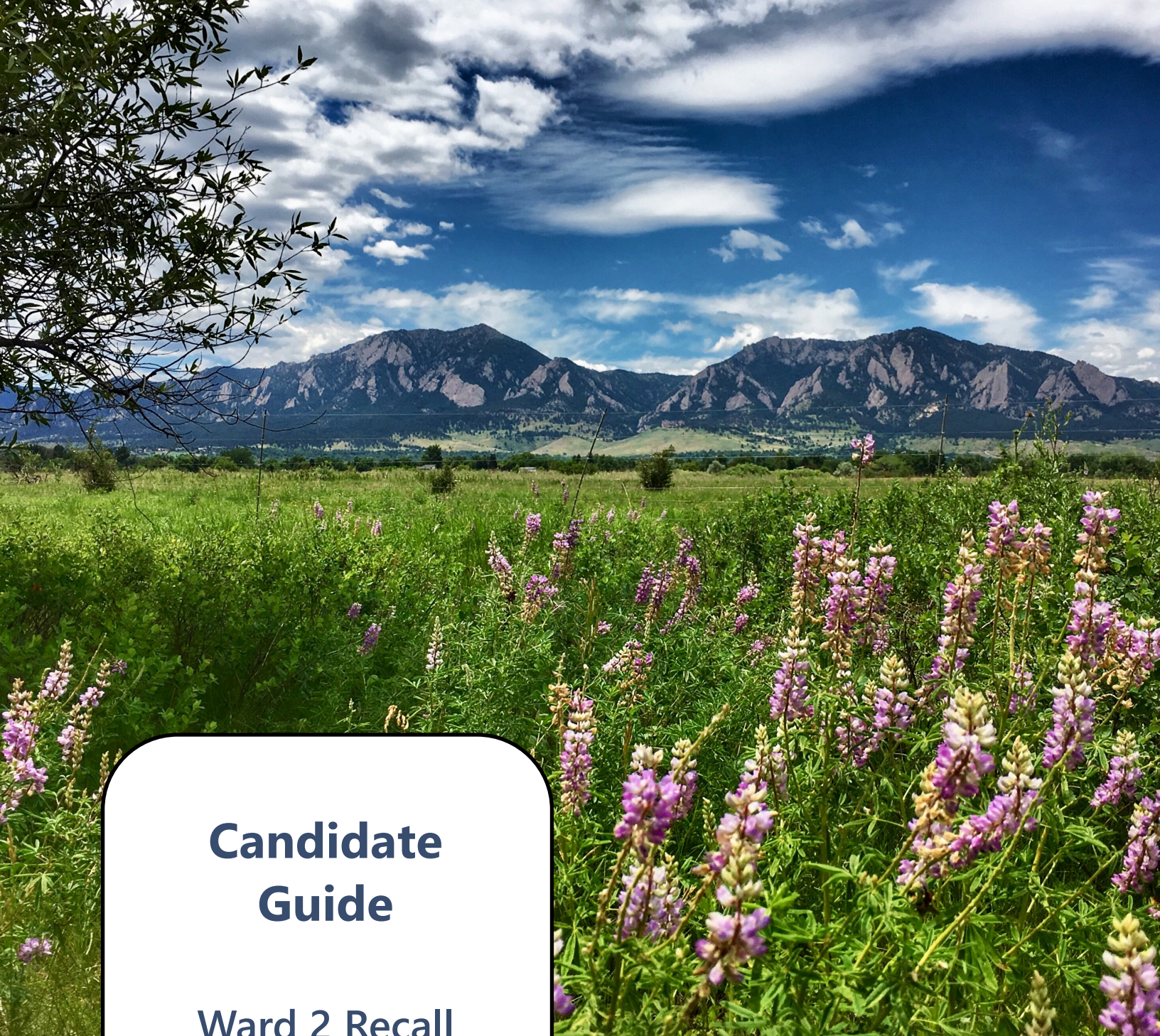




Candidate Guide

**Ward 2 Recall
Election
October 3, 2023**

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INTRODUCTION

On Tuesday, October 3, 2023 Louisville will hold a recall election for the position of Ward 2 City Councilmember.

This Candidate Guide has been prepared as a general guide about the basic requirements and deadlines for candidacy for those interested in running for the Ward 2 seat if the recall is successful. The packet is not intended to be comprehensive in scope or depth.

If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. The City Clerk's Office cannot provide legal advice.

Throughout this packet, there will be references to additional materials, such as sections of the [Louisville City Charter](#), the [Louisville Municipal Code](#), the [Colorado Revised Statutes](#) (C.R.S.).

CONTACT INFORMATION

City election-related questions

Meredyth Muth, City Clerk
MeredythM@LouisvilleCO.gov
303.335.4536

GENERAL INFORMATION

Date of Recall Election

Tuesday, October 3, 2023

Method of Election

Mail Ballot

Election Administration

Regular and special municipal elections are administered by the City Clerk's Office under provisions of the Municipal Code, City Charter, and Colorado law. The City Clerk's Office will assist you with the election process; however the City Clerk may not provide legal advice. You should consult with your own attorney about the application of the law to your own situation.

Recall Election Specifics

The ballot will contain two questions. The first will ask if electors would like to recall Ward 2 Councilmember Maxine Most. The second will ask if the recall is successful who should be chosen to fill the remainder of the term. If the recall is successful, the person elected to the seat will serve out the remainder of the term which expires in November of 2025.

Any eligible Ward 2 elector may submit a nomination petition to be listed as a candidate for the seat should the recall be successful.

Qualifications to Run for Elective Office

- Citizen of the United States
 - 18 years of age
 - Registered to vote in the City of Louisville
 - Must be a resident of Ward 2 for at least one year immediately prior to the election
-

Candidate Affidavit

A Candidate Affidavit is due to the City Clerk within ten (10) days after announcing a candidacy. It must be submitted **BEFORE** receiving any contributions or making any expenditures.

Nomination Petitions

Petitions may be circulated **only from July 12 through July 31, 2023.**

Candidates for this City Council seat must obtain the signatures of at least 25 registered electors residing within Ward 2. Each registered elector signing a nomination petition must print their address and sign the petition. A registered elector may sign only one petition for candidacy in their ward.

Every petition shall include an attached written affidavit of the candidate accepting the nomination. The acceptance of nomination shall contain the place of residence and the name of the candidate in the form the candidate wishes it to appear on the ballot. The candidate's name may be a nickname or include a nickname, but shall not contain any title or degree designating the business or profession of the candidate.

Withdrawal from Nomination

A person whose nomination petition has been properly completed and certified may withdraw the nomination by filing a written affidavit with the City Clerk any time prior to twenty-three (23) days before the election.

Fair Campaign Practices Act

The Colorado Fair Campaign Practices Act (FCPA) regulates certain campaign practices and provides for public disclosure of a candidate's financial interests and all campaign financing for candidates, issues and political committees.

Included in this guide are forms for reporting contributions and expenditures made to or by a candidate committee and other committee subject to the FCPA. Candidates and their committees should consult with their own counsel regarding filings and forms. Filing dates are included with the calendar provided in this packet.

The City Clerk has also prepared a Campaign Finance Guide that is available for you with more detailed information on these rules.

Code of Ethics

Enclosed is a copy of the City of Louisville's Ethics Code, adopted as part of the [Home Rule Charter](#), on November 6, 2001. The Ethics Code establishes guidelines for standards of conduct for all city officials and employees by setting forth those acts and actions incompatible to the best interest of the City. The Code also outlines sanctions for public officers who violate provisions of the Ethics Code. Each candidate must complete and return the Acknowledgement of Receipt of the Code of Ethics.

Time Commitment

The Mayor and City Council can expect to spend an average of 15-30 hours per week on City business. The Council meets most every Tuesday at 6 pm for a regular or special meeting or a study session. Councilmembers need to allow time for meetings and meeting preparation, as well as other standing committee meetings and general City business including responding to constituents. The list attached at the end of this guide provides additional information about meetings at which there is City Council representation and attendance.

The City Charter allows Councilmembers to miss no more than six (6) regular Council meetings in any period of twelve (12) consecutive calendar months. The date of the seventh (7th) absence shall be deemed to be the date on which the office was vacated.

Compensation

The position of Mayor is currently compensated at \$18,604 per year and each Councilmember is compensated at \$11,664 per year. In addition to the salary, benefits include an annual membership to the Louisville Recreation Center, membership in the city's health insurance programs in which any premiums will be paid by the Councilmember, and the option to contribute to a 457 account through the City's retirement plan.

Election Ward Map

A Ward Map is available on the [City Council's web page](#).

Voter Lists

Election data is available from the Boulder County Clerk's Office, Election Division (<https://bouldercounty.gov/elections/maps-and-data/data-access/>).

Current City Council Information

Municipal Elections for the Mayor and City Council take place in odd-numbered years. Louisville's City Council consists of the Mayor and six Council members. Council members are elected for four-year, staggered terms; two people from each of the City's three wards. The Mayor is elected at-large for a four-year term.

Current City Council

Mayor Dennis Maloney	At-large	Term Expires November 2023
Chris Leh	Ward I	Term Expires November 2025
Caleb Dickinson	Ward I	Term Expires November 2023
Deborah Fahey	Ward II	Term Expires November 2023
Maxine Most	Ward II	Term Expires November 2025
Barbara Hamlington	Ward III	Term Expires November 2023*
Dietrich Hoefner	Ward III	Term Expires November 2023*

**Appointed to temporary term in February 2023; both terms expire in November 2023 to be filled by election winners.*

Public Records

All candidate information, petitions, financial reports, and forms and are public records and may be given to the public upon request.

Each candidate's name, campaign email address, and phone number will be listed on the City's website. Financial reports will also be posted on the City's website in their entirety.

Campaigning

Candidates and their supporters are permitted to go door to door for the purpose of political campaigning, unless a "no soliciting" sign is present.

Candidates and their supporters are prohibited from campaigning inside any municipal buildings including City Hall, the Coal Creek Golf Course and Club House, the Recreation/Senior Center, and the Library.

Electioneering of any kind is prohibited within 100 feet of the entrance to a polling place on Election Day (October 3, 2023).

Flyers and brochures may not be left in municipal buildings, and should not be left in private businesses without permission of the business owner.

Campaign Signs

Campaign signs do not require a sign permit from the City.

Signs of any type, including political signs, are NOT allowed in public rights-of-way or on public property, and should never be positioned in such a way as to cause unsafe blind spots or visual distractions for motorists.

Signs may only be placed on private property with the permission of the property owner.

Political Signs MAY NOT be of any type of sign that is expressly forbidden in the [Louisville Sign Code](#). The Planning Department can answer detailed questions if you have them.

Political signs or any other form of campaign advertising MAY NOT be placed within 100 feet of a polling place or ballot drop-off site.

BE A GOOD NEIGHBOR AND REMOVE ALL THE SIGNS YOU HAVE PLACED THROUGHOUT THE CITY ONCE THE ELECTION IS OVER

Notary Services

The City Clerk's Office **cannot** notarize any election forms. Other notaries may be available in City Hall; an appointment is recommended for such services.

ELECTION CALENDAR

DEADLINE	ACTION
Upon Candidacy	Candidate Affidavit is due to the City Clerk within ten (10) days after announcing a candidacy. It must be submitted to the <u>BEFORE</u> receiving any contributions or making any expenditures.
No specific date	Candidate Committee Registration or Small Donor Committee Registration (for City candidates) must be filed with the City Clerk before accepting or making any contributions.
July 11	City Clerk shall submit the recall petition, together with certificate of sufficiency, to the City Council. The Council must pass a resolution calling for a recall election, to be held not less than 60 nor more than 90 days from this date.
July 12	First day nomination petitions for candidates running to succeed officer subject to recall may be circulated
July 31	Last day Nomination Petitions may be filed with the City Clerk
August 18	Last day the City Clerk can mail ballots to active military or overseas voters.
September 11	City Clerk mails ballots to electors this week
	Ballots available at the City Clerk's Office. An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector.
	Eligible electors may begin returning a marked ballot by placing it in the mail, by depositing at the office of the Clerk, or in the Recreation Center drop box.
September 12	Deadline for filing of Contribution and Expenditures Reports for candidates and committees active in the Recall Election. Reporting Period: beginning of campaign through 9/12/23.
September 29	Deadline for filing of Contribution and Expenditures Reports for municipal candidates and committees active in the Recall Election. Reporting Period 9/12/23 to 9/29/23.
October 3	ELECTION DAY Emergency or replacement mail-in ballot requests must be made before 5:00 p.m. and returned no later than 7:00 p.m. All ballots, including emergency or replacement ballots must be returned to the City Clerk by 7:00 p.m. when polls close.

October 13	City Clerk performs canvass of the votes.
October 17	Swearing-in of new Councilmember (if needed).
November 7	Campaign finance report due to City Clerk per Fair Campaign Practices Act. Covers 9/29/23 through 11/7/23.
Annually	Campaign finance report due on November 1 st of each year following election (if applicable).

**PUBLIC NOTICE
2023 WARD 2
RECALL ELECTION**

The City of Louisville will conduct a Recall Election on October 3, 2023 Concerning the Recall of Maxine Most from the office of Louisville City Council (Ward 2).

Candidates interested in the seat should the recall be successful may download a 2023 Recall Election Packet, including nomination petitions, from the City's web site at LouisvilleCO.gov or pick one up from the City Clerk's Office (749 Main Street). Candidates may circulate nomination petitions *only* from Wednesday, July 12, through Monday, July 31, 2023. Each petition requires 25 signatures from registered electors residing within Ward 2. Registered electors may sign only one petition. Completed petitions must be filed with the City Clerk's Office no later than 5:00 pm on Monday, July 31, 2023.

City Council Candidates must:

- Residency: must have been a resident of Ward 2 for at least one year preceding the election
- be registered to vote in the City of Louisville
- be at least 18 years of age
- be a citizen of the United State

Election Information:

Date of the Election: October 3, 2023 – Mail Ballot Election

Voter Qualification:

To vote in the 2023 election you must be:

- 18 years of age
- A citizen of the United States
- A resident of Colorado and the Municipal Election Ward for at least 30 days
- A registered elector in the City of Louisville

CANDIDATE CHECKLIST

Candidate Eligibility:

- ☐ Citizen of the United States.
- ☐ At least 18 years of age.
- ☐ Registered to vote in the City of Louisville.
- ☐ Resident of Louisville and the Ward for one year immediately prior to the election.

Documents to be Submitted to the City Clerk's Office:

- ☐ Candidate's Affidavit completed and signed before a Notary Public
- ☐ Completed Nomination Petition including the Affidavit of Circulator
May be circulated ONLY July 12 – July 31, 2023
- ☐ Candidate Acceptance of Nomination
- ☐ Personal Financial Disclosure Statement
- ☐ Criminal History Disclosure Form
- ☐ New Committee Registration from (if you choose to form a candidate committee)
- ☐ Acknowledgement of receipt of Code of Ethics

Campaign Finance Reports due to the City Clerk's Office as follows:

- September 12, 2023 – reporting period beginning of campaign – September 12
- September 29, 2023 – reporting period September 12 – October 3
- November 7, 2023 – reporting period October 3 - November 7

DECLARING YOUR CANDIDACY

A Candidate Affidavit must be filed with the City Clerk within 10 days of becoming a candidate and **prior to** accepting any contributions or making any expenditures.

A person is a candidate for election if the person has publicly announced an intention to seek election to public office.

A Candidate Committee Registration or Small Donor Committee Registration must be filed with the City Clerk **before** accepting contributions or making any expenditures.

Candidate Affidavit Instructions

References: Colorado Constitution Section 2(2), article XXVIII; Colorado Revised Statutes – Section 1-45-110(1), C.R.S.

What is the purpose of this form? This form is to be used by all candidates seeking an elected office in the City of Louisville.

When should this form be filed? This form must be filed with the Louisville City Clerk within 10 days of becoming a candidate.

When does an individual become a candidate? When the individual publicly announces intent to seek public office and thereafter receives a contribution or makes expenditure in support of the candidacy.

What is the definition of public announcement: When a person makes a statement signifying an interest in the office by speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. A reasonable person would expect the statement to become public. It also includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee shall also constitute a public announcement of an intention to seek election or retention.

COMPLETING THE FORM

1. Print or type the name of the candidate on the first line.
2. Print or type the year the office is up for election and the office being sought.
3. Print or type the physical address of the candidate, including street, city, state and Zip Code.
4. Print or type the candidate's business or residential telephone number.
Print or type the candidate's email address. The City Clerk will use this address to send notices and correspondence.
5. The candidate must sign and date the form in the presence of a Notary Public.
6. The remainder of the form must be completed by a Notary Public.

Please note the form and all the information contained within is public information and all information is required.

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

CANDIDATE AFFIDAVIT

This affidavit certifies that I, _____, am a candidate
name

for the 2023 recall election for Ward II.

I understand campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 4, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign Finance. I further certify I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate: _____ Date: _____

Physical Address of Candidate: _____
(Street, City, State, Zip)

Mailing Address (if different): _____

Cell Phone: _____ Email Address: _____

STATE OF COLORADO)
COUNTY OF BOULDER)

Before me, _____, a notary public, authorized to administer oaths, in and for said State of Colorado, personally appeared _____, whose name is subscribed to the foregoing Candidate Affidavit, and who affirms, said statements are true and they acknowledge for execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and affirmed before me this _____ day of _____, 2023.

(Seal)

Notary Public Signature

My Commission Expires

NOMINATION PETITION INSTRUCTIONS, JULY 12 – JULY 31, 2023

Form of Petition

Nomination petitions and instructions are included in the guide. You must use the 2023 Nomination Petition format provided.

Circulation Period

Nominating Petitions may be circulated **ONLY** between July 12 – July 31, 2023. The petition must be submitted to the City Clerk's Office no later than 5 pm, on Monday, July 31, 2023.

Signature Requirements

A candidate petition must contain the signatures of at least 25 registered electors residing within Ward II. The voter registration record of the petition signer must reflect a residential address in the City of Louisville to be counted. A street number and name must be provided; a post office box is not a place of residence. The City Clerk's Office will verify all signatures belong to registered electors living within the City.

Candidates are encouraged to obtain more than the required 25 signatures, to ensure a safety net for signatures that may be ineligible.

A registered elector may sign only one petition for Councilmember. If more than one petition is signed, the Clerk's Office will only allow the first signature verified on a petition.

The petition circulator must personally observe every eligible voter who signs the petition. Petitions may not be left on a counter or desk unattended for persons to sign. There may be only one circulator for each petition sheet. If a small correction is made, the signer should initial the change. If a large correction is required, the signer should cross out the incorrect information and proceed to the next line. If the signer is disabled and needs assistance, a third party should provide that assistance; the circulator may not assist the signer. The person providing assistance shall also sign and state that assistance was given.

Petition signatures may **NOT** be collected inside City facilities including City Hall, the Recreation/Senior Center, the Library, or Coal Creek Golf Course.

When the circulator has finished collecting signatures the affidavit on the petition form should be signed by the circulator and dated in the presence of a notary who will then notarize the affidavit. No additional signatures may be collected after the affidavit is notarized.

Acceptance of Nomination

The Acceptance of Nomination form, included in the petition packet, must be attached as a notarized affidavit to the nominating petition when filed with the City Clerk's office. The affidavit must also include affirmation that the candidate meets all the qualifications for office outlined above.

*THE TOP HALF OF THIS FORM MUST BE COMPLETED BY THE CANDIDATE
BEFORE CIRCULATING FOR SIGNATURES*

Official Nomination Petition for the City of Louisville, Colorado, which operates under the Colorado Municipal Election Code.

To: Meredyth Muth, City Clerk

I, _____, who resides at
full name of candidate

_____ in the City of Louisville, Colorado,
street address

hereby petition to be a candidate for the office of **City Council, Ward 2** to be voted upon at the Special Municipal Election to be held on the 3rd day of October, 2023.

SIGNATURE OF PETITIONERS

Printed Name	Signature	Address: Number & Street Louisville, Boulder County, CO	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Printed Name	Signature	Address Number, Street, Louisville, Boulder County, CO	Date
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			

AFFIDAVIT OF CIRCULATOR

I, _____, hereby certify that I circulated this petition
full name of circulator

and that each signature is the signature of the person whose name it purports to be and that each signer has stated that he or she is a registered elector in the City of Louisville, Colorado and the Ward to which this petition refers.

 Signature of Circulator

 Date

STATE OF COLORADO)
)
 COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2023.

(SEAL)

 Notary Public

My commission expires _____

CANDIDATE MUST COMPLETE BEFORE ACCEPTING NOMINATION

I, _____ will have attained the age of eighteen-years or older, I am a citizen of the United States, a resident of Colorado and Louisville Election Ward _____ for at least twelve (12) consecutive months immediately preceding the date of the election.

ACCEPTANCE OF NOMINATION

I, _____ hereby accept the nomination tendered me by the foregoing petitioners for the office of City Council, Ward _____.

Signature of Candidate

Date

Mailing Address

Email Address

Cell Phone Number

STATE OF COLORADO)
)
COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2023.

(SEAL)

Notary Public

My commission expires _____

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

date stamp

PERSONAL FINANCIAL DISCLOSURE STATEMENT

Name:

Residence Address:

Cell Phone:

I am filing as a Candidate for the office of

I am filing as an Incumbent in the office of

OCCUPATION:

NAME OF EMPLOYER:

INCOME: List below the source, nature and recipient of any income in excess of \$1,000.00 per year, including without limitation, capital gains whether or not taxable, dividends, interest, wages, salaries, rents and profits.

Source and Nature of Income	Recipient of Income (Name of individual receiving income)(Relationship to Candidate/Incumbent - Self, Spouse, Minor Children)

BUSINESS ENTITIES: List below the name, location, and nature of activities of any business entity with holdings of real or personal property or with business dealings in Boulder County, in which you have any interest, and the nature of the interest.

Name and Location of Business	Nature of the Business	Nature of Interest

PROPERTY: List the address and location of any real property within Boulder County in which you have an interest or, if you have a controlling interest in an entity or enterprise disclosed above, the address and location of real property in which such entity or enterprise has an interest.

Address and Location of Property	Owner of Record

ADDITIONAL INFORMATION: Add below any additional information you wish to disclose.

SWORN STATEMENT:

I hereby swear or affirm under penalty of perjury that, to the best of my knowledge, information and belief, the information provided in this disclosure statement is accurate and complete. I acknowledge that for the purposes of Sections 5-9 and 5-10 of the Code of Ethics (regarding standards of conduct and disclosure), I am deemed to have an interest in my own financial affairs and in the financial affairs of my spouse or other relatives as specified in the Code of Ethics, and that I must disclose such interests pursuant to Section 5-10 and comply with the non-participation provisions thereof. I further acknowledge that it is a violation of the Code of Ethics to fail to file the statement within the time required in the Code of Ethics.

By checking this box, I am confirming my typed name is my legal name and serves as my electronic signature. I agree that my electronic signature is the legal equivalent of my manual signature on this document.

Candidate/Incumbent Signature

Date

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

CRIMINAL HISTORY DISCLOSURE

Louisville Home Rule Charter Sections 3-3(c) & (d)

Have you ever been convicted of a felony offense, embezzlement, bribery, perjury, solicitation of bribery, or subordination of perjury? YES NO If yes, list for each case: (1) date of offense; (2) charge; (3) jurisdiction; (4) court name and (5) disposition:

Per the City Charter Sections 3-3 (c) & (d) any person who seeks election or appointment to the office of Councilmember, and who has been convicted of any of these offenses, shall disclose the same in writing under penalty of perjury. A conviction includes being found guilty of, a plea of guilty to, a plea of no contest or nolo contendere to, or the receipt of a deferred judgment or deferred sentence for, any of the offenses listed above, but does not include any conviction for which the records have been ordered expunged or sealed.

Do you or a company you work for or own do business with the City of Louisville?
YES NO If Yes, please explain below:

All information on this application is public record and may be released for public review.

I certify that the information in this application is true and complete. I understand that false statements, misrepresentations or omissions of information in this application may result in rejection of this application. The City is expressly authorized to investigate all statements contained in this application and, in connection therewith, to request a criminal history from the Colorado Bureau of Investigation. I consent to the release of information about my ability and fitness by employers, schools, criminal justice agencies, and other individuals and organizations to investigators, personnel staffing specialists, and other authorized employees of the City of Louisville, and release all parties for all liability for any damage that may result from furnishing such information.

In the event I am selected to serve on the City Council, I agree to comply with all of its ordinances, rules, and regulations. I grant full permission to use any photographs, videotapes, recordings or any other record of my participation as a City Councilmember.

I AGREE THAT I UNDERSTAND AND CONSENT TO THE ABOVE STATEMENT:

By checking this box, I am confirming my typed name is my legal name and serves as my electronic signature. I agree that my electronic signature is the legal equivalent of my manual signature on this document.

Signature

Name

Date

City Clerk's Office
749 Main Street, Louisville CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

ACKNOWLEDGEMENT OF RECEIPT OF CODE OF ETHICS

I, _____ have received a copy of **Article 5 Ethics**, of the Louisville Home Rule Charter. I understand that I am responsible to become familiar with the contents of the Code of Ethics, and I agree to abide by the provisions of the code.

By checking this box, I am confirming my typed name is my legal name and serves as my electronic signature. I agree that my electronic signature is the legal equivalent of my manual signature on this document.

Signature

Date

The Code of Ethics is included in the Home Rule Charter, which was approved by the City's registered electors on November 6, 2001. The Charter was filed with the Colorado Secretary of State on November 14, 2001, and took effect immediately thereafter. Amendments to the Charter were approved by the registered electors on November 2, 2004.

You are required to acknowledge receipt of the Code of Ethics. Please sign, date and return this page to the City Clerk's Office, 749 Main Street, Louisville, CO 80027 or at ClerksOffice@LouisvilleCO.gov.

CAMPAIGN FINANCE

This brief introduction is provided to assist candidates and campaign committees with compliance of state laws regarding public disclosure of campaign contributions and spending. This includes limited information and key items to remember. A *Campaign Finance Introduction Manual* with more information is available from the City Clerk's Office. It is based on the Secretary of State's *Campaign and Political Finance Manual* which contains highly detailed information.

PLEASE NOTE: It is every candidate's responsibility to understand Article XXVIII of the Colorado Constitution; Colorado Revised Statutes (C.R.S.) Title 1, Article 45, the local municipal Charter, and the accompanying Rules Concerning Campaign and Political Finance to fully understand Colorado Campaign and Political Finance procedures and requirements.

Candidates and their committees may wish to consult with a private attorney who can provide you with that interpretation. The City Clerk's Office cannot provide legal advice.

Background

The Article XXVIII of the Colorado Constitution, the Colorado Revised Statutes, and the Fair Campaign Practices Act (FCPA) apply to City of Louisville candidates running for Mayor and City Council and to committees supporting or opposing candidates or ballot issues.

The State Constitution, Statutes, and Rules cover a broad range of state, county and other elected positions and committees other than those at the municipal level - reading through this material to decide which provisions are relative to your particular situation can be a challenge but is critical to compliance with campaign reporting requirements.

Secretary of State's Office

The Colorado Secretary of State's Office (SOS) has material that may be helpful for local candidates and committees including advisory opinions, decisions from the Office of Administrative Courts, and frequently asked questions about Colorado Campaign Finance Laws. The SOS campaign finance web site is: <http://www.sos.state.co.us/pubs/elections/CampaignFinance/home.html>

Key Dates to Remember

Campaign finance report filing deadlines for the October 3, 2023 election:

- September 12, 2023: reporting period is beginning of campaign through September 12
- September 29, 2023: reporting period is September 12 through September 29
- November 7, 2023 reporting period is September 29 through November 7
- Amended reports: If needed, may be filed at any time

Submission of Reports

For local candidates, all campaign finance reports are filed with the City Clerk's Office. The City Clerk's Office will accept campaign finance reports by email or in hard copy. Your report may have either an electronic signature, or you may submit a scanned copy of the report with a wet signature.

Electronically filed reports are due by 11:59 p.m. on the deadline date to be considered timely filed. The report will be time-stamped, indicating the date of receipt. The candidate or candidate's agent will be notified that the City Clerk's Office has received the report

Reports are Public Records

Campaign reports are considered open records and copies are frequently requested. Reports will be made available for public inspection and posted on the City's website.

Candidate Committees

A Candidate Committee consists of a person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate can only have one committee.

All Committees must register with the City Clerk before accepting contributions or making any expenditures in support of a campaign. There are reports that must be completed and filed with the City Clerk and there are reporting deadlines to track and other requirements with which to comply.

Once opened, a committee can only be closed by filing a termination report that includes a zero balance.

All contributions received must be deposited in a financial institution in a separate account with a title that includes the name of the committee.

You do not need a candidate committee if you will not solicit or accept contributions during your candidacy or if you will only spend your own money. However, you still must report expenditures to the City Clerk.

Contribution Limits

The Louisville Municipal Code does not specify any amount for contribution limits. However, you are required to disclose ALL campaign contributions. The following is a guideline for disclosing those contributions:

- \$19.99 or less: Do not need to be itemized; total amount for the reporting period can be aggregated.
- \$20 - \$99.99: Must be itemized, and include the name and address of the contributor.
- \$100 - \$999.99: Must also include the occupation and employer of the contributor
- \$1,000 or more: If received within 30 days prior to the election, must be reported within 24 hours of receipt as a Notice of Major Contributor report. Form may be obtained from the City Clerk.
- Cash/Coin Contributions: Cannot exceed \$100

Prohibited Contributions

In addition to other laws governing the conduct of campaigning for public office, candidates and their committees may NOT accept certain types of contributions. It is the responsibility of the candidate and the committee to ensure they are complying with all applicable campaign finance laws, including but not limited to, Article XXVIII, Section 3 of the Colorado Constitution, and the Colorado Fair Campaign Practices Act.

Colorado law prohibits candidates and candidate committees from accepting contributions from a wide variety of entities. Here is a sample, however this is not a complete list:

- Corporations (profit or non-profit)
- Foreign citizens, corporations, or governments
- Another candidate committee (local, state, or federal)
- Lobbyists, principals of lobbyists, or political committees who retain a lobbyist, when the General Assembly is in regular session (applies to member of or candidates for the General Assembly or Executive Office)
- No person shall act as a conduit for a contribution to a candidate committee.
- Anonymous contributions of \$20 or more
- Limited Liability Companies (LLCs), if any of the LLC members are a:
 - Corporation or labor organization
 - Natural person who is not a U.S. Citizen
 - Foreign government
 - Professional or volunteer lobbyists, or a principal of a lobbyist prohibited from contributing by 1-45-105.5(1), C.R.S.

Expenditures

An expenditure occurs when it is made, when funds are obligated, or when a contract is established, whichever occurs first. All expenditures must be itemized and include the name and address of the payee and the purpose of the expense. No committee or candidate may spend more than \$100 in cash/coin on any single expenditure. Candidate committees may not make contributions to another candidate committee.

Unexpended Campaign Contributions

For candidate committees, unexpended campaign contributions may be:

- Contributed to a political party
- Contributed to a candidate committee established by the same candidate for a different public office
- Donated to a charitable organization recognized by the IRS
- Returned to contributors
- Retained by the committee for use by the candidate in a subsequent campaign

Campaign Finance Complaint Process

Complaints asserting violations of any Fair Campaign Practices Act provisions shall be filed with the City Clerk's Office. The form to do so is on the City's website on the Election Information page.

The Colorado Secretary of State will neither accept nor consider municipal complaints, and will redirect them to the City Clerk's Office.

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

NEW COMMITTEE REGISTRATION FORM

Use this form if you are registering a new committee for Colorado Campaign Finance purposes.

☐ Candidate Committee

☐ Issue Committee

☐ Small Issue Committee

Committee Name: _____

Committee Address (Physical) _____

Committee Address (Mailing) _____

Phone Number: _____ Alternate Phone Number: _____

Email Address: _____

Purpose/Office Sought _____

Financial Institution Information:

Institution Name: _____

Institution Address: _____

Agent / Contact Information:

Name of Person Acting as Registered Agent: _____

Phone Number: _____ Registered Agent e-Mail: _____

Authorization:

Registered Agent's Signature: _____ Date: _____

Print Candidate Name: _____

Candidate Address: _____

Candidate Signature _____ Date: _____

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

REPORT OF CONTRIBUTIONS AND EXPENDITURES

The Report of Contributions and Expenditures is a financial report required for all committees, which accept contributions or make expenditures to support or oppose a candidate or an initiative seeking access to the ballot and/or a referendum placed on the ballot by the City Council. The report is comprised of seven (7) basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and the Statement of Non-Monetary Contributions forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report on Contributions and Expenditures & Detailed Summary – these will be pages 1 and 2 of your report. The first is a summary page of the committee or candidate name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period with the **Detailed Summary** (page 2) summarizing totals for all other data entry forms. Complete this 2-page form last using the information from the other schedules.

Schedule A – This form is used to report monetary contributions received by the committee or party that exceed \$19.99 (Money received into the committee/candidate.) An itemized spreadsheet may be substituted for this form if all the required information is included.

Schedule B – This form is used to report expenditures paid out by the committee or candidate that exceed \$19.99 (Money expended/paid out by the committee/candidate.) An itemized spreadsheet may be substituted for this form if all the required information is included.

Schedule C – This form details loans received and repaid to a financial institution by the committee/candidate.

Schedule D – This form details any returned contributions and expenditures.

Statement of Non-Monetary Contributions – This form details tangible contributions, which can be assessed a fair market value. Expenditures on behalf of a candidate that are coordinated with or controlled by the candidate, candidate's agent or issue committee shall be counted as a contribution to and expenditure by the candidate committee or the political party.

Statement of Non-Receipt of Contributions and Non-Expenditure of Funds – This form is for candidates who do not have a campaign committee and have not received contributions nor made expenditures. No expenditures have been made on behalf of the candidate.

Filing – If filing the Report of Contributions and Expenditures manually, it **MUST** be received by the City Clerk's office on or before the due date. Postmark dates are not recognized. If you wish to file electronically, you may email the form to the City Clerk (MeredythM@LouisvilleCO.gov), by 11:59 pm on the due date.

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

REPORT OF CONTRIBUTIONS AND EXPENDITURES

(1-45-108, C.R.S)

Full Name of Committee/Person: _____

As shown on Registration

Address of Committee/Person: _____

City, State & Zip Code: _____

Name/Address of Financial Institution: _____

Type of Report

- ☐ Regularly Scheduled Filing
- ☐ Amended Filing. This amends previous reported file on (date) _____
- ☐ Termination Report (Termination Report Must Have a Monetary Balance of Zero in Line 5)

Reporting Period Covered: _____ through: _____

Declared Total Spending (if applicable): \$ _____

TOTALS DETAILED SUMMARY PAGE

- | | |
|---|----------|
| 1. Funds on Hand at the Beginning of Reporting Period (monetary only) | \$ _____ |
| 2. Total Monetary Contributions (line 11) | \$ _____ |
| 3. Total Monetary Contributions & Beginning Amount (line 1 + line 2) | \$ _____ |
| 4. Total Monetary Expenditure (line 19) | \$ _____ |
| 5. Funds on Hand at the End of Reporting Period (monetary) (line 3 –line 4) | \$ _____ |

The City's Election Official may impose a penalty of \$50.00 per day for each day that a report is filed late.

Authorization (must be completed by either the Registered Agent or the Candidate). *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: _____ Date: _____

Signature: _____

Print Candidate Name: _____ Date: _____

Signature: _____

DETAILED SUMMARY

Full Name of Committee/Person: _____

Current Reporting Period: _____ through _____

Funds on hand at the beginning of reporting period (Monetary Only)	\$ _____
6. Itemized Contributions \$20 or More (Please list on Schedule "A")	\$ _____
7. Total of Non-Itemized Contributions (\$19.99 or less)	\$ _____
8. Loans Received (Please list on Schedule "C")	\$ _____
9. Total of Other Receipts (Interest, etc.)	\$ _____
10. Returned Expenditures (From recipient) (Please list on Schedule "D")	\$ _____
11. Total Monetary Contributions (Total of lines 6 – 10)	\$ _____
12. Total Non-Monetary Contributions (Statement of Non-Monetary Contributions)	\$ _____
13. Total Contributions (Line 11 + line 12)	\$ _____
14. Itemized Expenditures \$20 or More (Please list on Schedule "B")	\$ _____
15. Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$ _____
16. Loan Repayments Made (Please list on Schedule "C")	\$ _____
17. Returned Contributions (To donor) (Please list on Schedule "D")	\$ _____
18. Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee)	\$ _____

19. **Total Monetary Expenditures** (Total of Lines 14 -17) \$ _____

20. **Total Spending** (Line 18 + line 19) \$ _____



Schedule A Itemized Contributions Statement (\$20 or more)

Candidate/Issues Committees are required to disclose occupation and employer for all contributions of \$100 or more.

Full Name of Committee / Person: _____

Reporting Period: _____

Total Contributions this reporting period: **\$0.00**

Contributor (Individual / Entity)	Address (include City, State, Zip)	Occupation & Employer (required for all contributions of \$100 or more)	Date Contribution Accepted	Amount of Contribution

Page 1 Total **\$0.00**

[illegible]

**Contributor
(Individual / Entity)**

Address
(include City, State, Zip)

**Occupation & Employer
(required for all contributions of
\$100 or more)**

Date Contribution Accepted

Amount of Contribution

[illegible]

Page 3 Total

\$0.00



Schedule B Itemized Expenditures Statement (\$20 or more)

Full Name of Committee / Person: _____

Reporting Period: _____ Total Expenditures this reporting period: **\$0.00**

Person/Entity (to whom expenditure was made)	Address (include City, State, Zip)	Purpose	Date Expenditure Made	Amount of Expenditure

Page 1 Total **\$0.00**

[illegible]

Page 2 Total

\$0.00

[illegible]

Page 3 Total

\$0.00

[illegible]

Schedule C Loans

Full Name of Committee/Person: _____

Reporting period: _____ **Total Loans this reporting period:** _____

LOANS – Loans Owed by the Candidate/ Committee

Use a separate schedule for each loan. This form is for line items 8 and 16 of the Detailed Summary Report.

(A candidate's committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.)

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Loan Amount: \$ _____ Interest Rate: _____

Terms of Loan – Date Loan Received: _____ Date Due for Final Payment: _____

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

Loan Amount Received This Reporting Period:

\$ _____

Total of all Loans This Reporting Period: \$ _____
(Place on line 8 of Detailed Summary Report)

Principal Amount Paid This Reporting Period:

\$ _____

Interest Amount Paid This Reporting Period:

\$ _____

Amount Repaid this Reporting Period:
(Amount Repaid is sum of Principal & Interest entered on Detail Summary)

\$ _____

Total Repayments Made: \$ _____
(Sum of Schedule C pages. Place on line 16 of Detailed Summary)

Outstanding Balance:

\$ _____

Schedule D Returned Contributions & Expenditures

Full Name of Committee/Person: _____

Returned Contributions: *Contributions accepted and then returned to donors*

Contributor (Individual/Entity)	Address (include City/State/Zip)	Date Contribution Accepted	Date Contribution Returned	Amount of Contribution

Returned Expenditures: *Expenditures returned or refunded to the committee*

Person/Entity (to whom expenditure was made)	Address (include City/State/Zip)	Date Expenditure Made	Date Expenditure Returned	Amount of Expenditure

Statement of Non-Monetary Contributions

Full Name of Committee/Person: _____

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

Contributor Name (Individual/Entity):	
Address:	City/State/Zip:
Occupation & Employer (required)	
Date Contribution Accepted:	Fair Market Value:
Description:	

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

date stamp

**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
AND NON-EXPENDITURE OF FUNDS**

[1-45-108(1) & 1-45-109, C.R.S.]

This form is for candidates who do not have a campaign committee and have not received contributions nor made expenditures. No expenditures have been made on behalf of the candidate.

Name of Candidate: _____

Address of Candidate: _____

City, State, Zip: _____

Reporting Period: Beginning Date: _____ Ending Date: _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$0.00

I, _____ affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me, nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my own behalf during this election reporting period.

☐ By checking this box, I am confirming my typed name is my legal name and serves as my electronic signature. I agree that my electronic signature is the legal equivalent of my manual signature on this document.

Signature: _____ Date: _____

RESOURCES

City of Louisville Code of Ethics

Attached

City of Louisville Website

www.LouisvilleCO.gov

City of Louisville Ward Map

[Web Link](#)

City of Louisville City Council Agendas, Minutes, Goals, Work Plans, and Other Information

[Web Link](#)

City of Louisville Biennial Operating and Capital Budgets

[Web Link](#)

City of Louisville Home Rule Charter

[Web Link](#)

City of Louisville Strategic Plan

[Web Link](#)

List of City Council Assignments to Committees and Regional Agencies

Attached

Colorado Municipal League

www.CML.org

Colorado Secretary of State Campaign Finance Information

[SOS website](#)

**LOUISVILLE HOME RULE CHARTER
ARTICLE 5**

OPEN GOVERNMENT AND ETHICS

Section 5-1. Executive Sessions - General.

(a) It is the policy of the City that the activities of City government should be conducted in public to the greatest extent feasible in order to assure public participation and enhance public accountability.

(b) The City Council may hold an executive session only at a regular or special meeting and for the sole purpose of discussing one (1) or more of the topics set forth in Section 5-2.

(c) No adoption of any proposed policy, position, resolution, rule, regulation, or formal action, and no informal or "straw" vote, shall occur at any executive session.

(d) The Council may, by ordinance, establish other procedures and requirements pertaining to executive sessions.

Section 5-2. Executive Sessions - Authorized Topics.

Topics which may be discussed in an executive session shall be limited to the following:

(a) Matters where the information being discussed is required to be kept confidential by federal or state law;

(b) Personnel matters involving the dismissal, demotion, discipline or review of the performance of employees directly appointed by the Council, consideration of complaints or charges against employees appointed directly by the Council, and other personnel matters only upon request of the City Manager or Mayor for informational purposes only;

(c) Consideration of water rights and real property acquisitions and dispositions by the City, but only as to appraisals and other value estimates and strategy for the acquisition or disposition of such rights or property; and

(d) Consultation with an attorney representing the City with respect to pending litigation. Pending litigation shall include cases in which a lawsuit is actually commenced, and any situation where the person requesting the executive session believes in good faith that a lawsuit may result. The Council may discuss settlement strategies in an executive session.

Section 5-3. Executive Sessions - Procedures.

(a) A request for an executive session may be made only by a member of the Council, the City Attorney or other attorney representing the City, the Municipal Judge, or the City Manager.

(b) The request to go into an executive session shall be made in an open session at a regular or special meeting of the Council. The requesting party shall give as detailed and specific a statement as possible, using his or her best judgment to avoid disclosure of any confidential matters, as to the topic or topics to be discussed and the reasons for requesting an executive

session.

(c) The executive session shall only be held upon an affirmative vote of two-thirds (2/3) of the entire Council. A separate vote shall be held on each topic requested to be considered in the executive session. Following the vote and immediately prior to retiring into the executive session, the Mayor shall announce the topic or topics of the executive session.

(d) Immediately upon retiring into the executive session, the requesting party shall explain in detail the nature of the topic and the reasons for requesting the executive session. At this time, those in attendance may discuss the propriety of the executive session.

(e) Before any discussion on the merits of any topic in the executive session, the City Attorney or other attorney representing the City shall give an opinion as to the propriety of the executive session and shall provide guidelines as to the limitations that apply to the discussion.

(f) At any time, any participant may object to the continuation of the executive session. Upon the making of such objection, all discussion shall cease and the Council shall reconvene in an open session for the purpose of determining the propriety of continuing the executive session. An affirmative vote of two-thirds (2/3) of the entire Council shall be required to continue the executive session.

(g) Upon completion of the executive session, the Council shall reconvene in an open session. The person who requested the executive session shall provide as detailed an explanation as allowed by law without disclosing any confidential matter or any matter which would adversely affect the interests of the City, and shall announce what procedure, if any, will follow from the executive session.

(h) Discussions that occur in executive session shall be recorded, and access to the record shall be provided, in the manner and to the extent provided in the State statutes concerning open meetings and the State statutes concerning open records.

Section 5-4. Executive Sessions - State or Federal Law.

To the extent matters addressed in this article are also addressed in any applicable provisions of state or federal law, it is the intent of this Charter that the provisions which best preserve the principles of open government and public participation in the affairs of the City shall prevail.

Section 5-5. Public Records.

(a) The provisions of this Charter relating to open records shall be liberally construed with State open records laws to promote the prompt disclosure of City records to citizens at no cost or no greater than the actual cost to the City. The City shall strictly construe exceptions provided under the State statutes authorizing certain public records to be exempt from disclosure to the public.

(b) City records shall be open for inspection by any person in accordance with this Charter and the State statutes concerning public records and criminal justice records. To the extent State open records laws or City ordinances conflict with the provisions of this Charter, whichever law provides greater access to City records and less expense to the person requesting the records shall control disclosure by the City.

(c) No fee shall be charged for the inspection of City records.

(d) No fee shall be charged for locating City records and making them available for copying, except that the actual labor cost to the City of locating City records may be charged and a reasonable deposit may be required if the records request seeks voluminous records, or records dating over a period of two or more years, and locating the records has exceeded two hours. The City may adopt laws or regulations, consistent with the open records policy of this Charter, to prevent the abuse by persons of open records requests.

(e) No photocopy charges shall be assessed for the first 25 pages of City records provided to a requester on a single request, or for electronic records. When electronic records responsive to a request are readily available, the City shall offer to make such records available as an alternative to paper copies. Photocopy charges per page shall not be greater than the City's actual cost. Where requested City records are voluminous, nothing shall prohibit the City from arranging for a private copy service to make the photocopies and requiring the requester to reimburse the City for actual costs paid to the private copy service.

(f) Any letter, memo, map, drawing, plan or other document that is not an agenda-related material or contained in a communications file and that is submitted to the City Council or Planning Commission during a meeting shall be immediately made available to the public either by making copies available to the public at the meeting or by displaying the document at the meeting so that the public can view the document. No discussion or consideration of such a document by the public body shall occur unless the document has been made available to the public as provided in this subsection (f). Whenever feasible, the City shall cause such documents to be displayed so that citizens observing Council or Planning Commission meetings on television can view the documents.

(g) The City shall make available to the public, at least on the City's web site and City Library, agenda-related materials for each public body. If agenda-related materials are unavailable in electronic format, each such item shall be described on the web site. Within one year from the effective date of this Section, the City shall have a plan for making available on the web site all agenda-related materials. The City shall invite public participation in creating the plan.

(h) The City shall make available to the public the City Council's and Planning Commission's communications file. (Entire Section Repealed and Reenacted by Initiative Approved 11/02/04).

Section 5-6. Code of Ethics - Declaration of Purpose.

(a) Sections 5-6 through 5-17 shall be known as the Code of Ethics.

(b) Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.

(c) While it is critical that persons holding positions in the City government follow both

the letter and spirit of the Code of Ethics, it is equally important that they strive to avoid situations that may create public perceptions of violations of the Code of Ethics. Perceptions of such violations can have the same negative impacts on public trust as actual violations.

(d) The Code of Ethics is intended to foster public trust by defining the parameters of honest government and by prohibiting the use of public office for private gain.

(e) To the extent matters addressed in the Code of Ethics are also addressed in state or federal law, it is the intent of the Code of Ethics that the more restrictive provisions shall control.

Section 5-7. Code of Ethics - Definitions.

For purposes of the Code of Ethics only, the following words shall have the following meanings:

(a) "Business entity" means:

(1) Any corporation whether for profit or nonprofit, governmental entity, business, trust, limited liability company, partnership, association, or other legal entity; and

(2) Any other form of business, sole proprietorship, firm, or venture, carried on for profit.

(b) "Contract" means any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred.

(c) "Domestic partnership" means an exclusive committed relationship between two (2) unmarried adult persons who are unrelated by blood, maintain a mutual residence, and share basic living expenses.

(d) "Interest" means a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss, but does not include:

(1) Any matter in which a similar benefit is conferred to all persons or property similarly situated nor does it include the ownership or control of shares of stock; or

(2) Any beneficial interest in shares of stock, the aggregate amount of which constitutes one (1) percent or less of the shares of stock of the business entity then outstanding.

(e) "Official action" means any legislative, administrative, or quasi-judicial act of any officer, public body member, or employee, or of the City Council or any public body of the City.

(f) "Public body" means any board or commission, or any task force or committee, except any task force or committee for which the City Council determines, in the resolution establishing it, that Sections 5-6 through 5-17, or such portions thereof as selected by the Council, shall not apply because the public interest would be served by the participation of persons who would otherwise have an interest in the matters to be addressed by the task force or committee.

(g) "Relative" means any person related to an officer, public body member, or employee by blood, marriage, or domestic partnership, in any of the following degrees: parents,

spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

Section 5-8. Code of Ethics - Related persons and entities; duration of interest.

(a) An interest of the following persons and entities shall be deemed to constitute an interest of the officer, public body member, or employee for purposes of the requirements of Section 5-9 and Section 5-10:

(1) Any relative of the officer, public body member, or employee; or

(2) Any business entity in which the officer, public body member, or employee is an officer, director, employee, partner, principal, member, or owner (other than stockholder);

(3) Any business entity in which the officer, public body member, or employee owns or controls shares of stock, or any beneficial interest in shares of stock, the aggregate amount of which constitutes more than one (1) percent of the shares of stock of the business entity then outstanding; or

(4) Any business entity in which the officer is an officer, director, employee, partner, principal, member, or owner (other than stockholder), where the business entity is seeking to advance its financial benefit through an official action of the City, if the officer would be directly or indirectly involved in making the decision.

(b) For purposes of the Code of Ethics, participation in a stock mutual fund shall not be considered an interest in any business entity in which the mutual fund owns or controls shares of stock.

(c) For purposes of the Code of Ethics, the parties to a domestic partnership shall be treated as the equivalent of spouses, and the domestic partnership shall be treated as the equivalent of marriage.

(d) For purposes of the Code of Ethics, an officer shall be deemed to continue to have an interest in a business entity for a period of one (1) year after the officer's actual interest has ceased.

Section 5-9. Code of Ethics - Standards.

(a) The following requirements shall constitute reasonable standards and guidelines for the ethical conduct of officers, public body members, and employees.

(b) No officer, public body member, or employee who has the power or duty to perform, or has any influence over, an official action related to a contract, shall:

(1) Have or acquire an interest in a contract between a business entity and the City, unless the City's procedures applicable to the solicitation and acceptance of such contract are followed and unless the officer, public body member, or employee has complied with the provisions of Section 5-10;

(2) Have an interest in any business entity which is a party to the contract with the City, unless the officer, public body member, or employee has complied with the provisions of Section 5-10;

(3) Represent or appear before the City Council, any public body, or any other officer, public body member, or employee, on behalf of any business entity which is a party to the contract with the City;

(4) Have solicited or accepted present or future employment with any business entity which is a party to a contract with the City, if the offer or acceptance of such employment is related to or results from any official action performed by the officer, public body member, or employee with regard to the contract; or

(5) Solicit, accept, or be granted a present or future gift, favor, discount, service or thing of value from or for any person involved in the contract. Nothing in this paragraph shall prohibit any officer, public body member, or employee from accepting an occasional nonpecuniary gift of fifteen dollars (\$15.00) or less in value, or from accepting an award, publicly presented, in recognition of public service. However, no officer, public body member, or employee shall accept a nonpecuniary gift of any value if the gift is or may be in any way associated with a contract that is or may be one for which the officer, public body member, or employee has the power or duty to perform an official action.

(c) No officer, public body member, or employee shall be directly responsible for the hiring, appointment, retention, or supervision of, or influence or attempt to influence the hiring, appointment, supervision, or retention by the City of, any relative of the officer, public body member, or employee.

(d) No officer, public body member, or employee shall influence or attempt to influence the compensation, benefits, or other terms and conditions of City office or City employment applicable to a relative of the officer, public body member, or employee.

(e) No relative of an officer, public body member, or employee shall be hired as an employee unless the City's personnel procedures applicable to such employment have been followed.

(f) No officer, public body member, or employee shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of his or her position with the City, or disclose any such information except as required by law or for City purposes.

(g) No employee shall engage in or accept any employment or service, other than employment by the City, if such employment or service reasonably would tend to impair the employee's independence of judgment in the performance of the employee's duties. This restriction shall not be construed to prohibit any other restrictions or prohibitions on outside employment applicable to an employee.

(h) Neither the City Manager, nor any employee who is the head of a City department, shall be appointed to serve as a member of a public body.

(i) No officer, public body member, or employee shall request or direct the use of an employee's working time for the City, and no employee shall use his or her working time for the

City, for personal or private purposes.

(j) No officer, public body member, or employee shall request, direct, or permit the personal or private use of any City vehicle or City equipment except in the same manner and under the same circumstances applicable to any person who is not an officer, public body member, or employee, unless such use will substantially benefit the City.

(k) No officer, public body member, or employee shall request, or grant to any person, any special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need.

(l) No officer, public body member, or employee shall, at any time within two (2) years after termination from the City:

(1) Appear on behalf of the officer's, public body member's, or employee's interest, or on behalf of the interest of any other person, before the City Council, any public body, or department of the City, in relation to any matter concerning which the officer, public body member, or employee performed an official act; or

(2) Represent the interest of the officer, public body member, or employee, or of any other person, in any other matter before the City Council, any public body, or department of the City, without disclosing to the City the officer's, public body member's, or employee's prior relationship to the City and present relationship to the interest.

(m) Except as provided in Subsection (n), no officer, public body member, or employee shall appear before the City Council or any public body on behalf of any business entity.

(n) A member of a public body may appear on behalf of a business entity before the City Council or before a public body other than the public body of which he or she is a member, so long as the appearance does not concern any matter that has or may come before the public body of which he or she is a member.

(o) Nothing in the Code of Ethics shall preclude an officer, public body member, or employee from appearing before the City Council, any public body, or any other officer, public body member, or employee on behalf of any person which is not a business entity, so long as the appearance does not concern the officer's, public body member's, or employee's interest.

(p) No officer or public body member shall offer or promise to give his or her vote or influence in favor of or against any proposed official action in consideration or upon condition that any other officer, public body member, will promise or assent to give his or her vote or influence in favor of or against any other proposed official action.

(q) No officer shall become a City employee at any time during the term of office, or for two (2) years after leaving office.

(r) No officer shall acquire or seek to acquire any real estate or interest therein if the officer knows, or reasonably should know, that the Council is evaluating, proposing, or pursuing the acquisition of such real estate or interest therein. The officer's knowledge shall be presumed if the minutes or other record of any Council meeting or study session reflect any discussion of the same, or if the officer was present at any executive session at which the same was discussed. The prohibitions of this subsection shall continue to apply until after the Council has abandoned any

effort to acquire such real estate or interest therein, and such abandonment has been reflected in the minutes or other record of a Council meeting.

Section 5-10. Code of Ethics - Disclosure of Interest; Non-Participation in Discussion or Action.

(a) The procedures of this section shall be followed by:

(1) Each officer who has an interest in, or whose interest would be affected by, any proposed official action before the City Council; and

(2) Each public body member who has an interest in, or whose interest would be affected by, any proposed official action before the public body of which the person is a member.

(b) Each officer or public body member, when required to follow this section, shall:

(1) Immediately and publicly disclose the nature and extent of the interest;

(2) Not participate in any discussion or decision concerning the proposed action; and

(3) Leave the room where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.

(c) With respect to any official action in which an officer, public body member, or employee has an interest, the officer, public body member, or employee shall not:

(1) Participate in any discussion with the City Council, any public body, or any other employee, concerning such an action to be taken by the City Council, the public body, or the other employee; or

(2) Attempt to influence publicly or privately, the City Council, any public body, or any other employee, in connection with an official action described in Paragraph (1).

(d) With respect to any official action that would affect the interest of a competitor of a business entity in which an officer, public body member, or employee has an interest, the officer, public body member, or employee shall not:

(1) Participate in any discussion with the City Council, any public body, or any other employee, concerning such an action to be taken by the City Council, the public body, or the other employee; or

(2) Attempt to influence publicly or privately, the City Council, any public body, or any other employee, in connection with an official action described in Paragraph (1).

Section 5-11. Code of Ethics - Filing of Financial Disclosure Statement.

(a) Within three (3) working days after a person has filed a nomination petition or write-in affidavit of intent for the office of Mayor or Councilmember, and within five (5) working days after a person has been appointed to fill a vacancy in such office, the person shall complete, sign, and

file with the City Clerk a disclosure statement that contains:

(1) The person's employer and occupation and the nature of any income in excess of one thousand dollars (\$1,000.00) per year per source, including without limitation, capital gains whether or not taxable, dividends, interest, wages, salaries, rents, and profits;

(2) The name, location, and nature of activities of any business entity with holdings of real or personal property or with business dealings in Boulder County, in which the person has any interest, and the nature of the interest;

(3) The location of any real property within Boulder County in which the person has an interest or, if the person has a controlling interest in an entity or enterprise disclosed pursuant to Paragraph (2), in which the controlled entity or enterprise has any interest and the nature of such interest;

(4) A sworn or verified statement signed by the person, under penalty of perjury, stating that to the best of the person's knowledge, information, and belief, the person has provided, accurately and completely, all of the information required by the disclosure form in compliance with the Code of Ethics. The statement shall contain:

(A) An acknowledgment that, for the purposes of Sections 5-9 and 5-10, the person is deemed to have an interest in his or her own financial affairs, and in that of the person's spouse and other relatives as specified in the Code of Ethics; and

(B) An acknowledgment that, for the purposes of Sections 5-9 and 5-10, the person understands that he or she must disclose such an interest pursuant to Section 5-10 and comply with the non-participation provisions thereof, and that it is a violation of the Code of Ethics to fail to file the statement within the time required herein; and

(C) Such additional information as the person making the disclosure desires.

(b) Except as specifically provided herein, the form and content of the disclosure statement referred to in Subsection (a) shall be established by resolution of the City Council.

(c) Notwithstanding any other provision of this section, no candidate, officer, or public body member shall be required to disclose any confidential relationship protected by law.

(d) By no later than September 10 of each year, each officer shall file an amended disclosure statement with the City Clerk, or notify the City Clerk in writing that the officer has no change of financial condition regarding the disclosed items since the previously filed disclosure statement.

Section 5-12. Code of Ethics - Enforcement.

(a) The provisions of Sections 5-9 through 5-11 shall be enforced as follows:

(1) The City Prosecutor shall have the primary responsibility for administration of said provisions.

(2) Any person who believes that an officer, public body member, or employee

has violated any of said provisions and wishes to initiate proceedings on such alleged violations shall file a written complaint with the City Prosecutor. The complaint shall state in detail the facts of the alleged violation, shall specify the section or sections of the Code of Ethics alleged to have been violated, and shall contain a sworn or verified statement signed by the complainant and stating under penalty of perjury that the information in the complaint is true and accurate, and that the complaint is filed in good faith and not out of malice or any other improper motive or purpose. Any complaint which does not contain such a signed statement shall be returned forthwith to the complainant without action.

(3) If the complaint is made against an officer or public body member, within ten (10) days after receipt of the complaint the City Prosecutor shall forward a copy of the complaint to the officer or public body member against whom the complaint is made, and to an advisory judge referred to in Section 5-13. The City Prosecutor shall request the advisory judge to appoint a qualified disinterested attorney to serve as special prosecutor. If, within ten (10) days after the request, the advisory judge has not appointed a special prosecutor, the City's municipal judge shall appoint a qualified disinterested attorney to serve as special prosecutor. The reasonable expenses and fees of an advisory judge making such an appointment and of the attorney serving as special prosecutor shall be paid by the City. The attorney recommended or appointed pursuant to this paragraph shall serve as special prosecutor for purposes of investigation and action on the complaint, and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Before completing the investigation, the special prosecutor shall provide the officer or public body member against whom the complaint is made an opportunity to provide information concerning the complaint.

(4) If the complaint is against an employee, the City Prosecutor shall investigate the complaint and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Within ten (10) days after receipt of the complaint the City Prosecutor shall forward a copy of the complaint to the employee against whom the complaint is made and, before completing the investigation, shall provide the employee an opportunity to provide information concerning the complaint.

(b) A person commits false reporting of a complaint under this section if:

(1) The person makes a complaint of a violation under Sections 5-9 through 5-11 or knowingly causes the transmission of a complaint to the City Prosecutor of such a violation when the person knows that the violation did not occur; or

(2) The person makes a complaint or knowingly causes the transmission of a complaint to the City Prosecutor pretending to furnish information relating to a violation of Sections 5-9 through 5-11 when the person knows that he or she has no such information or knows that the information is false.

(c) A person who is convicted of false reporting of a complaint under this section shall be punished as provided in Section 16-7 of this Charter.

Section 5-13. Code of Ethics - Advisory Opinions.

(a) The municipal judge shall maintain the consent of one (1) or more judges of municipalities other than the City, to provide advisory opinions with respect to the applicability of Sections 5-9 through 5-11. The names of such advisory judges shall be provided to the City Council, the City Manager, and the City Attorney. The reasonable expenses and fees of an advisory judge providing such an opinion shall be paid by the City.

(b) If any officer, public body member, or employee is uncertain as to the applicability of Sections 5-9 through 5-11 to a particular situation, or as to the definition of terms used in said sections, the officer, public body member, or employee may apply in writing to the City Council, Mayor, or City Manager for an opinion from an advisory judge pursuant to this section, and the City Council, Mayor, or City Manager may submit an application to the advisory judge for procurement of an opinion. Any officer or public body member may apply directly to an advisory judge for an opinion. The application shall state in detail the applicable facts and the section or sections of the Code of Ethics concerning which the opinion is requested.

(c) Any person who requests and acts in accordance with an advisory opinion issued pursuant to this section shall not be subject to any penalties for such action under the Code of Ethics, unless material facts were omitted or misstated in the request for the advisory opinion.

(d) An opinion rendered by an advisory judge pursuant to this section shall be disclosed to the public by posting, unless the advisory judge who issued the opinion determines it in the best interest of the City to delay such posting, in which case the opinion shall be posted as soon as the judge determines that the best interest of the City will no longer be harmed by public disclosure of the opinion.

Section 5-14. Code of Ethics - Violations - Penalties.

An officer, public body member, or employee who is convicted of a violation of any of the provisions of Sections 5-9 through 5-11 shall be punished as provided in Section 16-7 of this Charter.

Section 5-15. Code of Ethics - Violations - Voiding of Contract.

Any contract which was the subject of any official action of the City in which there was or is an interest prohibited by the Code of Ethics shall be voidable at the option of the City, if legally permitted. Where the City Attorney determines that the public interest may best be served by not voiding such contract, it may be enforced and an action or proceeding may be brought against any officer, public body member, or employee in violation of the provisions of the Code of Ethics for damages in an amount not to exceed twice the damages suffered by the City or twice the profit or gain realized by the officer, public body member, or employee, whichever is greater.

Section 5-16. Code of Ethics - Violations - Injunction.

The City Prosecutor shall have the power, where a violation of the provisions of the Code of Ethics is threatened or has occurred, to bring a civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of the Code of Ethics.

Section 5-17. Code of Ethics - Distribution.

The City Clerk shall cause a copy of the Code of Ethics, and any forms required for compliance with the Code of Ethics, to be distributed to each officer, public body member, and employee of the City within twenty (20) days after the adoption of the Charter, and to each officer, public body member, and employee elected, appointed, or hired thereafter, before entering into any duties with the City, and to each candidate for elective office at the time the candidate obtains a nomination petition. In addition, the City Clerk shall cause a copy of any amendment to the Code of Ethics to be distributed to each officer, public body member, and employee of the City within twenty (20) days after the enactment of the amendment.

Section 5-18. Notices and Agendas.

(a) Any meeting of a public body shall be preceded by the posting of a notice of and agenda for the meeting. Except as provided in Section 4-2, the notice and agenda shall be posted, and published on the City's website, no less than 72 hours before the meeting.

(b) The agenda for any non-emergency meeting of a public body shall contain an itemized list of all subjects on which substantive discussions are reasonably expected or which may be the subject of formal action.

(c) No public body shall engage in substantive discussions relating to, or take formal action on, any subject at a non-emergency meeting when that subject was not listed in the agenda for that meeting and is not substantially related to any subject listed in the agenda, provided, however, that the City Council may engage in substantive discussions and take formal action on a matter of public business not on the agenda, upon a finding by the presiding officer that such discussions or action will promote the general welfare of the City, it is important that the matter be acted upon before the next formal City Council meeting, and it would be injurious to the City to await action on the matter until the next formal City Council meeting.

(d) For purposes of this Section, a subject is not substantially related to a subject listed in the agenda when a person reading the agenda before the meeting would not have reasonably expected that the subject would be substantively discussed or formally acted upon at the meeting.

(e) At any non-emergency meeting of a public body, any member of the public who in good faith believes that a meeting is proceeding in violation of subsection (c) of this Section shall be entitled to submit a brief written objection to the official presiding over the meeting; the written objection shall specify the ground for the objection. The presiding official shall exercise his or her discretion in determining whether the meeting is in compliance with this Section, and shall conduct the meeting in accordance with that determination. The written objection shall be retained permanently in the records of the City. The City may adopt laws or regulations, consistent with this Section, to prevent the abuse of this subsection (e). (Entire Section Added by Initiative Approved 11/02/04).

DEFINITIONS RELEVANT TO ARTICLE 5

(From Charter Section 1-1)

(a) "Board or commission" means each board and commission established by or pursuant to Section 10-1.

(c) "Council" or "City Council" means the body constituting the City Council of the City.

(d) "Councilmember" means each member of the City Council except the Mayor.

(e) "Emergency" means a matter which could not have been reasonably anticipated or foreseen, and on which immediate action is genuinely and urgently necessary for the preservation of the public health, safety, or welfare.

(f) "Employee," "City employee," or "employee of the City" means each compensated person in the service of the City who is designated as an employee in the personnel rules and regulations of the City.

(g) "Entire Council" means all of the seven (7) members of the City Council provided for in Section 3-1.

(k) "Member of the Council" means the Mayor and each Councilmember.

(m) "Officer" means the Mayor and each Councilmember.

(o) "Posting" or "posted" means placing, in areas accessible by the public, at City Hall, the City Library, the Louisville Recreation Center, and one additional location that is open to the public during hours different from the regular business hours of City Hall. (Repealed and Reenacted by Initiative Approved 11/02/04).

(p) "Publication" or "publish" means:

(1) Printing in a newspaper, and placement of a copy in the City Library; or

(2) Placement on the City's internet website or other technologies adopted by the City, and placement of a copy in the City Library; or

(3) By posting, if an emergency exists or when no such newspaper is available. Anything so posted shall subsequently be published as provided in Paragraph (1) or (2).

(v) "Task force or committee" means each task force or committee established pursuant to Section 10-2(f).

(x) "Agenda-related materials" means the agenda, all reports, correspondence and any other document forwarded to a public body that provide background information or recommendations concerning the subject matter of any agenda item. (Added by Initiative Approved 11/02/04).

(y) "Communications file" means a paper or digital file, organized chronologically and accessible to any person during normal business hours, containing a copy of any letter, memorandum or other public record that the clerk or secretary of the City Council or Planning Commission has distributed to, or sent on behalf of, the Mayor, the chairperson of the Commission, or a quorum of the Council or Commission concerning a matter that has been placed on the Council's or Commission's agenda within the previous thirty days or is scheduled

or requested to be placed on the agenda within the next thirty days. The file may, but need not contain, voluminous reports, studies or analyses not created by City officers or employees provided that their omission is noted in the file. Excepted from the file shall be commercial solicitations, agenda-related material, and records excepted from disclosure to the public. (Added by Initiative Approved 11/02/04).

(z) "Public body" means those City public bodies referenced in Section 5-7(f). (Added by Initiative Approved 11/02/04).

(aa) "Substantive discussions" means debate, deliberation or other discussion about the merits, benefits, advantages or disadvantages of any proposed or possible resolution of any issue that will be or may be the subject of formal action by a public body. (Added by Initiative Approved 11/02/04).

2023 City Council Committee Assignments

Board/Commission/Committee	Meeting Day/Time (subject to change)	Councilmember Assignment
City Council Economic Vitality Committee	3 rd Friday of the Month, 1:30 pm	Leh chair Most, Fahey
City Council Finance Committee	3 rd Thursday of the Month, 9 am	Dickinson chair Hamlington, Hoefner
Colorado Communities for Climate Action (CC4CA)	1 st Friday of even months, 9-11 am	Fahey
Commuting Solutions	Quarterly	Fahey, Most alternate
Consortium of Cities	1 st Wednesday of every other month.	Dickinson Hoefner, alternate
DBA Street Faire Committee	TBD	Maloney
Denver Regional Council of Governments	1 st Wednesday at 4 pm and 3 rd Wednesday at 6:30 pm	Hoefner Fahey, alternate
Joint Issues Committees (Superior and Lafayette)	As needed	Most, Hamlington
Revitalization Commission Member	2 nd Wednesday of the month, 8:00 am	Leh
RMMA Round Table	TBD	Most Hamlington, alternate