

ORDINANCE NO. 23

Series 2022

AN ORDINANCE AMENDING THE CODE OF ETHICS PERTAINING TO TOWN CONTRACTS

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

**Section 1.** That new definitions shall be added to section 1-16-7 and placed in accordance with the current alphabetical order in the code by adding the language below to read as follows:

**FINANCIAL INTEREST:** An interest held by an individual or by the individual's spouse or dependent children which is: an ownership interest in a business; a creditor interest in a business; an employment relationship or a prospective employment relationship for which negotiations have begun; an ownership interest in real or personal property; a loan or any other debtor interest; a directorship or officership in a business; a close and continuing business relationship involving regular purchase or sale of goods, services or property not generally available to the public.

**PERSONAL INTEREST:** A close blood, family or marital relationship, or any other close personal relationship which imparts the appearance, to a reasonable person, of undue partiality or undue influence.

**Section 2.** That section 1-16-15, entitled "Town Contracts" shall be amended to read as follows:

1-16-15: TOWN CONTRACTS:

A. Except as provided in subsection C of this Section, a Town officer or employee shall not hold a substantial financial interest in any business or enterprise which is a party to a contract made by such Town official or employee in his or her official capacity, or by any governing body of which he or she is a member or he or she serves, when such official or employee exercises any substantial discretionary authority in connection with such contract.

B. Every contract made in violation of this section is voidable at the request of any party to the contract, except the Town officer or employee interested in such contract.

C. Exceptions. Section A of this section does not apply to:

1. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;

2. Merchandise sold to the highest bidder at public auction;

3. Investments or deposits in financial institutions that are in the business of loaning or receiving monies;

4. A contract between the Town and a Town officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of contract. It is presumed that the Town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the Town is greater than ten percent (10%) of a contract with a Town

officer or Town employee, or if the contract is for services that will be performed within a limited time period and no other contractor can provide those services within that time period;

5. A contract awarded pursuant to a lottery, or other method when the person to whom the contract is awarded is selected by chance;

6. A contract obligating the Town to pay Five Thousand Dollars (\$5,000.00) or less; or

7. A development agreement entered into pursuant to Chapter 9 of Title 9 of this Code.

D. For a contract entered into pursuant to subsections C1 through C4-7 of this section, before the Town enters into a contract with a member of the Town Council the Town Council member must disclose a personal interest and/or financial interest in the proposed contract, and either:

1. The Town Council itself (and not the Town Manager or other Town employee) approves the contract at a public meeting; or

2. The Town Manager approves the contract; provided that prior to approving the contract the Town Manager must notify the Town Council of the proposed contract and explain how the proposed contract satisfies the requirements of subsections C1 through C7 of this section.

E. Any Town officer or employee with a financial interest in a business entity involved in any transaction or contract with the Town shall disclose such an interest and shall abstain from voting and/or officially acting thereon. In addition, such official or employee shall not personally attempt to influence other Town officials or employees on the matter.

F. The prohibition on contracts with the Town under section A does not apply to contracts governing employment terms, conditions, compensation, and benefits, including benefits available as part of duly administered workforce housing programs or contracts to lease or acquire real property from the Town for employee housing as defined in section 9-1-5 of the development code and/or as authorized under chapter 16, title 1 of the development code, entitled "workforce housing".

**Section 3.** Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

**Section 4.** The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

**Section 5.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 12th day of July, 2022.

This ordinance was published in full on the Town of Breckenridge website on July 14, July 15, July 16, July 17 and July 18, 2022.

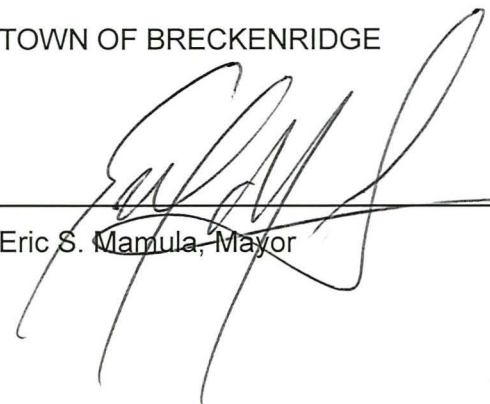
A public hearing on this ordinance was held on July 26, 2022.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26th day of July, 2022. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

  
\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney

8.4.22  
Date

This Ordinance was published on the Town of Breckenridge website on July 31, August 1, August 2, August 3 and August 4, 2022. This ordinance shall become effective on September 3, 2022.