



To: Mayor and Town Council
From: Clint Kinney, Town Manager *CMK*
Date: September 2, 2016
Re: Info Update

Here is your signed, sealed and delivered info update. It's yours.

IT OFFICIAL, WE HAVE A DEMOCRACY

The questions that go on the municipal ballot for the November 8 election have been set. Markey Butler and Richard Goodwin are both running for the Mayor's seat. Tom Goode, Alyssa Shenk and Jamie Knowlton are all running for the two available seats on the Council. Finally, the town has placed a property tax question before the voters that will raise \$500,000 primarily designated to be used by the Aspen School District. With the ballot set, it is important to remember the basics of Colorado Fair Campaign Practices Act. Fundamentally the town cannot spend money promoting a position on a question, this includes staff time. We can absolutely provide facts regarding the question, but staff members need to be careful not to advocate one way or the other on the question. Council members have considerably more liberty. Individual Council members can take a position, and the entire Council can pass a resolution taking a position on the issue. I have attached a brief primer prepared by CML on the do's and don'ts of the campaign season. One last note, starting in October, Town Hall will have a ballot box that residents can use to drop off their ballots. Until this year, residents either had to mail in the ballot, drive to Aspen to drop it off, or wait until election day to deliver the ballot. Once the ballots are mailed out, the new ballot box will be available 24 hours a day and should provide a great level of convenience to participate in the democratic process. Many thanks go to Pitkin County Clerk's office and our Clerk's office to make this happen.

ROUND ABOUT

Yep, this project is still making progress. The first lift of asphalt has been put down on Upper Brush Creek, landscape material is being planted and stone work on the point parcel is continuing. By all accounts, the project remains on schedule. The mini roundabout will start around mid-September.

HOME SWEET HOME

Not to be outdone, our housing renovations project is continuing to blast forward as well. This massive project remains on schedule with the plan that it will be completed before it gets too cold. Considering the recent weather pattern, in order to meet this time line, more crews than ever are cranking out the project.

TRAIL UPDATE

We have good news and bad news on this front. The re-route of the Campground Connector is currently under construction and looking really good. As you will recall, in addition to the Campground Connector improvement, we were hoping to also start construction of a new

west side climbing trail this year. A long story short: due to a variety of circumstances, we are going to wait to start the construction of this critical trail segment until next year. Finally, the new 7 Star trail, is also nearing completion. This trail, that will take off from the top of the North Rim Trail is yet another example of a good partnership with other local area governments.

TID BITS

- On September 8, yes six days from today, the Mayor and Council will be hosting a thank you dinner for Boards and Commission members at the Artisan Restaurant. This will be a great opportunity to show some much deserved appreciation for these citizen volunteers. Not only will all the cool kids be there, they will have fully bellies when the event is over.
- As you have surely noticed by now, the Town transit buses are looking as clean as ever. The Council approved a new bus washing machine in the 2016 budget and now our buses are as spic and span as ever.
- We are currently finalizing the contract with TPUDC to get the Comprehensive Plan process up and going. Once the deal is inked, we will be working with the Council, Planning Commission and other stakeholders to get a schedule set and advertised to the Community.
- We have a lot of behind the scenes administrative work going on right now to get the new parking program up and going for this winter season. We will be working with all of the stakeholders to get them trained and up to speed and will also be making some physical changes to signage and other aspects.
- Don't forget the 70+ person contingent from Park City will be here from 9:30—11:30 on Sept 9. Each year Park City residents travel to various other communities to learn and see what the rest of the world is up to and learn about best practices. As such, of course, the Village is on their list of places to visit. If you want to be a part of the tour we are giving them, let me know. We are still recruiting tour guides.
- The most wonderful time of the year is continuing on. We are wrapping up the ends of the draft budget in anticipation of presenting the draft to the Finance Advisory Board in September and then to the Town Council in October. On that note, we still need to confirm the times the Council would like to meet on October 6 to do the in-depth review.
- Although the weather is still beautiful, we are almost done with our Winter media plan.
- The Marketing Board met last week in an all day retreat to set goals for the future and discuss and review our "tourism business plan.". Once approved by the full board, the Council will see the Plan as part of the budget process.
- We are continuing to work on a new event for the 4th of July next summer.
- Speaking of hard work, congrats to our very own Brian Passenti for completing the Leadville 100 foot race in 24 hours and 32 minutes. I plan to celebrate Brian's accomplishment by sitting around a campfire, eating marshmallows and drinking beer.
- Although the summer season is winding down, construction permits from the Planning Department are up.

- In our continuing effort to keep our street system in tip top condition, crack filling operations will begin on September 12.
- Speaking of continual improvement, John Baker has once again worked with the City of Aspen and has been able to acquire free “used/left over asphalt” from them. While they view this material as waste, we are planning on hauling the material to the Village next week to finish spreading on the Rodeo parking lot and over Divide Road. We did a similar improvement last year that was well received by all.

CC Department Directors

Colorado's Fair Campaign Practices Act restricts use of public funds for election advocacy

By Geoff Wilson, CML general counsel

Ballots in statewide or local elections often include issues of profound importance to Colorado municipalities. As community leaders, municipal officials can and should become actively involved in the public discussion of these issues. However, the state Fair Campaign Practices Act places significant restrictions on the use of public funds for advocacy purposes or for dispensing information in connection with local or statewide ballot issues (Section 1-45-117, C.R.S.).

The FCPA restrictions apply once a statewide petition has been submitted for title setting, once a title has been set on a local initiative or referendum, and upon final action of the governing body placing a referred measure on the ballot. These guidelines are intended to provide municipal officials and employees with general guidance concerning what they may or may not do, consistent with the FCPA. However, *the municipal attorney should be consulted before any action is taken that could be viewed as subject to the public-funds restrictions in the FCPA.*

Permissible activities

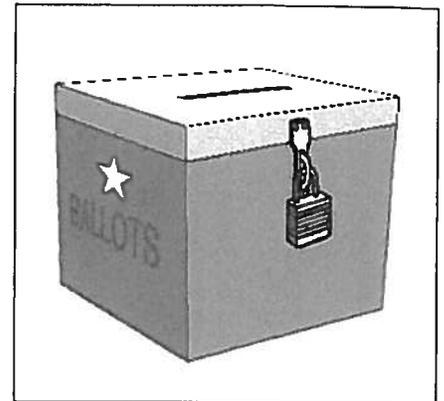
It is permissible to do the following in campaigns in support of or in opposition to a proposed measure:

1. The local governing body may take a position of advocacy on the issue. The governing body may pass a resolution and take a public stand urging the electorate to vote for or against any matter. Staff background research that leads to passage of a resolution is also permissible.

Local governments may report the passage of or distribute such resolutions "through established, customary means, other than paid advertising, by which information about other proceedings of [the governing body] is regularly provided to the public" (such as

via a local government newsletter or cable television broadcast).

2. The Act provides that any public official who has "policy-making responsibilities" may spend up to \$50 of public money on phone calls, letters or other activities "incidental" to expressing his or her opinion on any issue. It is advisable to consult with your municipal attorney before expending public funds in reliance on this provision.
3. Elected officials may speak out on the issues presented on the ballot. There is no limitation in the FCPA on the right of public officials to address any matter before the electorate; the limitations in the Act are on expenditure of public funds.
4. Public employees and paid elected officials may work on a campaign and speak out on the issues on their own time. Any public employee who becomes involved in the campaign should be prepared to document that such work was done on his or her own time.
If the public employee is on a recorded-hour system, make sure the record reflects that the public employee took time off from public duties to engage in campaign activities.
5. If the local government has a policy permitting public groups to use its facilities for community purposes, it may allow groups opposed to or supportive of the ballot proposition to use those facilities if the policy is applied in an evenhanded fashion.
6. Public employees may respond to unsolicited questions or requests for information about a ballot issue; however, the local government should carefully avoid producing information for



distribution that is designed to influence the passage or defeat of the issue.

7. The local governing body may use public funds to develop and distribute a factual summary on any issue that will appear on a ballot in the jurisdiction. The summary must include arguments for or against the proposal, but the summary itself may not contain a conclusion or opinion in favor of or against the proposal.

Impermissible Activities

It is impermissible under the FCPA, except as indicated above, to do the following in campaigns in support of or in opposition to a proposed measure:

1. use or expend public funds or supplies;
2. allow employees or paid officers to work on a campaign during their working hours or use any public facility or equipment for the purposes of a campaign;
3. provide transportation or advertising using public property or funds to influence, directly or indirectly, the passage or defeat of any issue; or
4. grant an employee or officer leave from his job or office with the local government, with pay, to work on a campaign.

For more information, contact Geoff Wilson gwilson@cml.org at 303-831-6411. ■