and interests of citizens 55 years of age and older and to better assist the city council in being responsive and well advised as to issues of particular relevancy to citizens 55 years of age and older. The board shall also formulate recommendations for the most appropriate and beneficial use of the Thornton Active Adult Center and perform such additional duties and services which may be assigned to the board by the city council. The board will not make recommendations as to the fees or

budget funding levels for the Active Adult program.

(b) Membership.

(1) The board shall consist of 11 members appointed by city council, with representation from each ward, the business community, one member recommended by the 55 Plus Club Organization, Inc., one member recommended by the mayor, and four members appointed at large. Nine of the members shall have attained the age of 55 years of age at the time of the appointment.

(2) The members shall be appointed to serve four-year overlapping terms ending on March 1 of even-numbered years; except that four members will initially be appointed for a two-year term of office ending March 1, 2000; thereafter, the term for these members shall be four years.

(c) Officers; bylaws; meetings. The board shall designate a chairperson, vice-chairperson, secretary and such other officers as it may deem appropriate and shall prepare and submit to the city council, for approval, bylaws for the procedural conduct of meetings of the board. The board shall meet quarterly, at a minimum, at the Thornton Active Adult Center

Sec. 2-86. - Parks and open space advisory commission.

(a) Creation. There is hereby created the Thornton Parks and Open Space Advisory Commission.

(b) Purpose and functions.

(1) The parks and open space advisory commission shall act as an advisory commission to advise and make recommendations to the city council, for their approval, as to: (a) the development of and update thereto at least every three years, of the comprehensive parks and open space master plan; and (b) parks and open space projects to be funded from the proceeds of the open space and parks sales and use tax. All recommended projects must be provided for in the comprehensive parks and open space master plan. Project costs shall include all necessary and appurtenant facilities, including design, construction management, construction, and replacement but not routine maintenance. The parks and open space advisory commission

shall take into consideration the on-going operating and maintenance cost impacts of all projects to the city in determining recommended projects. Open space and parks projects are defined as follows:

a. Open space projects: acquisition of land or other real property interests for natural open space for the preservation of wildlife habitats which support wildlife of Colorado; acquisition of wildlife corridors to support movement and migration of wildlife species currently utilizing undeveloped areas; preservation and enhancement of existing wetlands that support waterfowl and important wildlife ecosystems; and acquisition of land or other real property interests to support significant view corridors and provide buffers.

b. Park projects: interconnected walking, biking, and hiking trails; active and passive parks for family and individual recreation; and multi-use sports fields for youth sports as well as adult uses.

(2) The city manager shall provide staff support to the parks and open space advisory commission.

(3) The parks and open space advisory commission shall not have the power to: authorize the expenditure of funds; enter into contracts or leases; buy, sell or condemn real estate or any other interest therein; sue or be sued; or otherwise to legally bind the city.

(c) Membership and term.

(1) The parks and open space advisory commission shall consist of nine members appointed by the city council.

(2) Members of the parks and open space advisory commission serve at the pleasure of city council. Any member may be removed from office at any time without cause and without notice or hearing by a majority vote of a quorum of city council present at any regular or special meeting.

(3) The members of the parks and open space advisory commission shall be compensated in accordance with the City Code.

(d) Meetings.

(1) The first organizational meeting shall be at the call of the city manager. The parks and open space advisory commission will select from among its membership a chairperson and vice-chairperson.

(2) The parks and open space advisory commission shall prepare and submit to the city council, for review and approval, bylaws for the procedural conduct of meetings.

(3) The parks and open space advisory commission shall meet quarterly, and may, upon the call of the chairperson and any four additional members, hold special meetings. Any quarterly or special meetings may be canceled by a simple majority or by the chairperson for good cause.

(4) All meetings shall be held in compliance with the city's open meeting requirements as set forth in the City Code. In addition to the requirements set forth therein for notice of open meetings, at least ten consecutive days prior, notice shall be published at least once, pursuant to Section 2-1, within the city with regard to any meeting of the parks and open space advisory commission, the purpose of which is to consider final recommendations for the parks and open space master plan or project recommendations by the parks and open space advisory commission to the city council. At the meetings, members of the public shall be allowed reasonable time to speak and present oral and/or written opinions on the plans prior to any recommendation to the city council. Where an immediate action and recommendation to the city council is necessary to acquire open space property or property rights not previously included in the parks and open space master plan, the parks and open space advisory commission may forego the requirement of notice.

(5) The parks and open space advisory commission shall keep minutes of its proceedings, showing the vote of each member present upon every question, or if absent or failing to vote, indicating such fact.

(6) The city council may refer project proposals to the parks and open space advisory commission for review and recommendation to the city council. The parks and open space advisory commission shall meet to consider the city council's request within thirty days or as directed by the city council. In the event the parks and open space advisory commission fails to make a recommendation within this time frame, the city council may thereupon make a determination as to the proposed project(s) and

amend the parks and open space master plan as required.

Sec. 2-87. - Ad hoc committees. The council may establish, by resolution, ad hoc committees to provide review and recommendations to the council on activities or projects when determined appropriate by council. An ad hoc committee shall have the duties assigned by the council and shall serve until such time as the council determines that the committee has completed its assigned duties or that no further committee review or recommendations are necessary.

Sec. 2-88. - The judicial appointment and retention advisory commission.

(a) Creation. There is hereby created the judicial appointment and retention advisory commission (commission).

(b) Purpose and functions. The judicial appointment and retention advisory commission shall recommend to city council qualified candidates for appointment and whether to retain judges.

(c) Membership.

(1) Composition. The commission shall be composed of five voting members appointed by city council. As much as practicable, council will appoint a member from each ward and an at-large member. At minimum, no ward shall have more than two members on the commission. Two of the members shall be licensed attorneys. The council shall appoint one attorney with experience in criminal prosecution and one attorney with experience in criminal defense unless there are no applicants to appoint one from each practice.

(2) Ineligible to serve. Justices and judges actively performing judicial duties may not be appointed to serve on the commission. No member shall, at the time of the appointment or thereafter while serving on the commission, be an officer or employee of the city or be an employee or business associate of an attorney, law office, or law firm contracting with the city to provide criminal defense legal services.

(3) Application for appointment. After creation of, and upon any vacancy of the commission, the city clerk shall advertise and open up an application period for which citizens

desiring appointment to the commission may apply. City council shall review the applications and appoint members in conformance with the indicated composition.

(4) Term. The members shall be appointed to serve four-year overlapping terms ending on March 1 of even-numbered years; except that two members will initially be appointed for a two-year term of office ending March 1, 2020; thereafter, the term for these members shall be four years.

(5) Compensation. Members shall receive compensation for their services as provided in the code.

(6) In addition to the commission members, the presiding judge, the city attorney (or designee, not a prosecuting attorney) and the city manager (or designee) shall be non-voting, ex-officio members, and be available to answer questions of commission members and/or the interviewees for associate municipal judges with regard to the administration, operation, and activity levels of the municipal court.

(d) Officers; bylaws; meetings. The commission shall designate a chairperson, vice-chairperson, and such other officers as it may deem appropriate and shall prepare and submit to the city council, for approval, bylaws for the procedural conduct of meetings of the commission.

(e) Appointment/reappointment of associate municipal judges. The commission shall assist the city council in the appointment/reappointment of associate municipal judges as provided as follows:

(1) Applications and minimum qualifications. If council finds a need or desire to appoint one or more associate municipal judge(s), an application period shall be announced for interested persons to apply. Minimum qualifications include five years as a licensed attorney and five years of prosecution/defense and/or judicial experience. Other information to be provided, such as letters of recommendation, will be listed in the application. The human resources division will screen the applications for the minimum qualifications established by this section. Upon receiving the screened applications, the commission will interview applicants based on interview questions provided by the city,

determine a scoring/ranking methodology prior to interviews, and provide a list of the top ranked applicants who will move forward to the public comment process. The number of names forwarded shall equal the number of vacancies plus three.

(2) Advertisement for applications. All advertisements for applications required in this section shall include sending the notice to the Colorado Bar Association, the Denver and Adams/Broomfield Bar Associations, the Minority and Women's Bar Associations, and posting the advertisement in a conspicuous place on the city's website.

(3) Reappointments. Associate judges desiring to be reappointed shall notify the commission in writing indicating their interest no later than October 1 prior to the end of their current appointment. The commission will interview the associate judges and shall provide city council a confidential recommendation to reappoint, not reappoint, or state no opinion. The names of the associate judges requesting reappointment will move forward to the public comment process.

(4) Public comment process. The city will advertise the names of candidates under consideration, including the names of judges seeking reappointment, for a fourteen-day period and the public may submit written comments on any candidate. The deadline for comments shall be no less than 15 days, which can overlap with the 14-day publication period. All comments submitted by the public will be provided to the city council.

(5) Reappointment of the presiding municipal judge. The commission shall annually provide the city council, in advance of the annual performance evaluation meeting between the presiding municipal judge and the city council, a confidential recommendation to reappoint, not reappoint, or state no opinion. Such recommendation shall be accompanied by an explanation. As part of the evaluation, the commission shall observe the presiding municipal judge in court and also interview the presiding municipal judge as to the operation of the court over the evaluation period. The interview questions shall be provided to the presiding municipal judge in advance of the interview. If surveys or questionnaires of

individuals who have direct and/or continuing contact with the presiding municipal judge are conducted, such information shall be provided to the commission. The commission's recommendation shall be based solely upon the following criteria: integrity; knowledge and understanding of the law; communication skills; preparation, attentiveness, and control over judicial proceedings; consistency and applicability of sentencing practices; docket management, prompt case disposition, and administrative skills; courtroom demeanor; and overall judicial performance.

(f) The creation of the commission shall not in any fashion abridge the authority possessed by the city council who retains the sole discretion to appoint, reappoint, and remove the presiding municipal court judge and associate judges. The commission serves as an advisory body to the city council, and its evaluations shall be considered solely recommendations for the benefit of city council.

ARTICLE IV. - DIVISIONS AND DEPARTMENTS

Sec. 2-121. - Utilities director and utilities attorney.

(a) Utilities director. The city manager is designated the utilities director pursuant to Subsection 5.7(e) of the Charter. The city manager, acting as the utilities director, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to execute, implement and administer the ongoing and regular operations of the municipal utilities, and subject to the limitations of the budget resolution and appropriation ordinance of the city council. By way of illustration but not limitation, such administrative functions that are authorized for the city manager, acting as the utilities director, include:

(1) Expending funds within the approved budget resolution and appropriations ordinance and within any purchasing guidelines. Such authority shall include contracting to purchase and acquire goods, services, and professional consultation.

(2) Entering into change orders within the approved budget and within the standards of budget administration.

(3) Entering into any contract or lease or amendment thereto requiring the expenditure of city or utilities funds for real or personal property that is approved in the appropriations ordinance, and entering into any lease or amendment thereto, for any valuable consideration, of city-owned real or personal property.

(4) Making all appointments to any ditch company boards, water boards, corporate boards, or other entities, and authority to vote shares, including authorizing proxies, of city water stock, except for the Metropolitan Wastewater Reclamation District, where the city manager acting as the utilities director shall make a recommendation to the city council for the appointment.

(5) Pursuant to Section 10.3 of the Charter, acquiring water rights and interests subject to the approved budget resolution and appropriations ordinance.

(b) Utilities Attorney. The city attorney is designated the utilities attorney pursuant to Subsection 5.7(k) of the Charter. The city attorney, acting as the utilities attorney, shall have the full and plenary authority, subject to the limitations upon such authority contained in the Charter, to provide legal advice and represent the ongoing and regular operations of the municipal utilities, and subject further to the limitations of the policies, budget resolution and appropriations ordinance approved by the city council. From and after the effective date of this section, the city attorney, acting as the utilities attorney, shall succeed in all actions and matters previously conducted or entered by the former utilities attorney. All actions by the former utilities attorney are ratified.

Sec. 2-122. - Establishment of exempt positions, department heads and supervision of departments.

The positions exempt from the career service, department head positions and departments deemed to be under the direct supervision of the city manager shall be identified in the annual budget or subsequent

budget amendments as may, from time to time, be necessary.

Sec. 2-123. - Establishment of departments.

The city shall be organized into departments, and the departments shall be identified in the annual budget and the appropriations ordinance or subsequent amendments thereto.

ARTICLE V. - OFFICERS AND EMPLOYEE

DIVISION 2. - CODE OF ETHICS

Sec. 2-186. - Purpose.

The purpose of this division is to promote public confidence in city government, to provide guidance to members of the city council, members of city boards and commissions, and city officers and employees and to comply with Section 7.4 of the Charter, by establishing a code of ethics.

Sec. 2-187. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means any appointive board or commission or other appointive body or authority of the city. The term "board" shall include the Thornton Development Authority and the Thornton Arts, Sciences and Humanities Council, Inc., but shall not include members of advisory ad hoc committees who are not otherwise officers, board members or employees of the city.

Board member means a regular or alternate member of a board.

Confidential information means information which is not available to the general public under applicable laws, ordinances, and regulations, and which is obtained by reason of the councilmember's, board member's or employee's position with the city.

Conflict of interest means a personal interest of the councilmember, board member, or employee or of any relative of such which

interferes with or influences or may interfere with or influence or which may reasonably be perceived by the public as interfering with or influencing the conduct of the duties or the exercise of the powers of the councilmember, board member, or employee on behalf of the city. The term "conflict of interest" includes the restrictions set forth in Section 2-191.

Contract means any arrangement or agreement, including the bidding or negotiation process therefor, pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or is to be sold or transferred by the city, provided the amount involved is more than \$100.00. The term "contract" shall include any subcontract thereof.

Employee means any person holding a paid position of employment with the city, whether full-time, part-time, regular, temporary, or by contract.

Interest means a pecuniary, property, or commercial interest or any other interest, the primary significance of which is economic gain or the avoidance of economic loss. An officer, board member or employee shall be deemed to have a pecuniary interest in a contract if the officer, board member or employee or any member of the officer's, board member's or employee's family is an employee, partner, officer, director or sales representative of the person with whom such contract is made. However, the term "interest" shall not include any matter involving the common public good or necessity or any matter in which a similar benefit is conferred to all persons or property similarly situated. Provided further, ownership individually or in a fiduciary capacity of any securities or of any beneficial interest in securities of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amounts to ten percent or more of any class of the securities of the corporation then outstanding or constitutes controlling interest in the corporation.

Officer means each councilmember, each municipal judge, the city manager, the city attorney, the utilities attorney, if any, and the utilities director.

Person means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.

Relative means an employee's husband, wife, domestic partner, partner in a civil union, daughter, son, father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, step-parent, step-child, son-in-law, daughter-in-law, grandchild and all relationships listed above as they relate to domestic partners or partners in a civil union.

Sec. 2-188. - Violations; penalty.

In addition to any other penalty provided for in the Charter, this Code, or any other applicable law, any officer, board member or employee who violates any provision of this division is subject to the following penalties:

(1) A violation by a councilmember which is established to the satisfaction of a majority of the remaining members of the city council shall be grounds for an official reprimand by the city council.

(2) A violation by a board member which is established to the satisfaction of a majority of the remaining members of the board shall be grounds for an official reprimand by the board or by the city council or both. Unless prohibited by the Charter, the city council may remove such member from the board and appoint another person to finish the term of the member removed.

(3) A violation by an employee which is established to the satisfaction of the city Manager or, in the case of an employee appointed by the city council, to the satisfaction of the city council, shall be grounds for an official reprimand or disciplinary action, including termination from employment.

(4) Any person who knowingly or intentionally violates any provisions of Section 2-191 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Section 1-8(b). Each separate day or any portion thereof during which violation of any provision appearing in this division occurs or continues shall be deemed or constituted as a separate offense.

(5) Any officer who knowingly permits the city to enter into any contract in which the officer has a pecuniary interest, without disclosing such interest to the council prior to the action of the council in authorizing such contract, shall be guilty of misconduct in office or employment.

(6) The penalties provided for in subsections (1) through (5) of this section shall not preclude the application of any other penalty or remedy provided for by law.

Sec. 2-189. - Compliance with other laws.

The requirements of this division shall be in addition to the applicable requirements of the Charter.

Sec. 2-190. - Advisory opinions.

(a) The municipal judge shall obtain, upon the adoption of this division, and shall maintain the consent of one or more judges of municipalities other than this city to provide advisory opinions with respect to this division, the reasonable expenses and fees thereof to be paid by the city. The names of such judges shall be provided to the city council, the city manager, and the city attorney.

(b) The city council, city manager or city attorney may request in writing an advisory opinion with respect to this division from any judge having consented thereto pursuant to subsection (a) of this section. The advisory opinion shall be in writing and the judge issuing the advisory opinion may require that all or portions of the opinion remain confidential.

(c) Any person who acts in accordance with an advisory opinion issued pursuant to this section shall not be guilty of violating any of the provisions of this division.

(d) If the subject of the advisory opinion is the city municipal judge, the advisory opinion may be requested from any municipal judge, and shall not be limited to those identified in subsection (a) of this section.

Sec. 2-191. - Restrictions.

(a) No officer, board member, or employee shall knowingly use any confidential information to further the personal interest of the officer, board member or employee or any relative thereof.

(b) No officer, board member or employee shall disclose any confidential information to persons not entitled to such information, except as required by law.

(c) No officer, board member or employee shall participate in any discussion of, take any final action on, or vote to render any final decision or determination on any matter in relation to which the officer, board member or employee has a conflict of interest.

(d) No officer, board member or employee shall receive or solicit any compensation, payment of expense, reward, gratuity, loan, reduced interest rate, any item of value or gift in an effort to realize personal financial gain through public office from any person.

(e) The following shall not be prohibited under this article:

(1) Campaign contributions reported if and as required by law.

(2) An occasional nonpecuniary gift insignificant in value.

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

(4) Payment of or reimbursement for actual and necessary expenditures for travel, tuition, registration fees, and subsistence for attendance at a convention, training event or other meeting at which an officer, board member, or employee is scheduled to participate or represent the city.

(5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer, board member, or employee which is not extraordinary when viewed in light of the position held by such officer, board member or employee.

(6) Gifts of perishable or nonpermanent value, including but not limited to meals; food items; flowers; or tickets to sporting, recreational, educational, or cultural events in which the person is attending in connection with expressed duties and responsibilities or representing the city.

(7) Payment for speeches, debates or other public events, reported as honorariums.

(8) Payment of salary from employment, including other government employment, in

addition to that earned from being an officer, board member or employee.

(9) Items available for free to the general public at trade conventions or other public exhibitions, and items offered at a discount to officers, board members and/or employees of governments.

(10) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other jurisdictions when it would be a breach of protocol to refuse the gift.

(f) It shall not be a violation of this article for an officer, board member, official, or employee to solicit donations to the city or to solicit or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or charitable needs, provided that solicitation and financial records are maintained and provided that the soliciting person does not keep or use the gift or receive any monetary benefit therefrom.

(g) No officer, board member or employee shall receive or solicit any compensation, gift, payment of expense, reward, gratuity, loan, reduced interest rate, or any item of value tendered by a person who has an interest in any matter pending before the city which, in the judgment of a reasonably prudent person, would tend to impair the officer's, board member's or employee's independence or impartiality of judgment in the performance of the officer's, board member's or employee's official duties with regard to any such pending matter. This restriction also applies to any such items of value given after the pending matter is concluded if it reasonably appears that the giving of the item of value is related to the recipient's participation in the pending matter. Matters pending before the city include but are not limited to inspections and the processing of permits, licenses, and other administrative approvals.

(h) No officer, board member, or employee shall on behalf of a private interest before the city council or any board, unless otherwise permitted by the Charter, this Code or ordinances, except that any officer, board member, or employee may appear before the city council or any board on such officer's, board

member's or employee's own behalf, and an officer may appear on behalf of a private interest before any board, the action of which is not reviewable by the city council. Nothing in this subsection shall preclude an officer, board member, or employee in the same manner and under the same circumstances as any other person from appearing before the city council or a board on an application of the officer, board member, or employee for a permit, license or other approval of the council or board required by law.

(i) No officer, board member or employee shall represent any private interests, other than the officer's, board member's or employee's own interest, against the interests of the city in any civil litigation to which the city is a party, unless the consent of the city council is first obtained, except that any officer, board member or employee may testify under oath if subpoenaed.

(j) In addition to the restrictions on employment imposed on councilmembers for two years following their terms of office as set forth at Section 4.21 of the Charter, no officer, board member, or employee shall, at any time within six months following termination of the office or employment, obtain or retain employment in which the officer, board member or employee will take direct advantage, unavailable to others, of matters with which the officer, board member or employee was directly involved during the term of office or employment with the city.

(k) No officer, board member or employee shall use any city property or employee services for personal gain or advantage except in the same manner and under the same circumstances as any other person who is not an officer, board member or employee of the city.

(l) No councilmember or board member shall vote on any question concerning the member's own conduct.

(m) The city manager may designate by administrative directive a job classification(s) at the city's golf course that may receive gratuities in the form of tips where it is a common standard in the public sector for such position to receive tips.

Sec. 2-192. - Conflict of interest disclosure; stepping-down procedures—Councilmember or board member.

(a) A councilmember who knowingly has a conflict of interest in relation to a matter pending before the city council shall disclose the conflict of interest to the city council.

(b) When it appears to the city council that a member thereof may have a conflict of interest which has not been disclosed, a majority of the remaining members of the city council may request an advisory opinion pursuant to section 2-190 as to whether the councilmember has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the councilmember, consistent with Charter Subsection 8.4(e).

(c) The councilmember with a conflict of interest shall not vote on or be present during or participate in consideration of the matter in relation to which a conflict of interest is disclosed or established prior to any vote. Pursuant to Charter Subsection 8.4(e), no vote shall be recorded for a councilmember who refuses to vote because of a conflict of interest.

(d) The provisions of subsections (a) through (c) of this section shall apply to board members and boards. When it appears that a board member may have a conflict of interest which has not been disclosed, the board may request an advisory opinion pursuant to Section 2-190 as to whether a board member has a conflict of interest. If the advisory opinion is that a conflict of interest exists, no vote shall be recorded for the board member. No vote shall be recorded for a board member who refrains from voting because of a conflict of interest. If it appears to the city council that the board is not performing the functions set forth in these subsections, the city council may perform those functions.

Sec. 2-193. - Same—City employee.

(a) An employee who is aware of a conflict of interest or a possible conflict of interest in relation to a matter pending before the employee shall promptly disclose in writing the conflict to the city manager.

(b) When it appears to the city manager that an employee may have a conflict of interest which has not been disclosed, or if an employee

discloses a possible conflict of interest, the city manager shall:

(1) Determine whether the employee has a conflict of interest; or

(2) Request an advisory opinion pursuant to Section 2-190 as to whether the employee has a conflict of interest.

(c) When a conflict of interest is disclosed or established as provided in subsection (a) or (b) of this section, the city manager shall take any action the city manager deems to be in the best interest of the city. The employee with such a conflict of interest shall not perform any duties concerning the matter in relation to which the conflict of interest exists, unless directed to do so in writing by the city manager.

(d) In all cases, the determination of the city manager as to whether or not a conflict of interest exists is final and shall not be the subject of a grievance or appeal to the hearing authority. Any suspension, demotion or discharge action taken as a result of the determination may be appealed to the hearing authority. This subsection shall only apply to certified employees.

(e) Where the employee involved is an appointee of the city council or a city board, such city council or board shall perform the functions of the city manager described in this section.

Sec. 2-194. - Prohibition of certain contracts.

(a) The city council declares that the best interests of the city are served by prohibiting the making of certain contracts. Accordingly, in addition to any other applicable requirements in this division, the requirements of subsection (b) of this section shall apply to the making of contracts by the city.

(b) The city shall not knowingly make any contract, in which an officer has an interest, with any person, if an officer or a relative of an officer:

(1) Is an employee, partner, officer, director or sales representative of the person; or

(2) In the case of a contract with a corporation, has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such

securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.

(c) An officer shall disclose an interest of which the officer has knowledge in any proposed contract prior to the city entering into such contract; disclosure shall be in writing to the city clerk or orally to the city council at any regular or special meeting.

(d) If a board member or employee has knowledge of the following described interest in a contract, such board member or employee shall disclose such interest as provided in subsection (e) of this section prior to the city entering into the contract:

(1) The board member, employee, or relative thereof is an agent, employee, partner, officer, director or sales representative of the person contracting with the city; and/or

(2) In the case of a contract with a corporation, the board member, employee, or relative thereof has ownership interest, individually or in a fiduciary capacity, of securities or of any beneficial interest in securities of such corporation, and the aggregate amount of such securities or such interest in securities amounts to ten percent or more of any class of the securities of the corporation then outstanding or to controlling interest.

(e) The procedures of Section 2-193 apply to subsection (d) of this section. In addition, the city may choose, in its sole discretion and notwithstanding any other contracting procedures of this division, to refrain from entering into any contract in which an interest described in subsection (b) or (d) of this section exists.

Sec. 2-195. - Appearance of impropriety.

To maintain confidence in government, each officer, board member and employee shall, in the performance of services for the city, seek to avoid the appearance that a conflict of interest exists or that a city office or employment is being used for personal interest.

Sec. 2-196. - Antinepotism.

(a) Antinepotism rules applicable to the city council, city manager and utilities director

appear in Charter Section 7.6. The city manager may adopt antinepotism regulations applicable to employees.

(b) Any officer, board member, or employee who has or has had a significant professional or personal relationship with any prospective employee, consultant, contractor, supplier, or other person shall be deemed to have a conflict of interest and shall disclose such relationship, as provided herein, prior to participation, if any, in the recruitment or selection thereof.

Sec. 2-197. - Quasi-judicial decisions.

Each officer, board member and employee shall be and remain impartial when making any quasi-judicial decision. Any officer, board member or employee who cannot be impartial in making a quasi-judicial decision shall follow the procedure described in Section 2-192(c). In addition, no officer or board member shall receive nor shall any employee or member of the public provide to any officer or board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the council or a board on which the board member sits, and which is the subject of a quasi-judicial hearing before the council or the board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes but is not limited to preparations necessary for such hearing such as written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The city attorney shall provide affected officers, board members and employees advice on what constitutes a quasi-judicial decision.

Sec. 2-198. - Administrative regulations.

The city manager may adopt regulations governing the ethical conduct of employees which are no less restrictive but may be more restrictive than the provisions of the Charter, this Code or ordinances or state law.

Sec. 2-199. - Information to officers, board members and employees.

The city shall provide information to officers, board members, and employees regarding the ethical requirements of the Charter, this Code

and ordinances and applicable state and federal law.

ARTICLE VI. - ELECTIONS

Sec. 2-236. - Regular municipal elections.

(a) *Nomination petitions.* Any person who desires to be a candidate for a municipal office may circulate a nominating petition for signature no sooner than the 91st day prior to the date of a regular municipal election. The nominating petition shall be filed with the city clerk no later than the 71st day prior to the date of a regular municipal election. The nominating petition may be amended to correct or replace signatures which the city clerk finds are not in apparent conformity with the requirements of the municipal election code at anytime before the 67th day before the date of a regular municipal election.

(1) Any person who has been nominated and who has accepted a nomination may withdraw from such nomination no later than 64 days before the election by signing a written affidavit and subsequently filing it with the city clerk.

(2) Any certificate of nomination or petition to fill a vacancy shall be filed with the city clerk not later than the 61 days before the day of the election.

(b) *Protests of nomination.* A protest of a nomination shall be made in writing and filed with the city clerk within five days after the petition has been filed. The city clerk shall hear any protest within ten days after the protest is filed and shall pass upon the validity of the protest, whether of form or substance, and shall issue findings of fact and conclusions within 72 hours after the hearing.

(c) *Affidavit of intent of write-in candidate.*

(1) No write-in vote for any municipal office shall be counted unless an affidavit of intent of the write-in candidate has been filed with the city clerk by the person whose name is written in by the close of business on the 64th day before the election.

(2) The affidavit of intent of the write-in candidate may be filed on forms provided by and available from the city clerk or on substantially similar forms from some other source, but each such affidavit shall contain a

sworn statement that the affiant is fully qualified for the office involved and that the affiant desires the office.

(3) Nothing contained in this section shall change, modify, amend, waive or in any way alter the residency requirements or the age requirement for any municipal office.

Sec. 2-237. - State law exclusion; precincts and polling places.

(a) The provisions of C.R.S. § 31-10-108, or any successor statute, shall not apply to special municipal elections in the city, insofar as such statute relates to the period of time when such special elections may not be held prior to and following a primary or general election in the state.

(b) No election precinct or part thereof shall be located in more than one ward. Any changes to existing polling places or the addition of any new polling places shall be established by the election commission at least 30 days before any election is held. The polling places, as established, shall be posted in designated public places and notice shall be provided, pursuant to Section 2-1, at least 20 consecutive days before the election, except for consolidated elections conducted pursuant to the Uniform Election Code of 1992, as amended.

Sec. 2-238. - Compensation to municipal election judges.

The judges of election serving for municipal elections held in the city shall receive the same compensation as election judges who serve for Adams County in general elections.

Sec. 2-239. - [Councilmember candidate qualifications; reapportionment.]

The provisions of the Charter regarding qualifications shall not be construed to limit eligibility of a resident to be elected or appointed as a councilmember when reapportionment occurs, so long as the resident has resided at an address within the new ward boundaries for at least 12 consecutive months immediately preceding the date of the election or appointment and satisfies all other requirements for qualification.

Sec. 2-240. - Campaign contributions.

A campaign contribution as that term is defined in Colorado Revised Statutes Section 1-45-103(6), as amended, may be accepted by a candidate for city council from persons, businesses, corporations and labor organizations. All campaign contributions and expenditures shall be reported and filed as required by law.

Sec. 2-241. - Coordinated elections.

For November regular or special elections the city shall coordinate its election with the county unless otherwise directed by city council. No later than February 1 of each year, the city manager shall notify city council of the pending coordinated election.

(a) Uniform Election Code. When regular municipal elections are coordinated with the county clerk, pursuant to Section 3.3 of the City Charter, and C.R.S. §§ 1-1-102 and 31-10-102.7, the Uniform Election Code shall be followed for the purpose of participating in coordinated elections.

(b) Designated election official. For the purposes of coordinating regular municipal elections with the county, the city clerk shall be appointed as the designated election official for the purposes of performing acts required or permitted by law in connection with the election. The city clerk shall post the notice of election at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the city clerk.

Sec. 2-243. Councilmember candidate qualifications; rules for determining residence.

(a) The residence of a person is their primary home or place of abode at which the person has a physical presence on a regular basis and to which that person intends to return after a departure or absence. Before a candidate for councilmember, or Mayor, is eligible for office, he or she must certify on forms provided by the City Clerk that he or she meets the residency requirements for office.

(b) After receipt of the form certifying residency, the City Clerk shall verify that each candidate meets the requirement of residing in the City, and appropriate Ward if

applicable, for 12 consecutive months by the date of the appointment or election. The City Clerk shall confirm residency through the rolls of registered voters. If the candidate's residency cannot be verified through the rolls of registered voters, the City Clerk shall request that the candidate provide a document from which the City Clerk can verify eligibility. Examples of documents which may be submitted include:

- (1) Property records from the County Assessor's Office indicating that the candidate was the property owner of the primary residence for 12 consecutive months by the date the appointment will be effective;
- (2) A lease for the primary residence which is in the name of the candidate and includes the date of commencement;
- (3) A utility bill for the residence.

The candidate may provide documentation not included in this list. The City Clerk shall determine whether the candidate has sufficiently proven compliance with the residency requirements.

The City Clerk shall within one week of receipt of the documents, notify the candidate in writing if the documents are deemed insufficient to determine residency.

(c) An appeal from any decision of the City Clerk shall be directly to the district court for the county, by means of Rule 106(a)(4) Colorado Rules of Civil Procedure or other applicable procedure(s).