

STATE OF
COLORADO

Info, IEC <iecinfo@state.co.us>

Position Statement - Home Rule

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To: "iecinfo@state.co.us" <iecinfo@state.co.us>

Mon, Nov 27, 2023 at 10:15 AM

Dear Mr. Ioannides, please accept these written comments with regard to the Position Statement for Home Rule Cities and Counties. I am submitting these comments on behalf of the Town of Avon, a Colorado home rule municipality. Prior to serving as the Town Manager I served as the Town Attorney for the Town of Avon from 2008 through 2019. I have also served as the municipal attorney for a variety of other home rule municipalities in Colorado throughout my 25 year legal career.

The Town of Avon supports the draft position statement. The logic, reasoning and analysis follow long established principles and case law regarding home rule authority. In particular, the deference to home rule communities that have their own complete ethics rules for enforcement and adjudication of ethics complaints is appropriate and important. The Town of Avon adopted its own Town Code of Ethics several decades ago. In 2015 the Avon Town Code of Ethics was revised to enact strict limitations and prohibitions on Town officials contract with the Town of Avon or accepting employment, which are far more strict than the State Standards of Conduct.

The Town of Avon authorizes enforcement through the Town Attorney, or appointment of special counsel, at the direction of the Town Council and separately authorizes the District Attorney to independently bring appropriate judicial proceedings on behalf of the people. We believe this is a more appropriate and effective approach than the Independent Ethics Commission enforcing the Avon Town Code of Ethics.

Thank you for receiving these comments. I was on vacation last week and realize this is past the November 22, 2023 deadline. If these comments cannot be accepted into the record please let me know and I'll try to attend the December 5, 2023 meeting to provide comments verbally.

Best regards, Eric

Eric Heil

Town Manager

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