



**TOWN COUNCIL WORK SESSION & MEETING**  
Zoom Webinar and/or Town Council Chamber  
3 S. Timber Ridge Parkway, Severance, CO 80550

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**AGENDA**  
**TOWN COUNCIL WORK SESSION & MEETING**  
**Tuesday, April 14, 2026, at 5:00 PM**

**A. CALL TO ORDER WORK SESSION (5:00 PM)**

*The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.*

- 1. Pg. 4 - Great Western Railway Rehab Discussion**
  - Discussion
  - Staff Presentation: Stephen Gagliardi, Council Member
- 2. Pg. 5 - Downtown Project Discussion**
  - Discussion
  - Staff Presentation: Nicholas Wharton, Town Manager

**B. CALL TO ORDER REGULAR MEETING (6:00 PM)**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Pg. 10 - Proclamation: Arbor Day April 24, 2026**
- 4. Agenda Review by Town Manager**
- 5. Consent Calendar**

*The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.*

- a. Pg. 11 - Town Council Meeting Minutes 3.24.26**

- 6. Approval of Agenda**
- 7. Public Comment**

*The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make*

*decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.*

**8. Council Member Comments**

**9. Reports**

*Council approval may be sought for administrative actions in association with staff reports.*

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members Liaisons
- e. Mayor

**C. TOWN COUNCIL**

**1. Pg. 15 - Planning Commissioner Appointment**

- Legislative, Discussion
- Staff Presentation: Shani Porter, Planning Director

**2. Pg. 24 - Resolution 2026-12R: A Resolution of the Town Council of the Town of Severance, Colorado, amending the Code of Conduct and Ethics in accordance with section 3.06 of the Home Rule Charter**

- Legislative
- Staff Presentation: Andrew Rogers, Town Attorney

**3. Pg. 63 - Ordinance 2026-03: An Ordinance of the Town Council of the Town of Severance, Colorado, repealing and reenacting section 6-1-150 of the Severance Municipal Code regarding Solicitors, Door-to-Door Salespersons**

- Legislative, Public Comment
- Staff Presentation: Andrew Rogers, Town Attorney

**4. Pg. 81 - Comprehensive Plan Discussion**

- Discussion
- Staff Presentation: Josh Olhava

**D. COUNCIL MEMBER PETITIONS**

*Council Members may ask for items to be added to future agendas.*

**E. ADJOURN**

**Town Council Meeting**  
*Tuesday, April 14, 2026, 5:00 PM (MDT)*

*The Town Council reserves the right to adjourn to a virtual-only meeting at its discretion should the need arise.*

*Registration URL*  
<https://us02web.zoom.us/j/89354721574?pwd=2TJORo1yOgUN5NB28octprdXWugaLI.1>

*The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.*



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 4 - Great Western Railway Rehab Discussion	Stephen Gagliardi, Council Member	Council Member Stephen Gagliardi
<b>ACTION REQUESTED</b>		
Town Management asks the Town Council to discuss the Great Western Railway caboose and engine and direct any further actions they deem necessary.	<b><u>Discussion</u></b>	
<b>BRIEF HISTORY OF ITEM</b>		
<b>BRIEF SUMMARY</b>		
Council Member Gagliardia brought this item to the Town Council at the January 13, 2026, meeting and this item was discussed at the January 16, 2026, Town Council Retreat and is coming back with more information and a request for discussion on the initial costs and next steps for the Great Western Railway caboose and engine.		
<b>PUBLIC SUPPORT/CONCERN</b>		
None at this time.		
<b>ANALYSIS AND RECOMMENDATION</b>		
Town Management asks the Town Council to discuss the Great Western Railway caboose and engine and direct any further actions they deem necessary.		
<b>MATERIALS SUBMITTED</b>		
The following materials were submitted and included in this packet: None		



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 5 - Downtown Project Discussion	Nicholas Wharton, Town Manager	Town Manager Nicholas J. Wharton
<b>ACTION REQUESTED</b>		
Town Management asks the Town Council to discuss a proposal for the Downtown Project and direct any further recommendations they deem necessary.	<b><u>Discussion</u></b>	
<b>BRIEF HISTORY OF ITEM</b>		
<b>BRIEF SUMMARY</b>		
<p>Discussion items will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Pivot Structures Lease</li> <li>• Economic Development with Pivot Structures</li> <li>• Lot Redevelopment of 336, 320, and 312 1st Street</li> <li>• Structure updates on 336, 320, and 312 1st Street</li> </ul>		
<b>PUBLIC SUPPORT/CONCERN</b>		
None at this time.		
<b>ANALYSIS AND RECOMMENDATION</b>		
Town Management asks the Town Council to discuss a proposal for the Downtown Project and direct any further recommendations they deem necessary.		
<b>MATERIALS SUBMITTED</b>		
<p>The following materials were submitted and included in this packet:</p> <ol style="list-style-type: none"> <li>1. Current View (1)</li> <li>2. Concept Rendering (1)</li> <li>3. Current View (2)</li> <li>4. Concept Rendering (2)</li> </ol>		



SPEED  
LIMIT  
25

TRUCK  
ROUTE



CONCEPT RENDERING





CONCEPT RENDERING



**ARBOR DAY PROCLAMATION  
APRIL 24, 2026**

**WHEREAS**, in 1872, the Nebraska Board of Agriculture established a special day to set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

**WHEREAS**, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE**, we, the Town Council of Severance, do hereby proclaim April 24, 2026, as

**ARBOR DAY**

and call upon the citizens, government agencies, public and private institutions, businesses and schools to celebrate Arbor Day and to support efforts to protect our trees and woodlands and to plant trees to gladden the heart and promote the well-being of this and future generations.

**IN WITNESS WHERE OF**, I have hereto set my hand and caused the seal of the Town of Severance, Colorado to be affixed this 14th day of April 2026.

[ Seal ]

\_\_\_\_\_  
Matthew Fries, Mayor



**TOWN COUNCIL WORK SESSION & MEETING**  
Zoom Webinar and/or Town Council Chamber  
3 S. Timber Ridge Parkway, Severance, CO 80550

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**WORK SESSION & MEETING MINUTES**  
**Tuesday, March 24, 2026, at 5:00 PM**

**Mayor:** Matthew Fries  
**Mayor Pro-tem:** Brittany Vandermark  
**Council Members:** David Bruen  
Craig Joseph  
Stephen Gagliardi  
Karen Hessler  
Josh Ochs  
**Audience:** Fire Division Chief Sandra Friedrichsen, Dale Gasland, Christine McDaniel  
**Staff:** Nicholas Wharton, Town Manager  
Lindsay Radcliff-Coombes, Deputy Town Manager  
Sarah Jacobsen, Town Clerk  
Shani Porter, Planning Director  
Ken Chavez, Police Chief  
Andrew Rogers, Town Attorney

**A. CALL TO ORDER REGULAR MEETING (5:00 PM)**

**1. Roll Call**

Present:  
Mayor Matthew Fries, Mayor Pro Tem Brittany Vandermark, Council Member David Bruen, Council Member Stephen Gagliardi, Council Member Craig Joseph, Council Member Karen Hessler, Council Member Josh Ochs

**2. Pledge of Allegiance**

**3. Agenda Review by Town Manager**

Town Manager Nicholas Wharton requests to reschedule item E, Work Session with Planning Commission, due to multiple illnesses and the availability of the Commissioners.

**4. Consent Calendar**

*The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.*

**MOTION WAS MADE BY Mayor Pro-tem Vandermark**, seconded by Council Member Gagliardi to Approve the Consent Calendar. All Council Members present voting Yes.

**MOTION PASSED**

- a. **Pg. 3 - Town Council Meeting Minutes 3.10.26**
- b. **Pg. 7 - February 2026 Financial Statements**
- c. **Pg. 48 - February 2026 Payables**
- d. **Pg. 51 - Resolution 2026-12R: A Resolution for the Town Council of the Town of Severance, Colorado, appropriating funds from fund balance**

**5. Approval of Agenda**

**MOTION WAS MADE BY Mayor Pro-tem Vandermark**, seconded by Council Member Bruen to Approve Agenda, removing item E. All Council Members present voting Yes.

**MOTION PASSED**

**6. Public Comment**

*The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.*

No public comment.

**7. Council Member Comments**

**8. Reports**

*Council approval may be sought for administrative actions in association with staff reports.*

- a. Town Attorney
- b. Town Staff
- c. Town Management

Town Manager Nicholas Wharton asks the Town Council how they would like him to proceed with Pivot Structures and its lease agreement with the Town. Pivot has asked for a 3–6 month extension on the lease or a more permanent lease that would include a partnership with the Town for Pivot Structures. Council was in agreement to give Pivot an extension and have a Work Session on future ideas with Pivot Structures.

d. Council Members Liaisons

e. Mayor

## **B. TOWN COUNCIL**

### **1. Pg. 65 - Planning Commissioner Appointment**

- Legislative, Discussion
- Staff Presentation: Shani Porter, Planning Director

This item was continued to the Town Council meeting on April 14, 2026, due to applicants being unable to attend tonight's Council meeting.

### **2. Pg. 75 - Comprehensive Plan Advisory Committee Appointments**

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

**MOTION WAS MADE BY Mayor Pro-tem Vandermark**, seconded by Council Member Ochs to Approve Comprehensive Plan Advisory Committee as the members of the Citizen Advisory Board with the addition of Christine McDaniel. All Council Members present voting Yes.

**MOTION PASSED**

### **3. Pg. 97 - Ordinance 2026-02: An Ordinance of the Town Council of the Town of Severance, Colorado, Adopting the 2025 Colorado Wildfire Resiliency Code and adopting the 2025 Colorado Wildfire Resiliency Code Map**

- Legislative
- Staff Presentation: Shani Porter, Planning Director

Public comment opened, and no one was present for comments.

**MOTION WAS MADE BY Mayor Pro-tem Vandermark**, seconded by Council Member Gagliardi to Adopt Ordinance 2026-02: An Ordinance of the Town Council of the Town of Severance, Colorado, Adopting the 2025 Colorado Wildfire Resiliency Code and adopting the 2025 Colorado Wildfire Resiliency Code Map. All Council Members present voting Yes.

**MOTION PASSED**

### **4. Pg. 139 - NISP Twenty-Second Interim Agreement Participation**

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

**MOTION WAS MADE BY Mayor Pro-tem Vandermark**, seconded by Council Member Ochs to remove the Town's participation 100% from the NISP Twenty-Second Interim Agreement. All Council Members present voting Yes.

**MOTION PASSED**

## **C. COUNCIL MEMBER PETITIONS**

*Council Members may ask for items to be added to future agendas.*

Council Member Hessler petitioned for an Ordinance on e-bikes, motobikes, and e-scooters in the interests of public safety.

## **D. ADJOURN**

The meeting adjourned at 7:00 p.m.

**E. WORK SESSION WITH PLANNING COMMISSION**

This item will be rescheduled for a future date when the Planning Commissioners can attend.

TOWN OF SEVERANCE

\_\_\_\_\_  
Matthew Fries, Mayor

ATTEST

\_\_\_\_\_  
Sarah Jacobsen, Town Clerk



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 15 - Planning Commissioner Appointment	Shani Porter, Planning Director	Shani Porter
<b>ACTION REQUESTED</b>		
<p>The Planning Director and Town Management ask that the Town Council discuss the appointment of a Planning Commissioner and take action.</p> <ul style="list-style-type: none"> <li>• Actions that may be taken:               <ul style="list-style-type: none"> <li>○ Move to appoint a Planning Commission Member</li> <li>○ Take no action</li> </ul> </li> </ul>	<p><b><u>Discussion</u></b> <b><u>Action Requested</u></b></p>	
<b>BRIEF HISTORY OF ITEM</b>		
<b>BRIEF SUMMARY</b>		
<p>The Town Council is asked to consider applicants to fill one seat on the Planning Commission due to a resignation as of February 26, 2026. This term will run through June 2027.</p> <p>Prospective members shall be evaluated upon their expressed commitment to serve, which may include consideration of the following criteria:</p> <ul style="list-style-type: none"> <li>a. Professional or acquired knowledge of planning or the land use decision-making process;</li> <li>b. Understanding of issues of local importance;</li> <li>c. Geographic distribution of existing members across the Town;</li> <li>d. Strong interpersonal and decision-making skills; and</li> <li>e. Commitment to serving the public interest.</li> </ul>		
<b>PUBLIC SUPPORT/CONCERN</b>		
None at this time.		
<b>ANALYSIS AND RECOMMENDATION</b>		
The Planning Director and Town Management recommend that the Town Council take action to appoint the vacant Planning Commissioner position.		
<b>MATERIALS SUBMITTED</b>		
<p>The following materials were submitted and included in this packet:</p> <ol style="list-style-type: none"> <li>1. Kenneth Riley PC Application 3.24.26</li> <li>2. Michael Hall PC Application 3.24.26</li> </ol>		

**Print**

**Council, Board, Commission, or Committee Application Form - Submission #837**

Date Submitted: 2/27/2026

Select the Council, Board, Commission, or Committee applying for\*

Planning Commission

**Personal Information**

First Name\*

Kenneth

Last Name\*

Riley

Address1\*

[Redacted]

Address2

City\*

Severance

State\*

Colorado

Zip\*

80550

Home Phone Number\*

[Redacted]

Occupation

(Commercial Mortgage) Loan Management Software Lead - IT

Email Address\*

[Redacted]

Residency Information

**Length of Residency in Severance\***

6 years

**Are you a registered voter and a United States Citizen?\***

- Yes
- No

**Education and Hobbies**

**Hobbies**

Finance, Investing, Playing with my young children, Philosophy, Debate, Martial Arts & Fitness

**Organization Membership Information**

**Are you currently serving on other Boards, Commissions, or Committees?\***

- Yes
- No

**If yes, which**

**Have you served on a Board, Council, Commission, or Committee before?\***

- Yes
- No

**If yes, which**

University of Massachusetts Real Estate Association

**Please list organization memberships and positions held**

Co-Founded and served as President for a Real Estate club for one year during 2014 - 2015.

**Upload Letter of Interest\***

Planning  
Commission.docx

**Upload Resume\***

Kenneth-Riley-Sev.CO.pdf

To the Mayor of Severance and City Council,

I write this letter as a passionate father of two young children that will grow up in this town. As a father I seek to set an example for my children and love to positively contribute to society. I have spent a few years working for a local non-profit, and a few more volunteering most Saturdays with another. As my children grow near public school age, and as I become more familiar with the town and people of Severance, I seek to make a more direct impact on the beautiful town that we call home. I would love to volunteer to serve on Severances Planning Commission!

My wife and I purchased our house on Aspen Grove Way in January of 2020, and we could not have made a better decision. While we enjoy the convenience of Fort Collins and Windsor nearby, we appreciated the small town, neighborly feel of Severance.

Though Severance is undoubtedly growing quickly, we have seemingly managed to retain our neighborly demeanor, low crime rates, and festive town events. My vision for Severance is exactly that- a continued small town feel that is safe and friendly. I want to continue providing new amenities and conveniences to our town, such as the recently proposed or renovated Reservoir, Dog Park, Karen Suman Park, etc., but I am also a realist.

I have had a strong career in Accounting in Finance and understand the need for revenue driving growth; but I am also highly analytical and think deeply about the impact of any decision I make. I want to ensure that the town's resources will be allocated and utilized wisely, to boost home values and satisfy resident needs. I would love the opportunity to meet the City Council and speak to my ethics, skillsets and other qualifications for this role.

I hope to be considered for this opportunity with the Planning Commission of the town of Severance. Please do not hesitate to reach me at any time via phone or email, I would love to chat about this position and my qualifications!

Sincerely,

Kenneth Riley

[REDACTED]  
[REDACTED]

## Email

## Address

Severance, CO 80550

## Phone



## Skills

General Ledger Accounting

Financial Reporting

Internal Audit and Controls

Leadership

Emotional Intelligence

Process

Implementation/Improvements

Structured Finance

Microsoft Excel

Analytical Thinking

Artificial Intelligence & Automations



## Languages

### English

Native

### Database Language (SQL)

Intermediate

### Programming Language (Python)

Elementary

# Kenneth Riley

## Accounting and Finance Professional

Tenured Result-Driven Accounting & Finance Professional, New IT Professional. I enjoy analytical thinking and solving complex problems. I pride myself on integrity, logic, ambition, work ethic, dependability, empathy, and everlasting curiosity. I always seek to understand the "Why" not just the "How".

## Experience

### ▪ Loan Management System Lead - IT

**Corebridge Financial** *Remote*

Mar 2026 - Present

- Manage an international team to provide technical and operational support for a \$45B CML Portfolio, as Application Owner
- Provide cross functional support to Business Operations, Investment Accounting and CML Finance Team

### ▪ IT Lead LMS Application Support - Contract

**Corebridge Financial via Mphasis** *Remote*

Oct 2025 - Feb 2026

- Lead Commercial Mortgage Lending Technical Support. Cross functionally supporting Operations, and Investment Accounting departments to provide technical, transactional, and reporting solutions within the Loan Management System
- Hired Permanently as of March 2nd, 2026

### ▪ Sr. Revenue Consultant - Contract

**TGRP Solutions** *Remote*

Oct 2024 - Feb 2025

- Assessed Revenue Reconciliation and wrote a script to automate controls and efficiency, resulting in 500%+ lesser manual actions
- Owned Quarter End contract review ensuring adherence to ASC606
- Lead initiative with Google's LLM AI, Gemini, to automate elements of revenue contract review process
- Identified SOX compliance gaps and worked with Internal Audit Board to propose change and mitigate risk
- Assisted with Monthly and Quarterly Close

### ▪ Accounting Manager

**KB Custom Ag Services** *Eaton, Colorado*

Mar 2024 - Aug 2024

- Identified gaps in internal accounting processes and implemented improvements to boost controls, compliance, and efficiencies
- Designed a dynamic loan/lease amortization calculator and roll forward schedule for all financed equipment and heavy machinery
- Trained team on generative AI (Microsoft Copilot) to streamline processes while boosting self-sufficiency and resourcefulness
- Redesigned Accounts Payable workflow, building new processes and establishing SOPs to ensure maximal cash flow efficiency

### ▪ Associate Manager - Mortgage Loan Accounting

**SS&C Technologies** *Remote*

Jan 2022 - Mar 2024

- Managed a client facing team to perform accounting, administrative, and operational (back office) support for multiple Hedge Funds and Private Equity firms
- Active lead for client's accounting and administrative operations in the lending life cycle; from origination to maturity or securitization/sale
- Produced accurate and timely Month End and Quarter End financials, ensuring revenue recognition adheres to ASC 310/606 and all entries are sufficiently documented for audit purposes
- Led four successful new client implementations, onboarding a wide variety of Asset Backed Security types, creating custom reporting packages to serve various needs based on portfolio composition

### ▪ Senior Accountant

**No Barriers USA** *Fort Collins, CO*

Sep 2017 - Jun 2020

- Ownership of Month End Close process including account reconciliations, monthly journal entries, and financial reporting
- Managed cash activity, and produced a weekly cash flow analysis, as well as other financial projections including annual budgets for CFO
- Lead POC of internal audit process with Eide Bailly, receiving cleanest findings in the history of No Barriers

## Education

### ▪ Bachelor of Business Administration BBA, Finance, General

**University of Massachusetts - Amherst** *Amherst, MA*

2011 - 2015

- Founded Isenberg School of Business' Isenberg Real Estate Association club

- 3.7 Overall GPA & 3.91 Finance GPA

**Print**

**Council, Board, Commission, or Committee Application Form - Submission #838**

Date Submitted: 3/2/2026

Select the Council, Board, Commission, or Committee applying for\*

Planning Commission

**Personal Information**

**First Name\***

Michael

**Last Name\***

Hall

**Address1\***

[Redacted]

**Address2**

**City\***

Severance

**State\***

CO

**Zip\***

80550

**Home Phone Number\***

[Redacted]

**Occupation**

City Planner - City of Evans, CO

**Email Address\***

[Redacted]

**Residency Information**

**Length of Residency in Severance\***

7 Years

**Are you a registered voter and a United States Citizen?\***

- Yes
- No

**Education and Hobbies**

**Hobbies**

Hiking, Biking, Skiing

**Organization Membership Information**

**Are you currently serving on other Boards, Commissions, or Committees?\***

- Yes
- No

**If yes, which**

**Have you served on a Board, Council, Commission, or Committee before?\***

- Yes
- No

**If yes, which**

Town of Severance 2020 Comprehensive Plan - City Advisory Committee

**Please list organization memberships and positions held**

APA

**Upload Letter of Interest\***

Michael Hall - Letter  
2026.pdf

**Upload Resume\***

Michael Hall - Resume  
2026.pdf

March 1, 2026

Dear Town of Severance Mayor, Town Council and Planning Department,

After reflection, it is the right time to pursue the Planning Commissioner vacancy with the Town of Severance. I have seen vacancy postings over the years, but professionally and personally was not properly disposed to take on this obligation. However, I am excited and hopeful to be considered to serve on this advisory Board.

On the experience front, I have been practicing as a land use planner in Northern Colorado for over ten years. During this time, I have become deeply familiar with most aspects of county and municipal planning, with an emphasis in rural, small town, agricultural areas.

It is my opinion that I could beneficially serve the Town of Severance in a meaningful way on Planning Commission, given I understand city planning in theory and in practice, the creation and enforcement of municipal codes, the roll of long range plans and maps in the review process, the details of land use applications processes and procedures, and I have experience with many allied professional topics such as engineering, economic development, surveying and applicable legal concepts.

Additionally, I participated in the 2020 Comprehensive Plan - Citizen Action Committee, where I had the opportunity to provide input on certain long range planning goals and objectives for the Town. I believe serving on Planning Commission will allow me to pick up where I left off. Specifically, by being part of the process that evaluates actual land use decisions in the Town and being able to provide my input on the direction of development and other land use considerations, in which I have both professional and personal interest.

Regarding functions that Planning Commission is typically engaged with, I am able to neutrally review a land use application with compliance to applicable codes, make appropriate findings and recommendations on presented plans, maps and code amendments, and provide other professional insight as requested by Severance elected officials and staff.

In addition to governmental planning, I am involved with private land consulting and development services, which gives me a perspective into the developer's approach to entitlements and the many factors that are involved in the site selection, application and real estate process. This lens will further bring balance to potential Planning Commission service.

On a personal note, I live in the Hidden Valley Farms subdivision with my wife and children. We love our community and are happy to reside in Severance. I am originally from Fort Collins, where I lived all my life prior to moving to Severance. This move has been one of the best decisions we have made, as Severance better aligns with our family oriented values, the small town - close amenities benefit, proximity to the community groups in which our family is involved and my work being located in the Weld County area.

Please be advised that despite my active employment with another municipality in Weld County, being the City of Evans, I do not believe there is any conflict with serving on Severance Planning Commission, as both jurisdictions do not share any corporate limits, resources, development projects, joint roadways or other involvements which may appear to be conflicting. In the event a real or perceived overlap arises, I will navigate that with direction from the Planning Commission Chairman and Severance Legal Counsel.

Sincerely,  
Michael Hall

# MICHAEL HALL

Planner

## CONTACT

[REDACTED]  
[REDACTED]  
[REDACTED]  
Severance, CO 80550

## EDUCATION

University of Colorado, Denver  
Degree: Masters of Urban  
& Regional Planning  
Graduated May 2015

### Related Classes:

Planning Workshop  
Urban Development  
Real Estate Development  
Advanced Planning Studio  
Land Use and Planning Law  
Form and Formation of Cities  
Natural and Built Environment

Colorado State University  
Bachelor of Science

Major: Psychology  
Graduated May 2013

## REFERENCES

Angela Snyder  
Planner III

Weld County Gov, CO  
(970) 692-9182

Bob Choate  
Attorney

Coan, Payton & Payne, LLC  
(970) 225-6700

Peter Wysocki  
Com. Dev. Director

City of Spearfish, SD  
(512) 516-3067

# EMPLOYMENT HISTORY

## City of Evans Community Development Department City Planner

Evans, Colorado  
May 2023 – Present

- Processed and managed all land use applications including the procedural, technical and performative aspects of the process for requests such as Change of Zones, Annexations, Special Use Permits, Replats, Major Subdivisions, Site Plans, Home Occupations, Mobile Food Vendor permits, Renewable Energy Location Assessments, ROW & easement dedications and vacations.
- Presented a variety of legislative, quasi-judicial and advisory topics to Planning Commission and City Council including.
- Drafted and negotiated Development Agreements, Site Improvement Agreements, Road Maintenance Agreements with legal counsel.
- Completed and launched the 2024 Land Development Title, being a full rewrite of City zoning, subdivision and design standard regulations.
- Successfully finalized the first E-OGIA application in conjunction with Weld County OGED technical review and joint-approval process.
- Worked with the Economic Development staff to attract, incentivize, negotiate with and develop a variety of sought-after businesses.
- Led the Community Development Department in an interim capacity until a broader City reorganization occurred.
- Contributed to multiple urban-scale subdivisions which resulted in approximately 500 lots.
- Led an interdepartmental meeting with development services staff such as Engineering, Building, Utilities, Fire District, Neighborhood Services on a bi-weekly basis, communicating required information, joint-task assignments, case review and technical discussion.
- Collaborated with Upstate Colorado Economic Development staff to find solutions to complex capital-improvement projects.
- Reviewed applicable building, misc. and sign permits for compliance with design standards, land use approvals and municipal regulations.

## Town of Johnstown Planning & Development Department Planner III

Johnstown, Colorado  
January 2023 – May 2023

- Reviewed and redlined site development plans, plats, development agreements, water sewer service agreements, sign and building permits for conformance with Town codes, requirements and standards.
- Participated in the drafting of a new, unified land use and development code, incorporating form-based zoning and design guidelines.
- Created staff reports, presentations, mailing lists, and various memorandums for Planning and Zoning Commission and Town Council hearings.
- Corresponded and collaborated with internal Town engineering, public works, utility staff and external agencies including contracted reviewers, fire districts, post offices, design review committees, county services and emergency dispatch centers.
- Managed the Town GIS addressing program, including the assignment of addresses for infill projects, new developments, outlots and utility installation locations.
- Developed a suite numbering guide for a notable master-planned commercial and residential development and a supplemental use by special review guide for wireless communication facilities.
- Responded to land use inquiries from developers and the community.
- Organized records and other file management projects, including the assemblage of archived annexation records.
- Represented the Town of Johnstown at the Larimer County hosted Climate Smart and Future Ready initiative on a temporary basis, providing perspective on the impacts of such efforts in relation to the Town and development community.

## Weld County – Department of Planning Services Planner II Planner I

Greeley, Colorado  
December 2018 – December 2022  
June 2015 – December 2018

- Managed land division and land use applications such as recorded and subdivision exemptions, lot line adjustments, use by special review permits, change of zones, minor subdivisions, resubdivisions, site plan reviews, planned unit developments, non-conformities, variances, violations, auxiliary quarters, plat vacations and zoning permits. Notable projects include the permitting of solar energy facilities, mining facilities and industrial facilities.
- Worked with other Weld County Planners and internal Departments including Building Inspection, Environmental Health, Engineering, Public Works, Code Compliance, Floodplain, Oil and Gas, Legal Counsel and Office of Emergency Management to process applications and navigate challenges.
- Communicated with municipalities, counties and local, state and federal referral agencies regarding annexations, agreements, service availability, and joint permitting requirements.
- Drafted and finalized detailed staff reports including case-specific review criteria analysis, conditions of approval, mapping standards and development standards for cases.
- Reviewed and redlined plats, maps and exhibits relative to accepted standards and compliance with codes, involving explanation and resolution with surveyors and mapping professionals.
- Orally and visually presented cases to the Weld County Board of County Commissioners, Planning Commission, Board of Adjustment, and Utility Board, including the preparation of hearing materials.
- Developed operating and sequence procedures for County Planners to follow, in order to standardize case processing methods between Planners, including the mentoring of new planners.
- Led major Weld County Code rewrite efforts including the repealing and reenacting of the Subdivision Ordinance and PUD Ordinance.
- Participated in many other significant Code changes to the Zoning Ordinance, 2020 Comprehensive Plan and a variety of topic-specific codes changes.

## United States Forest Service Volunteer (Student) Environmental Planner

Golden, Colorado  
January - May 2015

- Developed a work plan, guide and template for a Regional NEPA Oversight Assessment.
- Designed a marketing plan framework to gain political support regarding NEPA quality assurance.
- Completed literature reviews and drafted NEPA questionnaire for the Oversight process.
- Presented preliminary analysis and methods to University of Colorado Denver Planning Advisors and Forest Service Environmental staff in support of Masters Capstone project.

## Larimer County - Community Development Department Planning Intern

Fort Collins, Colorado  
May - August 2014

- Worked with planners and code compliance officers to carry out legal lot research.
- Created maps, reports and tables for Big Thompson Flood Recovery grants.
- Drafted access road easement diagrams to support the Larimer County Land Use Code.
- Created and codified an index for evaluating public comments for the Rural Outreach Team using citizens' responses from public meetings.



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 24 - Resolution 2026-12R: A Resolution of the Town Council of the Town of Severance, Colorado, amending the Code of Conduct and Ethics in accordance with section 3.06 of the Home Rule Charter	Andrew Rogers, Town Attorney	Town Attorney Andrew Rogers
<b>ACTION REQUESTED</b>		
<p>The Town Attorney asks the Town Council to review the Resolution amending the Code of Conduct and Ethics in accordance with section 3.06 of the Home Rule Charter and take action.</p> <p>Actions that may be taken:</p> <ul style="list-style-type: none"> <li>• Move to approve Resolution 2026-12R</li> <li>• Move to approve Resolution 2026-12R with amendments</li> <li>• Take no action and do not approve Resolution 2026-12R</li> </ul>		<p><b><u>Resolution</u></b> <b><u>Attorney Approved</u></b></p>
<b>BRIEF HISTORY OF ITEM</b>		
<p>The Council previously reviewed and discussed updates to the Code of Ethics on February 24, 2026, and March 10, 2026.</p>		
<b>BRIEF SUMMARY</b>		
<p>This version of the Code of Ethics considers comments from the Council discussion from February 24, 2026, and March 10, 2026. The most important changes are the new definitions for "Fiduciary Duty" and "Social Media" in Section 4, and the addition of Sections 6.H ("Representing the Council"), 6.I ("Limited authority"), 6.J ("Duty to uphold Official Actions"), and 6.K ("Social Media"). There is more guidance on advisory opinions in Section 9. Section 5 includes a robust explanation of the Fiduciary Duty, noting that it is a general duty encompassing loyalty, care, impartiality, and disclosure.</p>		
<b>PUBLIC SUPPORT/CONCERN</b>		
<p>None at this time.</p>		
<b>ANALYSIS AND RECOMMENDATION</b>		
<p>This version of the Code of Ethics reflects the Council's feedback. The Council can make changes to the Code at any time. Please review the document and share any concerns.</p>		
<b>MATERIALS SUBMITTED</b>		
<p>The following materials were submitted and included in this packet:</p> <ol style="list-style-type: none"> <li>1. Memo RE Code of Ethics Update - 04.14.2026</li> <li>2. Code of Conduct and Ethics - 2026 Redline</li> <li>3. Res 2026-12R - Res to Adopt Revised Code of Ethics</li> </ol>		





Town of Severance  
Office of the Town Attorney  
P.O. Box 339, Severance, Co 80546  
Office: (970) 686-1218  
[www.townofseverance.org](http://www.townofseverance.org)

## MEMO TO THE SEVERANCE TOWN COUNCIL

**RE: UPDATES TO THE TOWN COUNCIL CODE OF CONDUCT AND ETHICS**

April 8, 2026

### EXECUTIVE SUMMARY

This new version of the Code of Ethics adds the following definitions in §4:

- “Social Media.”
- “Staff Member.”
- “Fiduciary Duty.”

This new version of the Code of Ethics adds the following sections:

- §5 – “Fiduciary Duty.”
- §6.H – “Representing the Council.”
- §6.I – “Limited authority.”
- §6.J – “Duty to uphold Official Actions.”
- §6.K – “Social media.”

I recommend that the Council focus on the changes to §5 & §6. Section 5 now includes a complete explanation of the Fiduciary Duty, beginning on page 4 of the Code of Ethics. Section 6 includes new guidance for individual Council members. These new sections explain the difference between an individual Council member’s duties and the Council’s duties, and they are on page 7 of the Code of Ethics. Finally, I recommend the Council review §K regarding Social Media. This is on the bottom of page 7 of the Code of Ethics. These sections are new, so I want to make sure they accurately reflect the Council’s intentions.

## **INDIVIDUAL MEMBERS SPEAKING FOR THE COUNCIL**

Much of the Council's Code of Ethics discussion centered on the differences between an individual Council member's role and the role of the entire Council. This included an individual member's ability to speak on behalf of the Council or to bind the Council. The updates to §6 on page 7 of the Code of Ethics address these concerns.

**§6.H – Representing the Council.** This subsection explains that individual Council members may not suggest that they speak on behalf of the entire Council unless specifically authorized by the Council. This clarifies that individual members can, in good faith, summarize or repeat official Council or Town decisions or other official information. This subsection clearly maintains an individual member's rights to free speech. **The takeaway for this subsection is that individual members need to clearly identify when their personal views or opinions may differ from those of the Council or the Town.**

**§6.I – Limited Authority.** This subsection deals with an individual member's ability to bind the Council. It does not prevent an individual member from speaking about the Council. Individual members must be careful not to suggest that the Council will make a particular decision. This subsection is designed to prevent misunderstandings between individual members and the public. **The takeaway from this subsection is that individual members must be mindful that they cannot make promises on behalf of the Council.**

**§6.J – Duty to Uphold Official Actions.** The title of this subsection can be a little deceiving. This subsection tries to eliminate confusion for the public when an individual member disagrees with an official Council or Town action. Individual Council members have the right to disagree with official Council or Town actions. However, individual members may not contradict or undermine official Council or the Town actions. Individual members should clearly identify when their personal beliefs differ from Council or Town actions. **The takeaway from this subsection is that individual members may disagree with official Council actions, but they must still respect them.**

## **SOCIAL MEDIA**

This topic was discussed at the Council's March 10, 2026, meeting. The Council expressed a wide range of ideas, but the consensus seemed to want a balance between professional online discussion and an individual Council member's right to free speech. The Council did not seem to want a

standalone Social Media policy, so I included some language in this version of the Code of Ethics to address the topic. We now have a definition of “Social Media” in §4 at the top of page 4 of the Code of Ethics. The expectations regarding Social Media are discussed in §6.K – Social Media, located at the bottom of page 7. This section intends to distinguish “official” online communications from “personal” online communications.

Town Staff will operate and maintain “official” social media accounts that will provide official Council and Town news to the public. Individual members retain the right to keep “personal” social media accounts, on which they may exercise their right to free speech. This subsection provides guidance and suggestions for personal accounts, but nothing in it limits personal accounts. The best practice is for the individual member’s account to include a disclaimer stating that it is a personal account, not an official account for the Council or Town. The member could also include a link to the official account to further assist the public.

While the Social Media subsection does not place firm restrictions on individual members, their online conduct should still reflect the other rules in the Code of Ethics. Individual members should keep in mind their obligations to the Council and their Fiduciary Duty to the Town. Members should also be mindful of “§6.0 – Other conduct”, which is a catch-all provision that covers conduct that “threatens the public confidence in the integrity of the Town government.” This specifically prevents members from engaging in illegal conduct such as harassment or discrimination. **The most important considerations when posting on Social Media are the individual member’s duty to maintain Confidential Information, their obligation to accurately represent the Council’s official actions, their limited authority to speak on behalf of the Council, their limited ability to bind the Council, and their general obligation to act professionally.**

## **FIDUCIARY DUTY**

Many of the concerns raised by the Council involved the Fiduciary Duty that the Council owes to the Town. The original Code of Ethics included the Fiduciary Duty but did not discuss it in detail. Given our recent discussions, I thought I should more carefully explain the duty in the updated Code of Ethics. To be clear, this additional language does not impose any new obligations on the Council. Rather, these changes clarify existing obligations. Fiduciary Duty is now defined at the bottom of page 2 of the Code of Ethics.

The Fiduciary Duty is a general duty encompassing the duty of loyalty, the duty of care, the duty of impartiality, and the duty of disclosure. As you review the extra language in §5, you will likely recognize much of this information. For example, the Council has previously discussed the importance of Confidential Information. What you may not know is that the duty to protect Confidential Information is already part of the Fiduciary Duty (specifically, the duty of loyalty). Similarly, the duty to disclose Conflicts of Interest is already part of the duty of disclosure. Given the significant overlap, I believe a more complete explanation of the Fiduciary Duty will help the Council better understand its ethical obligations. The Fiduciary Duty is discussed in detail on page 4 of the Code of Ethics.

## **ADVISORY OPINIONS**

The council had questions about advisory opinions and their application to conflicts of interest. I added more detail to “§9 – Advisory opinions” to address these questions. The new subsection clarifies that the Town Attorney owes a Fiduciary Duty to the entire Council. Therefore, the Town Attorney cannot issue advisory opinions to individual members, nor can the Town Attorney keep information from the Council to benefit an individual member. An individual member can request an advisory opinion regarding a matter before the Council, a matter that will come before the Council in the near future, a matter of general concern to the Council or the Town, or a potential conflict of interest. This subsection further clarifies that advisory opinions constitute Confidential Information and may not be disclosed by individual members without the Council's authorization. The Town Attorney may also provide advisory opinions from time to time to advise the Council on changes to the law or other matters of general concern to the Council. This section can be found at the top of page 9.

## **UPDATED DEFINITIONS**

This updated version of the Code of Ethics contains several new or expanded definitions in §4. The definitions are on pages 2-4 of the Code of Ethics. The definitions for “Confidential Information”, “Misconduct”, and “Official Act” are expanded slightly. This version adds definitions for “Fiduciary Duty” & “Social Media”.

**“Confidential Information.”** This definition now includes information discussed in an executive session or contained in an advisory opinion and treats it as confidential. This definition is in the

middle of page 2. The duty of confidentiality is discussed within the new definition of Fiduciary Duty. The obligation to maintain Confidential Information and privileged information is described in §6.A on the top of page 5.

**“Fiduciary Duty.”** This definition is new. This term was in the original Code of Ethics, but it was not described well. Much of the Council’s recent discussion of the differences between an individual Council member’s role and the role of the entire Council is really a discussion of Fiduciary Duty. This definition describes what a Fiduciary Duty is and how it applies to individual members. Fiduciary Duty is broken into several smaller duties, and each is described in this definition. This is an important addition to this version of the Code of Ethics, and it appears at the bottom of page 2.

**“Misconduct.”** This definition was expanded slightly to include Confidential Information. This definition is at the bottom of page 3.

**“Official Act” or “Official Action.”** This definition was expanded to help distinguish individual positions from those of the entire Council or Board. This definition is at the bottom of page 3.

**“Social Media.”** This definition is new. The Council seems to want Social Media included in the Code of Ethics, but it does not want a lengthy, standalone policy. This definition (found in the middle of page 4) is short, but the policy (found in the middle of page 7) offers more guidance for individual members. This addition balances the Council’s goal of professional online communications with the individual member’s right to free speech.

## **OTHER COUNCIL CONCERNS**

**Disclosure of advisory opinions.** The Council previously had questions about advisory opinions and an individual member’s ability to disclose that information. This question is addressed in the definition of “Confidential Information” (found in the middle of page 2) and in subsection §6.A (found on the top of page 5). No individual member may waive attorney-client privilege without a 2/3 vote by the Council. The obligation to maintain this privilege continues even after a member leaves office. This is also addressed in a small addition to the definition of Misconduct.

**Clarification regarding advisory opinions.** The Council asked whether there was a way to obtain guidance on potential conflicts of interest. This is covered in subsection §7.B and §9. Individual Council members may request an advisory opinion from the Town Attorney. The Town Attorney

will then issue an advisory opinion to the Council regarding the conflict. The Council member must disclose a potential conflict of interest to the Council before a vote.

**Clarification regarding the public nature of Misconduct hearings.** Council wanted to confirm that Misconduct hearings would be public. This is addressed in subsection §10.G.2, which is found on the top of page 11. “The hearing, including the Council’s deliberations, shall be open to the public and subject to the standard public notice requirements, though the public shall not participate in the hearing unless called to testify as a witness.”

**Conduct with Town Staff is now covered as Misconduct.** Council discussed the importance of including “§12 – Conduct with Town Staff” and “§13 – Council and Board Meeting Conduct” as grounds for Misconduct. This version includes violations of §12 and §13 as potential grounds for Misconduct. §12 can be found on the bottom of page 13, while §13 can be found on the bottom of page 14.

## **CONCLUSION**

This version of the Code of Ethics is updated to address the Council’s previous concerns. Most changes are minor. The most important changes appear in “§6 – Rules of conduct for Council members and Board members.” This version adds subsections for “Representing the Council,” “Limited Authority,” “Duty to uphold Official Actions”, and “Social Media.” These additions can be found on pages 6 & 7 of the Code of Ethics, and they are discussed in more detail above. This version also includes numerous grammar corrections that make the document easier to read without altering its effect.

**As a reminder, this Code of Ethics is intended to address Council concerns. The Council maintains the authority to change the Code of Ethics as you see fit.** I welcome any direction the Council may have. This memo is not considered confidential attorney/client work product because we will discuss this new version of the Code of Ethics at the Council’s upcoming meeting.

Kindest regards,

*/s/ Andrew Rogers*

Andrew Rogers  
Town Attorney

## CODE OF CONDUCT AND ETHICS<sup>1</sup>

### 1. Intent.

This Code of Conduct and Ethics (“Ethics Code”) is adopted in accordance with Section 3.06 of the Home Rule Charter for the Town of Severance (the “Charter”) and is intended to govern the conduct of elected and appointed officials of the Town with respect to conflicts of interest and the performance of their official duties on behalf of the Town and its residents.

### 2. Purpose.

- A. The Town Council recognizes that the holding of public office is a public trust and that public officials have a Fiduciary Duty to carry out the responsibilities of their office for the benefit of the Town. The Town Council finds that ethical standards among its members and the members of the Town’s boards and commissions are essential to the public affairs of the Town. In pursuit of such goals, the Town Council adopts the following rules, regulations, standards, and procedures as set forth in this Ethics Code.
- B. The purposes of this Ethics Code are to foster public trust and promote public confidence in the integrity of the Town government, and to provide guidance in the event of conflicts of interest to members of the Town Council and to the boards and commissions operating on behalf of the Town. This Ethics Code is further intended to foster public trust by ensuring that government decisions and policies ~~be~~ are made ~~in-through~~ proper channels ~~of~~ within the government structure; and by prohibiting the use of public office for private gain.
- C. This Ethics Code establishes guidelines for standards of conduct by setting forth those acts or actions that are incompatible with the best interests of the Town; by directing disclosure of private, financial, or other substantial interests in matters affecting the Town; and by imposing appropriate sanctions upon elected or appointed officials who violate the provisions of this Ethics Code.
- D. While it is critical that elected and appointed officials of the Town follow both the letter and spirit of this Ethics Code, it is equally important that they strive to avoid situations that may create public perceptions of violations of this Ethics Code. Perceptions of such violations can have the same negative impact on public trust as actual violations.

### 3. Scope of coverage.

The provisions of this Ethics Code shall ~~be applicable~~ apply to all members of the Town Council and all appointed members of the Town’s Boards.

### 4. Definitions.

As used in this Ethics Code, the following terms shall have the following meanings, except where the

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<sup>1</sup> ~~Adopted Feb. 22, 2022, Res. 2022-08R; amended March 22, 2022, Res. 2022-15R (adding § 12); amended January 10, 2023, Res. 2023-01R (adding § 13); amended April 14, 2026, Res. 2026-XXR (expanding §5, §6.A, §9, §10; adding §6.H, §6.I, §6.J, §6.K, §6.N).~~ Adopted Feb. 22, 2022, Res. 2022-08R; amended March 22, 2022, Res. 2022-15R (adding § 12); amended January 10, 2023, Res. 2023-01R (adding § 13).

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context clearly requires a different meaning:

"Accused" means a Council member or Board member who is the subject of a verified complaint as described in section 10 below.

"Appear on behalf of" means to act as a witness, advocate, or expert, or otherwise to support the position of another person.

"Board" means the Town planning commission, the Town tree board, and any other appointed board or commission, including advisory and appeal boards, created by ordinance of the Town Council or as set forth in the Town Charter or Town Code.

"Board member" means an appointed regular or alternate member of a Town board.

"Business" means any corporation, limited liability company, trust, partnership, association, sole proprietorship, firm, venture, or other legal entity carrying on a business, whether or not operated for profit.

"Confidential Information" means any information that is not available to the general public or is deemed confidential in accordance with local, state or federal law, and which is obtained by reason of a Council member's or Board member's status as a member of the Council or Board official position, or under any other circumstances by which a reasonable person could anticipate that such information not be disclosed. Information discussed in an executive session and in an advisory opinion issued by the Town Attorney is Confidential Information. Confidential information shall also include matters discussed in executive sessions; ~~h~~however, information otherwise available to the general public does not become "confidential" merely because it was discussed in an executive session or in an advisory opinion.

"Conflict of Interest" means a Financial Interest or personal interest of the Council or Board member or of any relative of such member that interferes with or influences or may interfere with or influence the conduct of the duties or the exercise of the powers of the Council or Board member on behalf of the Town. The term "Conflict of Interest" includes the restrictions set forth in Section 6 of this Ethics Code.

"Contract" means an arrangement or agreement, including the bidding or negotiation process therefor, pursuant to which any land, goods, materials, services, or other thing of value is to be furnished to the Town for a valuable consideration to be paid by the Town or is to be sold or transferred by the Town, provided the amount involved is more than one hundred dollars. The term "contract" shall include any subcontract thereof.

"Council" means the Town Council of the Town of Severance.

"Council member" means a member of the Town Council of the Town of Severance, including the Mayor.

"Day" means working days. "Day" does not mean calendar days.

"Fiduciary Duty" means the common definition generally under Colorado law and specifically Title 24, Article 18, Part 1 of the Colorado Revised Statutes. This is one of the highest duties recognized by law, reflecting the significant trust and confidence a beneficiary places in the fiduciary. A fiduciary must act in the utmost good faith and in the best interest of their beneficiary.

"Financial Interest" means a pecuniary, property, or commercial interest or any other interest, the primary significance of which is economic gain or the avoidance of economic loss, held by a Council or Board member or his or her relative. A "Financial Interest" includes, without limitation:

1. An ownership interest in a business, including ownership of securities of a corporation, or of any beneficial interest in a business;
2. A creditor interest in an insolvent business;

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3. Employment or a prospective employment for which negotiations have begun, or a contractual relationship that directly relates to a matter under consideration;
  4. An ownership interest in real or personal property;
  5. A loan or any other debtor interest; or
  6. A position as a director, manager, or officer in a business.

However, the term "Financial Interest" shall not include any matter involving the common public good or necessity or any matter in which a similar benefit is conferred to all persons or property similarly situated.

"Matter" or "matters" includes, without limitation, any contract, any sale, lease, or purchase of an interest in land, goods, materials, supplies, or services, and any processing or granting of a development right, license, permit, application, inspection, or administrative approval.

"Misconduct" means an allegation that an Accused has violated the terms of this Ethics Code or the Charter, as amended, which is contained in a verified complaint. Misconduct can include a finding by the Council that an Accused has violated the terms of this Ethics Code or the Charter, after an investigation and hearing. Misconduct does not include an act by an Accused that occurred before the Accused was elected as a Council member or appointed as a Board member. However, disclosure of Confidential Information by an individual Council or Board member after leaving office may constitute an act of Misconduct. Failure by an Accused to participate in the Misconduct investigation process can, by itself, constitute an act of Misconduct. An investigation of Misconduct or a finding of Misconduct by the Council is intended as an internal process to maintain the ethical, professional, and fiduciary standards expected by the Town and its residents, and is in no way intended to prevent, interfere with, or limit any criminal investigation or prosecution for Official Misconduct as defined in §18-8-404, 405, C.R.S., or any other applicable crime.

"Official Act" or "Official Action" means any vote, decision, discussion, determination, recommendation, approval, disapproval, or other action, including inaction, of any individual Council member or Board member or that of the Town Council or of any Board of the Town. This includes any motion, position, resolution, ordinance, or other formal action by the Council or Board on the record during a meeting. This definition does not include the personal, individual opinion that an individual Council member or Board member may have regarding the Official Action taken by the Council or Board as a whole.

"Pending" means those matters before the Town for an Official Act or Official Action. Such matters shall not be considered "pending" if no application or request for such Official Act or Official Action has been filed with or received by the Town.

"Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

"Personal interest" shall mean a direct or indirect interest, not shared by the general public, having value peculiar to a particular Council or Board member, whether or not the value is related to monetary, financial, commercial, or property matters, which value may accrue to such Council or Board member or result in such Council or Board member deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order, or other Official Action, or the performance or nonperformance thereof, by the Town. Personal interest does not include any matter in which a similar benefit is conferred to all persons or property similarly situated to that of the Council or Board member.

"Relative" means a Council or Board member's spouse, domestic partner, child, parent, brother, sister, any dependent, or any person assuming a relationship being the substantial equivalent of those

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listed herein. "Domestic partner" shall mean an unmarried adult, unrelated by blood, with whom an unmarried Council or Board member has an exclusive, committed relationship, maintains a mutual residence, and shares basic living expenses.

"Staff Member", "Staff Members", or "Town Staff" means any employee of the Town, including the Town Manager, the Town Attorney, the Town Municipal Judge, the Town Prosecutor, and contract consultants performing services for the Town. Council members and Board members are not considered Staff Members unless, in addition to their position on the Council or on a Board, they are directly employed by the Town.

"Social Media" means internet-based applications and websites that enable users to create, share, and exchange content, ideas, and messages within visual communication networks. Common examples of social media include, but are not limited to, Facebook, Instagram, Snapchat, TikTok, Nextdoor, X (formerly Twitter), LinkedIn, and Reddit.

"Town" means the Town of Severance, Colorado, a Colorado home rule municipal corporation. However, "Town" shall not include the Town Council, Town Boards, individual Council members, or individual Board members.

## **5. General duties.**

All Council and Board members have a duty to use their public positions to contribute to the public good. This Ethics Code shall not ~~preclude~~prevent such persons from acting in any manner consistent with their official duties or from providing assistance or public services to anyone who is entitled to them. All Council and Board members, however, also have a Fiduciary Duty ~~to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good~~to the Town. Council and Board members must be mindful that the appearance of impropriety can be as corrosive of public confidence as an actual impropriety and must strive to avoid situations that may create an appearance of impropriety.

This Code of Ethics recognizes that holding public office is a public trust, created by the confidence the electorate places in the integrity of local elected and appointed officials. Local elected and appointed officials owe a Fiduciary Duty to the residents of the Town of Severance. Should an official's conduct depart from their Fiduciary Duty, they may be subject to Misconduct under this Code of Ethics as well as potential criminal charges. The Fiduciary Duty is a general duty encompassing the duty of loyalty, duty of care, duty of impartiality, and duty of disclosure.

The duty of loyalty requires the public official to act solely in the public's best interest and to value the public interest above all else. This means the public official must avoid actions that would personally benefit the public official, would benefit any party other than the public, or would harm the public. Examples of the duty of loyalty include using Confidential Information for personal financial gain or accepting gifts that could influence the public official's decision.

The duty of care requires the public official to exercise reasonable diligence, skill, and prudence in the performance of their official duties. This requires public officials to make informed decisions, consider the consequences of their actions, and act in the public's best interest. A public official who makes well-reasoned, informed decisions that ultimately prove unwise has not necessarily violated their duty of care. A public official who acts carelessly, without adequate information, or without reasonable care has likely violated this duty. Examples of the duty of care include failing to adequately research or consider the consequences of a policy and using public funds in an excessive or wasteful manner.

The duty of impartiality means public officials must avoid bias in their decision-making. Public officials must act fairly and equitably. They must serve the interests of the entire community, not just those of

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specific individuals or groups. Examples of the duty to act impartially include favoring a particular contractor without a legitimate reason or making decisions that disproportionately benefit a specific neighborhood over the entire Town.

The duty of disclosure means public officials must disclose all material information in a full, fair, open, and honest way. In this context, material information is any information that might reasonably affect the public's interest or impact the public official's decision. This also requires public officials to disclose potential Conflicts of Interest and to protect Confidential Information. An example of the duty of disclosure is that a government official serving on the board of a nonprofit organization must publicly disclose their relationship with the nonprofit before voting on matters that affect the nonprofit.

## **6. Rules of conduct for Council members and Board members.**

### **A. Confidential Information.**

1. No Council or Board member may disclose to third parties any Confidential Information unless authorized to do so by a two-thirds vote of the applicable Council members and Board members in office, except as required by law.
2. No Council or Board member may waive any confidence or privilege of the Council or the Board unless authorized to do so by a two-thirds vote of the applicable Council or Board members in office, except as required by law.
3. Any information discussed in an executive session is Confidential Information and protected by privilege. No individual Council or Board member may attempt to record an executive session, except that individual Council and Board members may take notes during an executive session for their personal recollection to assist with their Fiduciary Duty to the Town. Except as authorized under subsection 6.A or by an order from a court of competent jurisdiction, disclosure of information discussed in an executive session or contained in an advisory opinion may be grounds for Misconduct. Notwithstanding the rest of this subsection, information otherwise available to the public does not become confidential merely because it was discussed in an executive session or in an advisory opinion.
2. The obligations and requirements of this subsection 6.A. continue to apply to Council members and Board members after leaving office.
- 4.
- 3.5. Whether or not it shall involve disclosure, no Council or Board member shall use or permit the use of any Confidential Information to advance his or her personal or Financial Interest or those of any other person, unless such information is available to the public at large.

### **B. Gifts.** No Council or Board member may solicit or accept from any person or entity a present or future gift, favor, loan, service, honorarium, or thing of value, whose cumulative value is more than sixty-five dollars (\$65) per annum, or of any value whatsoever under circumstances that would lead a reasonable person to believe that such gift, favor, loan, service, honorarium, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such Council or Board member in connection with an Official Act, or as a reward for Official Action he or she has previously taken. This prohibition shall not apply to:

1. Campaign contributions and contributions in kind reported in full compliance with the Colorado Fair Campaign Practices Act.
2. Admission and reasonable expenses for attendance at conferences, meetings, seminars,

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- training sessions, cultural events, award ceremonies, or conventions related to or in connection with Town business.
3. Acceptance of food and refreshment at conferences, meetings, seminars, training sessions, luncheon and dinner meetings, special occasions and other instances in conjunction with Town business.
  4. An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad, or other similar item, or an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.
  5. A gift given by an individual who is a relative or personal friend of the recipient on a special occasion.
  6. Payment of salary from employment, including other government employment, in addition to any that may be earned from being a Council or Board member, and reimbursement of necessary and reasonable expenses directly related to such employment.
- C. *Conflict of Interest.* No Council or Board member may participate in any discussion of, or take any Official Action on, any matter in relation to which the Council or Board member has a Conflict of Interest, as provided in Section 7 of this Ethics Code. In addition, a Council or Board member must not perform an Official Act that directly and substantially affects to its economic benefit a business or other undertaking in which such Council or Board member has a substantial personal or financial interest, or that directly and substantially affects to its economic detriment any business or other undertaking when such Council or Board member has a substantial personal or Financial Interest in a competing business or undertaking.
- D. *Appearances before Council and Boards.* No Council or Board member may appear on behalf of a private party before the Council or Board, unless otherwise permitted by the Town Code, except that any Council member or Board member may appear before the Council or any board to address that Council or Board member's own personal interest. Nothing in this subsection shall preclude a Council or Board member, in the same manner and under the same circumstances as any other person, from appearing before the Council or any board on an application of the Council or Board member for a permit, license, or other approval of the Council or Board required by law.
- E. *Civil litigation.* No Council or Board member may appear on behalf of or represent any private interests, other than the Council member's or Board member's own interest, against the interests of the Town in any civil litigation to which the Town is or may become a party, unless the consent of the Council or applicable board is first obtained, except that any Council or Board member may testify under oath if subpoenaed.
- F. *Service on other governmental entities or associations.* A Council or Board member may serve on a board of another governmental entity or association as long as the Council or Board member (1) first requests the consent of the Council to apply for, run for, or seek appointment to the board of the other governmental entity or association and a majority of the Council members in office approve the request, (2) does not receive any personal pecuniary benefit from such service, other than reimbursement for expenses directly related to such service, (3) explicitly discloses such service through a conflict-of-interest disclosure as to type of position, compensation, and role, to be kept on file with the Town and with the other governmental entity, (4) discloses a conflict and recuses themselves from an Official Act of the Council or Board that may directly or substantially affect the other governmental entity or association, and (5) discloses a conflict and recuses themselves from an Official Act of the other governmental entity or association that may directly or substantially affect the Town.
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- G. *Personal benefit.* No Council or Board member may use any Town property, equipment, or employee services for personal or private purposes, gain, or advantage except in the same manner and under the same circumstances as any other person who is not a Council member or Board member of the Town.
- H. *Representing the Council.* Individual Council and Board members shall not represent, imply, or otherwise suggest that they are speaking on behalf of the Council or Board unless expressly authorized by a formal action of the Council or Board. When speaking about Town matters, individual members must clearly distinguish their personal views and opinions from those adopted or expressed by the Council or Board. Individual members may, to the best of their ability, accurately summarize or repeat Official Actions by the Council, including actions by the Town. Authority to represent the Council or Board may be granted only through an official resolution passed by the Council or Board, which clearly defines the scope, limitations, and subject matter of the approved authority. Nothing in this subsection is intended to restrict or otherwise limit an individual Council member's or Board member's rights to the freedom of speech under the First Amendment of the United States Constitution or Article 2, Section 10 of the Colorado Constitution.
- I. *Limited authority.* Individual members have no independent authority to bind the Council. No individual Council member or Board member may make any promise, provide any assurance, or enter into any agreement or commitment that may bind the Council or the Town. Similarly, no individual Council member or Board member may make any promise, provide any assurance, or otherwise suggest that they know how the Council will vote on any Official Act. Authority to represent and bind the Council or Board may be granted only through an official resolution passed by the Council or Board, which clearly defines the scope, limitations, and subject matter of the approved authority. Individual Council members and Board members must take reasonable steps to prevent misunderstandings about their limited authority whenever they interact with the public, outside organizations, or other governmental bodies.
- J. *Duty to uphold Official Actions.* When the Council takes an Official Action, each individual Council member or Board member owes a duty to the entire Council or Board to uphold the Official Action. Individual members retain the ability to disagree with the Council or Board Official Action, and they maintain their individual Constitutional rights to speak freely concerning such Official Action. However, individual Council or Board members must not contradict or undermine the Official Action in any manner that suggests or implies that the Council or Board holds a different or contrary view.
- K. *Social Media.* The Town's image as a professional organization is critical to maintaining the respect of its constituents. Official Town, Council, or Board Social Media accounts shall be operated and maintained by Town Staff. Individual Council members and Board members may choose to maintain personal Social Media accounts. Personal accounts should include the following disclaimer: "The opinions expressed are my own and do not necessarily reflect those of the Severance Town Council or the Town of Severance." Although the Town recognizes that individual Council members and Board members may choose to express themselves by posting personal information on Social Media platforms or by making comments on Social Media sites hosted by other people, groups, or organizations, this right of expression should not interfere with the operation of the Town. Individual Council members and Board members should not personally criticize or make personal attacks on other Council members, Board members, Staff Members, or members of the public. Nothing in this subsection is intended to restrict or otherwise limit an individual Council member's or Board member's rights to the freedom of speech under the First Amendment of the United States Constitution or Article 2, Section 10 of the Colorado Constitution.
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G.L. *Special consideration.* No Council or Board member may request from 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.

H.M. *Voting on matters involving one's own conduct.* No Council member or Board member may take any Official Action or vote on any question concerning the member's own conduct.

I.N. *Obligation to cooperate with the investigation.* As part of their Fiduciary Duty to the Town and its residents, all Council members and Board members owe an ongoing duty to cooperate with any investigation of Misconduct under §10 below. Such obligation shall continue even after Council members and Board members leave office, except as described in §10(K) (Resignation in lieu of Hearing) below. Failure to cooperate with such an investigation is itself a violation of this Ethics Code and may subject the Accused to sanctions as described in §10 below. This includes failure of an Accused to timely respond to a special investigator regarding a certified complaint.

J.O. *Other conduct.* It shall be a violation of this Code of Conduct for any Council member or Board member to engage in other conduct which threatens the public confidence in the integrity of the Town government, including but not limited to illegal conduct, conduct which puts self-interest before public interest, willful or persistent failure to perform his or her duties, engaging in any form of harassment or unlawful discrimination, or any other conduct involving dereliction of duties.

## **7. Conflict of interest—Disclosure; Recusal.**

- A. No Council or Board member may vote on any matter if the member has a Conflict of Interest as defined above. If a Council or Board member has a Conflict of Interest in any matter proposed or pending before the Council or Board, of which he or she is a member, the member shall disclose the Conflict of Interest in a public meeting and shall not vote, participate in, or take any Official Action on the matter.
- B. If any Council or Board member is aware that he or she could reasonably be perceived as having such a Conflict of Interest or is unsure of the existence of such a conflict, the member shall nevertheless disclose the possibility of such Conflict of Interest to the Council or Board. The member may request an advisory opinion pursuant to Section 9 of this Ethics Code, and if it is the Town Attorney determines that such member has a Conflict of Interest, the member shall disclose such Conflict of Interest to the relevant Council or Board and shall not vote, participate in, or take any Official Action on the matter.
- C. A Council or Board member with a Conflict of Interest shall physically remove himself or herself from the room in which the Council or Board is meeting and shall refrain from attempting to influence the decisions of the other members of the Council or Board of which the person is a member. The conflicted member shall exit the room before any discussion by the Council or Board related to the conflicted matter. No vote shall be recorded for a Council or Board member who refrains from voting due to a Conflict of Interest. After the Council or Board has completed consideration of the matter, the member may return and resume his or her duties as a member of the Council or Board.
- D. A Council or Board member who has a Conflict of Interest may vote notwithstanding the requirements and restrictions of this section, but only if his or her participation is necessary to obtain a quorum or otherwise enable the Council or Board to act, and if he or she The conflicted Council or Board member must comply with the disclosure procedures under subsection A or B of this section in sections 7.A, 7.B, and 7.C before voting or otherwise participating in any discussion related to the conflicted matter.

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## 8. Quasi-judicial decisions.

- A. *Duty to remain impartial.* Each Council and Board member shall be and remain impartial when making any quasi-judicial decision. Any Council or Board member who cannot be impartial in making a quasi-judicial decision shall follow the disclosure and recusal procedures in Section 7 of this Ethics Code.
- B. *No investigation or ex parte communications.* No Council or Board member shall receive nor shall any Town employee or member of the public provide to any Council or Board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the Council or board on which the member sits, and which is the subject of a quasi-judicial hearing before the Council or board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes, but is not limited to, preparations necessary for such a hearing, including written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The Town Attorney shall provide affected Council or Board members with advice on what constitutes a quasi-judicial decision.
- C. *Disclosure.* In the event a Council or Board member shall inadvertently or unintentionally receive any substantive oral or written information outside of the quasi-judicial hearing process, as prohibited in this section, the Council or Board member shall fully and completely disclose such substantive oral or written information received at the start of the quasi-judicial public hearing process. The Council or Board member shall comply with the requirements of this subsection by ~~By~~ making such full and complete disclosure, ~~the Council or Board member shall be deemed to be in compliance with the requirements of this section.~~ Failure to make such full and complete disclosure shall be a violation of this section.

## 9. Advisory opinions.

- A. The Town Attorney represents the Council and owes a Fiduciary Duty to the Council as a whole. The Town Attorney does not represent any individual Council member, nor is the Town Attorney able to provide legal advice to any individual Council member. The Town Attorney's Fiduciary Duty to the Council includes a duty to disclose full, accurate, and honest information to the Council. Therefore, the Town Attorney is unable to withhold relevant information from the Council to the benefit of any individual Council member. Nevertheless, an individual Council member may request an advisory opinion from the Town Attorney as provided in sections 7, 9, and 12. Any advisory opinion by the Town Attorney will be issued in writing to the relevant Council or Board, but no advisory opinion will be issued to an individual member.
- B. Any Council or Board member may request an advisory opinion from the Town Attorney regarding a legal question concerning any matter pending before the Council or Board for an Official Action, which is reasonably likely to come before the Council or Board for an Official Action within the next six (6) months, or a matter of general concern to the Council or the Town.
- C. An advisory opinion by the Town Attorney is Confidential Information in accordance with section 6.A above. Disclosure of an advisory opinion by an individual Council or Board member may qualify as an act of Misconduct. An individual Council or Board member does not have the authority to waive attorney/client privilege on behalf of the entire Council or Board.
- A.D. Any Council or Board member may request from the Town Attorney an advisory opinion whenever a question arises as to the applicability of this Ethics Code to a particular situation. In determining whether a Council or Board member has a Conflict of Interest, consideration may be given to the following:

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1. The purposes and provisions of this Ethics Code;
  2. Whether the potential Conflict of Interest would impede independence of judgment;
  3. The effect of the member's participation on public confidence in the integrity of the Council or Board and of the Town government;
  4. Whether the member's participation is likely to have any significant effect on the ultimate disposition of the matter; and
  5. The member's ~~fiduciary obligations~~ Fiduciary Duty to the Town.

B.E. Should the Town Attorney at any time determine that he or she has a conflict of interest in carrying out the duties of this section, the Town Attorney shall request that the Town Council appoint special counsel to undertake such duties. A majority vote of the Council must engage special counsel, and his or her reasonable fees and expenses shall be paid by the Town.

## 10. Enforcement.

- A. *Council to enforce.* The Town Council shall have exclusive responsibility for the enforcement of Misconduct as to Council members and Board members. The Council shall have the power to investigate any complaint and to initiate any civil action on behalf of the Town where it believes such action is appropriate. If the Accused is a Council member, the procedures in Subsection 7.C. shall apply, except that the Accused Council member may participate as a party in a hearing on a complaint under this section. An investigation of Misconduct or a finding of Misconduct by the Council under this section is intended as an internal process to maintain the ethical, professional, and fiduciary standards expected by the Town and its residents. It is in no way intended to prevent, interfere with, or limit any criminal investigation or prosecution for Official Misconduct as defined in §18-8-404, 405, C.R.S., or any other applicable crimes.
- B. *Verified complaint.* Any person who believes that a Council member or Board member has committed an act of Misconduct and wishes to initiate proceedings on such alleged Misconduct shall file a written complaint with the Town Clerk, who shall forthwith forward the complaint to the Council. The Town Clerk shall, within ten days of receipt of a complaint, serve a copy of the complaint upon the Accused. The complaint must state in detail the facts of the alleged Misconduct, must specify the provisions of this Ethics Code or the Charter alleged to have been violated, and must 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 that does not contain such a signed statement shall be returned forthwith to the complainant without action.
- C. *Dismissal.* If the Council determines that the verified complaint does not allege facts sufficient to constitute an act of Misconduct, it shall dismiss the complaint and notify the complainant and the Accused.
- D. *Investigation.* Following the receipt of a complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that an act of Misconduct has been committed or that an investigation of possible Misconduct is warranted, the Council may cause an investigation to be made of the circumstances concerning the possible Misconduct. An investigation shall be conducted by a special investigator, who shall be a qualified disinterested party recommended by the Town Attorney, and who shall be engaged by a majority vote of the Council. The Town shall pay the reasonable fees and expenses of the special investigator. Before invoking its investigatory powers, the Council shall approve a motion that states the nature and

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purpose of the investigation, the actions or activities to be investigated, and the persons who are the subject of the investigation. The Council shall, within five days, serve a copy of the motion on the Accused together with a notice informing the person that he or she is the subject of the investigation and a general statement of the applicable provisions for which violations are being investigated.

- E. *Special investigator.* The special investigator shall have the following duties:
1. *Notice to the Accused.* The special investigator shall notify the Accused and request a written response to the verified complaint. This request shall be in writing and shall be served upon the Accused no later than 10 days after the Council appoints the special investigator. The Accused's response shall be in writing, under oath, and subject to perjury in accordance with §§ 18-8-501, 802, C.R.S. The response shall address each act of Misconduct alleged in the verified complaint and shall provide as much detail as necessary to reasonably address the allegations of Misconduct. The Accused shall serve the response on the special investigator at Town Hall or at an address identified by the special investigator within 30 days of request by the special investigator, except that the special investigator shall grant an additional 15 days upon request by the Accused. Failure of the Accused to timely serve a written response upon the special investigator and/or otherwise cooperate with the investigation may constitute an additional act of Misconduct, and it may subject the Accused to additional sanctions.
  2. *Investigation.* The special investigator shall interview witnesses and request documents relevant to the investigation. Before completing the investigation, and in addition to the response detailed above, the special investigator shall provide the Accused an opportunity to provide information concerning the complaint. Such information must be provided in writing, under oath, and subject to perjury in accordance with §§ 18-8-501, 802, C.R.S. The Accused may provide the special investigator with the names and contact information for witnesses who may have information relevant to the investigation, and the special investigator shall make reasonable efforts to interview these witnesses.
  3. *Investigation report.* Upon completion of the investigation, the special investigator shall provide a written investigation report to the Council summarizing the verified complaint, the Accused's response, a list of relevant witnesses, a list of relevant documents or other evidence, the results of the investigation, and the special investigator's conclusions. The report shall indicate whether the special investigator believes there is probable cause to support the violation(s) of Misconduct alleged in the verified complaint, whether the investigation revealed that there is probable cause to believe that different or additional violations of Misconduct occurred, or recommend dismissal of the complaint. The investigation report shall detail the basis for the special investigator's conclusions. A copy of the investigation report shall be provided to the Council and served on the Accused.
- F. *Dismissal or hearing.* Upon completion of the investigation, the Council shall review the investigation report and dismiss the complaint if it determines there was no Misconduct. If the Council determines, based on the investigation report, that there is probable cause that Misconduct occurred, it shall, by motion, set a hearing date, time, and place. The investigative report and notice of the hearing shall be served on the Accused not less than thirty days before the hearing. The notice of hearing shall include a complete list of all counts of alleged Misconduct to be addressed at the hearing.

G. *Hearing.* The following shall apply to Misconduct hearings:

1. The Mayor or Mayor Pro Tem shall preside over the hearing on the complaint and shall determine all procedural issues with the assistance of the Town Attorney. If both the Mayor and

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Mayor Pro Tem are accused of Misconduct in the verified complaint, the remaining Council members shall vote by simple majority to select a Council member to preside over the hearing. Under no circumstances shall an Accused preside over a hearing to determine their own Misconduct, nor shall the Accused participate in the deliberation or vote concerning the finding of Misconduct.

2. The hearing shall be open to the public and subject to the standard public notice requirements, though the public shall not participate in the hearing unless called to testify as a witness.
3. ~~The special investigator shall present the case against the Accused including calling and questioning any relevant witnesses and entering relevant evidence. The Accused may be represented pro se or by any attorney, licensed to practice law in the State of Colorado and in good standing, of the Accused's choice.~~ The hearing shall be conducted so as to provide fundamental fairness, although strict rules of procedure and evidence need not be followed.
4. All witness testimony shall be provided under oath and subject to perjury in accordance with §18-8-501, C.R.S.. Witness testimony shall be subject to cross-examination.
5. Documentary evidence that can be reasonably authenticated shall be admitted for consideration.
6. ~~The special investigator shall present the case against the Accused, including calling and questioning any relevant witnesses and entering relevant evidence.~~
- 2.7. ~~The Accused may be represented pro se or by any attorney, licensed to practice law in the State of Colorado and in good standing, of the Accused's choice.~~
8. The Accused shall have the right to address the Council prior to deliberation. The Council may consider the Accused's failure to testify as evidence against the Accused.
- 3.9. In accordance with relevant law, the right against self-incrimination, under both the Fifth Amendment of the U.S. Constitution and Article 2 Section 18 of the Colorado Constitution, shall apply only if the speaker is the subject of a criminal investigation or the defendant in a criminal prosecution, or if the presiding Council member finds that such criminal investigation or criminal prosecution is likely to result from the speaker's testimony.

G.H. *Findings.* At the conclusion of the hearing regarding the alleged Misconduct, the Council shall deliberate on the record as necessary until the Council can pass a motion to dismiss the charges, a motion finding Misconduct, or a motion finding Misconduct is unproven. The Council shall enter such findings as to each count of Misconduct alleged in the notice of hearing. An act of Misconduct shall be proven by a preponderance of the evidence as determined by two-thirds of all the voting members of the Council (excluding the Accused). In the event the Council, after deliberation, is unable to agree on an individual act of Misconduct by a two-thirds majority of the voting members of the Council, the presiding Council member shall enter a finding of "unproven" regarding the individual act of Misconduct in question. Upon finding that the Accused committed an act of Misconduct, the Council may continue the hearing to discuss and, in its discretion, to receive additional evidence regarding the appropriate sanction. The Council shall serve on the Accused a written finding and order within thirty days after conclusion of the hearing, including any continuance to consider sanctions.

H.I. *Sanctions.* Upon a finding of Misconduct, the Council may impose an oral or written reprimand, a public censure, non-financial restorative justice measures, or other sanctions as the Council deems just and appropriate, depending on the seriousness of the Misconduct and any mitigating circumstances. The Council may also remove an Accused from such person's appointed positions, including removal from any committees, boards, or other special or ex officio appointments. When

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imposing any sanctions for Misconduct, the Council may consider any evidence from the hearing, including testimony or documentary evidence, arguments from the special investigator, arguments from the Accused, arguments from the Accused's attorney, as well as any additional evidence from the sentencing hearing.

- J.J. *Service.* Service of any notice or other document pursuant to this section or this Code of Conduct and Ethics is complete upon mailing certified mail, return receipt requested, postage prepaid, to the person's last known address, or upon personal service. Service also includes mailing certified mail, return receipt requested, postage prepaid, to a licensed attorney who is retained to represent the person. A person may waive formal service under this section by notifying the sender in writing that electronic service via electronic mail ("e-mail") or facsimile is acceptable and by acknowledging receipt of the document.
- J.K. *Resignation in lieu of hearing.* An Accused may choose to resign their position as a Council member or Board member in lieu of a formal finding of Misconduct. This subsection shall apply only if the Accused resigns their position, in writing, at any time before the Council enters deliberations per subsection 10.H above. Once an Accused resigns under this subsection, the Council shall stop any additional investigation and take no further action under this section 10. If the Accused resigns before the special investigator completes their report, the special investigator shall complete their report based on the evidence obtained at the time of the resignation. Should an Accused choose to resign under this subsection, the Council may still issue a public statement that the Accused resigned during an investigation for alleged Misconduct, including the specific or general acts of Misconduct alleged in the verified complaint, the special investigator's report, or the notice of hearing. However, the Council shall not state that the Accused committed Misconduct, or that the alleged Misconduct was proven. Should an Accused resign under this subsection, they shall not be eligible for reimbursement of attorney fees under section 10.L below.
- K.L. *Reimbursement of attorney fees.* The Accused may retain an attorney to represent them at their own expense. If the final outcome of any verified complaint is dismissal or in the event the Council finds the Accused not to commit Misconduct, then, in that event, the Accused may request reimbursement for any attorney fees expended by the Accused in their defense of the complaint. The Council may reimburse the Accused in an amount determined by the Council in its sole discretion, subject to appropriation. The Accused seeking such reimbursement of attorney fees as provided for herein shall file a complete and detailed request for reimbursement with the Council showing amounts expended and specific legal services received. The Council shall then review the request and determine its appropriateness under this section. In the event the Council determines by resolution to reimburse such fees, the Town shall reimburse them within 60 days of receipt of the request for reimbursement, subject to appropriation. However, if the Accused is found to have committed a single count of Misconduct, then the Accused shall not be entitled to any reimbursement for attorney fees.
- L.M. *Records.* The Town Clerk shall record and maintain copies of the verified complaint, response, investigation report, dismissal, notice of hearing, hearing record, hearing exhibits, hearing findings, and/or sanctions as part of the official town records. Such files shall be maintained indefinitely.
- M.N. *Other actions not precluded.* Nothing in this section or this Ethics Code shall be construed to preclude other actions that may be available at law against an Accused for violations of this Ethics Code or the Charter.

## **11. Compliance with other laws.**

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The requirements of this Ethics Code shall be in addition to the applicable requirements of the Town Charter, the Town Code, the Colorado Constitution, and the laws of the state. To the extent any conflict exists between the requirements of this Ethics Code and the requirements of the Town Code, the Colorado Constitution, or the laws of the state, the more restrictive provision shall apply.

## 12. Conduct with Town Staff.

~~A. For purposes of this section, "staff members" shall mean employees of the Town, the Town Manager, the Town Attorney, the Town Municipal Judge, the Town Prosecutor, and contract consultants performing services for the Town.~~

~~B.A.~~ When interacting with Town sStaff mMembers, Council members and Board members shall:

1. Treat all sStaff mMembers as professionals;
2. Not disrupt sStaff mMembers in the performance of their duties;
3. Not publicly criticize individual sStaff mMembers;
4. Direct all questions of staff members through the Town Manager; and
5. Not attend staff meetings unless invited by the Town Manager.

~~C.B.~~ Individual Council members and Board members are prohibited from giving a direct order to any sStaff mMember, and from soliciting political support from any sStaff mMember for any Council member's or Board member's campaign for any elected or appointed office.

~~D.C.~~ If a Council member wishes to discuss matters relating to Town operations and administrative services with Town sStaff, the Council member must first advise the Town Manager. The Town Manager may either arrange a time and place for the Council member to discuss the matter with the appropriate sStaff Member, or arrange for the appropriate sStaff Member to attend a Town Council meeting to discuss the matter with the entire Council, as appropriate.

~~D.~~ Council members and Board members may only request information from sStaff Members through the Town Manager. If, in the Town Manager's determination, more than 60 minutes of sStaff Member time per calendar week will be required to obtain or compile the requested information, the request will not be processed unless the matter is placed on the Town Council's agenda for consideration at an upcoming regular or special meeting. The Town Manager will ~~proceed to~~ direct sStaff Members to fulfill the request only if so directed by a ~~vote of the~~ majority vote of the Council present.

~~E. This section 12 is intended to set forth expectations for the conduct of Council members and Board members during interactions with Town staff, the Town Manager, the Town Attorney, the Town Municipal Judge, or the Town Prosecutor and is not intended to subject Council members and Board members to allegations of misconduct under §10 of this Ethics Code.~~

## 13. Council and Board Meeting Conduct.

A. When interacting during public meetings, Council members and Board members shall strive to:

1. Treat all Council members and Board members as professionals;
2. Stay on topic; focus on the issue or topic;
3. Not use profanity directed at Council members, Board members, Town sStaff, ~~the Town~~

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~~Manager, the Town Attorney, the Town Municipal Judge, Town Prosecutor, or the public;~~

4. Not personally criticize or make personal attacks on Council members, Board members, Town ~~s~~Staff, ~~the Town Manager, the Town Attorney, the Town Municipal Judge, Town Prosecutor,~~ or the public.

~~B. This section 13 is intended to set forth expectations for the conduct of Council members and Board members during public meetings and is not intended to subject Council members and Board members to allegations of misconduct under §10 of this Ethics Code.~~

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**TOWN OF SEVERANCE  
RESOLUTION NO. 2026-12R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,  
COLORADO, AMENDING THE CODE OF CONDUCT AND ETHICS IN  
ACCORDANCE WITH SECTION 3.06 OF THE HOME RULE CHARTER**

**WHEREAS**, the Town of Severance (the “Town”) is a Colorado home rule municipality organized under the Town Home Rule Charter (the “Charter”); and

**WHEREAS**, section 3.06 of the Charter provides that the Town Council for the Town of Severance (the “Council”) “shall adopt by resolution or ordinance a Code of Conduct and Ethics (the “Code”), which shall address Council conflicts of interest and behavior;”

**WHEREAS**, on February 24, 2026, the Council met to discuss updates to the Code to address the hearing process, eliminating the hearing officer, encouraging participation by members accused of misconduct, and generally clarifying the responsibilities of individual Council members as opposed to the responsibilities of the entire Council; and

**WHEREAS**, on March 10, 2026, the Council met to discuss a possible social media policy for the Council; and

**WHEREAS**, at the direction of the Council, the Town Attorney incorporated the requested provisions into an updated and revised Code, a copy of the revised Code of Conduct and Ethics is incorporated herein and attached hereto as **Exhibit A**; and

**WHEREAS**, the revised Code includes various general updates, new definitions in §4, a robust description of the Council’s fiduciary duty in §5, an updated §6.A Confidential information, a new §6.H Representing the Council, a new §6.I Limited authority, a new §6.J Duty to uphold official actions, a new §6.K Social Media, a new §6.N Obligation to cooperate with investigation, and an expanded §9 Advisory Opinions, a revised §10 Enforcement, and the addition of §12 and §13 as grounds for misconduct; and

**WHEREAS**, the Council has reviewed and considered the amended Code and finds that the updates and revisions meet the requirements of the Charter and, further, that the new provisions will serve the purposes of fostering public trust and promoting public confidence in the integrity of the Town government, ensuring that government decisions and policy are made in proper channels of the government structure, and by prohibiting the use of public office for private gain; and

**WHEREAS**, the Council desires to adopt the attached Code, as amended, in accordance with §3.06 of the Charter.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

**Section 1.** The Council hereby adopts the amended Code of Conduct and Ethics, in the form attached to this resolution and incorporated herein by this reference.

**Section 2.** The amended Code of Conduct and Ethics shall replace all previous versions of the Code of Conduct and Ethics.

**RESOLVED AND APPROVED THIS 14<sup>TH</sup> DAY OF APRIL 2026.**

TOWN OF SEVERANCE, COLORADO

\_\_\_\_\_  
Matthew Fries, Mayor

ATTEST

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Sarah Jacobsen, Town Clerk

## CODE OF CONDUCT AND ETHICS<sup>1</sup>

### 1. Intent.

This Code of Conduct and Ethics (“Ethics Code”) is adopted in accordance with Section 3.06 of the Home Rule Charter for the Town of Severance (the “Charter”) and is intended to govern the conduct of elected and appointed officials of the Town with respect to conflicts of interest and the performance of their official duties on behalf of the Town and its residents.

### 2. Purpose.

- A. The Town Council recognizes that the holding of public office is a public trust and that public officials have a Fiduciary Duty to carry out the responsibilities of their office for the benefit of the Town. The Town Council finds that ethical standards among its members and the members of the Town’s boards and commissions are essential to the public affairs of the Town. In pursuit of such goals, the Town Council adopts the following rules, regulations, standards, and procedures as set forth in this Ethics Code.
- B. The purposes of this Ethics Code are to foster public trust and promote public confidence in the integrity of the Town government, and to provide guidance in the event of conflicts of interest to members of the Town Council and to the boards and commissions operating on behalf of the Town. This Ethics Code is further intended to foster public trust by ensuring that government decisions and policies are made through proper channels within the government structure and by prohibiting the use of public office for private gain.
- C. This Ethics Code establishes guidelines for standards of conduct by setting forth those acts or actions that are incompatible with the best interests of the Town; by directing disclosure of private, financial, or other substantial interests in matters affecting the Town; and by imposing appropriate sanctions upon elected or appointed officials who violate the provisions of this Ethics Code.
- D. While it is critical that elected and appointed officials of the Town follow both the letter and spirit of this Ethics Code, it is equally important that they strive to avoid situations that may create public perceptions of violations of this Ethics Code. Perceptions of such violations can have the same negative impact on public trust as actual violations.

### 3. Scope of coverage.

The provisions of this Ethics Code shall apply to all members of the Town Council and all appointed members of the Town's Boards.

### 4. Definitions.

As used in this Ethics Code, the following terms shall have the following meanings, except where the context clearly requires a different meaning:

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<sup>1</sup> Adopted Feb. 22, 2022, Res. 2022-08R; amended March 22, 2022, Res. 2022-15R (adding § 12); amended January 10, 2023, Res. 2023-01R (adding § 13); amended April 14, 2026, Res. 2026-12R (expanding §5, §6.A, §9, §10; adding §6.H, §6.I, §6.J, §6.K, §6.N).

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"Accused" means a Council member or Board member who is the subject of a verified complaint as described in section 10 below.

"Appear on behalf of" means to act as a witness, advocate, or expert, or otherwise to support the position of another person.

"Board" means the Town planning commission, the Town tree board, and any other appointed board or commission, including advisory and appeal boards, created by ordinance of the Town Council or as set forth in the Town Charter or Town Code.

"Board member" means an appointed regular or alternate member of a Town board.

"Business" means any corporation, limited liability company, trust, partnership, association, sole proprietorship, firm, venture, or other legal entity carrying on a business, whether or not operated for profit.

"Confidential Information" means any information that is not available to the general public or is deemed confidential in accordance with local, state or federal law, and which is obtained by reason of a Council member's or Board member's status as a member of the Council or Board, or under any other circumstances by which a reasonable person could anticipate that such information not be disclosed. Information discussed in an executive session and in an advisory opinion issued by the Town Attorney is Confidential Information. However, information otherwise available to the general public does not become "confidential" merely because it was discussed in an executive session or in an advisory opinion.

"Conflict of Interest" means a Financial Interest or personal interest of the Council or Board member or of any relative of such member that interferes with or influences or may interfere with or influence the conduct of the duties or the exercise of the powers of the Council or Board member on behalf of the Town. The term "Conflict of Interest" includes the restrictions set forth in Section 6 of this Ethics Code.

"Contract" means an arrangement or agreement, including the bidding or negotiation process therefor, pursuant to which any land, goods, materials, services, or other thing of value is to be furnished to the Town for a valuable consideration to be paid by the Town or is to be sold or transferred by the Town, provided the amount involved is more than one hundred dollars. The term "contract" shall include any subcontract thereof.

"Council" means the Town Council of the Town of Severance.

"Council member" means a member of the Town Council of the Town of Severance, including the Mayor.

"Day" means working days. "Day" does not mean calendar days.

"Fiduciary Duty" means the common definition generally under Colorado law and specifically Title 24, Article 18, Part 1 of the Colorado Revised Statutes. This is one of the highest duties recognized by law, reflecting the significant trust and confidence a beneficiary places in the fiduciary. A fiduciary must act in the utmost good faith and in the best interest of their beneficiary.

"Financial Interest" means a pecuniary, property, or commercial interest or any other interest, the primary significance of which is economic gain or the avoidance of economic loss, held by a Council or Board member or his or her relative. A "Financial Interest" includes, without limitation:

1. An ownership interest in a business, including ownership of securities of a corporation, or of any beneficial interest in a business;
2. A creditor interest in an insolvent business;
3. Employment or a prospective employment for which negotiations have begun, or a contractual relationship that directly relates to a matter under consideration;

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4. An ownership interest in real or personal property;
  5. A loan or any other debtor interest; or
  6. A position as a director, manager, or officer in a business.

However, the term "Financial Interest" shall not include any matter involving the common public good or necessity, or any matter in which a similar benefit is conferred to all persons or property similarly situated.

"Matter" or "matters" includes, without limitation, any contract, any sale, lease, or purchase of an interest in land, goods, materials, supplies, or services, and any processing or granting of a development right, license, permit, application, inspection, or administrative approval.

"Misconduct" means an allegation that an Accused has violated the terms of this Ethics Code or the Charter, as amended, which is contained in a verified complaint. Misconduct can include a finding by the Council that an Accused has violated the terms of this Ethics Code or the Charter, after an investigation and hearing. Misconduct does not include an act by an Accused that occurred before the Accused was elected as a Council member or appointed as a Board member. However, disclosure of Confidential Information by an individual Council or Board member after leaving office may constitute an act of Misconduct. Failure by an Accused to participate in the Misconduct investigation process can, by itself, constitute an act of Misconduct. An investigation of Misconduct or a finding of Misconduct by the Council is intended as an internal process to maintain the ethical, professional, and fiduciary standards expected by the Town and its residents. It is in no way intended to prevent, interfere with, or limit any criminal investigation or prosecution for Official Misconduct as defined in §18-8-404, 405, C.R.S., or any other applicable crime.

"Official Act" or "Official Action" means any vote, decision, discussion, determination, recommendation, approval, disapproval, or other action, including inaction, of any individual Council member or Board member or that of the Town Council or of any Board of the Town. This includes any motion, position, resolution, ordinance, or other formal action by the Council or Board on the record during a meeting. This definition does not include the personal, individual opinion that an individual Council member or Board member may have regarding the Official Action taken by the Council or Board as a whole.

"Pending" means those matters before the Town for an Official Act or Official Action. Such matters shall not be considered "pending" if no application or request for such Official Act or Official Action has been filed with or received by the Town.

"Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

"Personal interest" shall mean a direct or indirect interest, not shared by the general public, having value peculiar to a particular Council or Board member, whether or not the value is related to monetary, financial, commercial, or property matters, which value may accrue to such Council or Board member or result in such Council or Board member deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order, or other Official Action, or the performance or nonperformance thereof, by the Town. Personal interest does not include any matter in which a similar benefit is conferred to all persons or property similarly situated to that of the Council or Board member.

"Relative" means a Council or Board member's spouse, domestic partner, child, parent, brother, sister, any dependent, or any person assuming a relationship being the substantial equivalent of those listed herein. "Domestic partner" shall mean an unmarried adult, unrelated by blood, with whom an unmarried Council or Board member has an exclusive, committed relationship, maintains a mutual residence, and shares basic living expenses.

"Staff Member", "Staff Members", or "Town Staff" means any employee of the Town, including the Town

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Manager, the Town Attorney, the Town Municipal Judge, the Town Prosecutor, and contract consultants performing services for the Town. Council members and Board members are not considered Staff Members unless, in addition to their position on the Council or on a Board, they are directly employed by the Town.

“Social Media” means internet-based applications and websites that enable users to create, share, and exchange content, ideas, and messages within visual communication networks. Common examples of social media include, but are not limited to, Facebook, Instagram, Snapchat, TikTok, Nextdoor, X (formerly Twitter), LinkedIn, and Reddit.

“Town” means the Town of Severance, Colorado, a Colorado home rule municipal corporation. However, “Town” shall not include the Town Council, Town Boards, individual Council members, or individual Board members.

## **5. General duties.**

All Council and Board members have a duty to use their public positions to contribute to the public good. This Ethics Code shall not prevent such persons from acting in any manner consistent with their official duties or from providing assistance or public services to anyone who is entitled to them. All Council and Board members, however, also have a Fiduciary Duty to the Town. Council and Board members must be mindful that the appearance of impropriety can be as corrosive of public confidence as an actual impropriety and must strive to avoid situations that may create an appearance of impropriety.

This Code of Ethics recognizes that holding public office is a public trust, created by the confidence the electorate places in the integrity of local elected and appointed officials. Local elected and appointed officials owe a Fiduciary Duty to the residents of the Town of Severance. Should an official's conduct depart from their Fiduciary Duty, they may be subject to Misconduct under this Code of Ethics as well as potential criminal charges. The Fiduciary Duty is a general duty encompassing the duty of loyalty, duty of care, duty of impartiality, and duty of disclosure.

The duty of loyalty requires the public official to act solely in the public's best interest and to value the public interest above all else. This means the public official must avoid actions that would personally benefit the public official, would benefit any party other than the public, or would harm the public. Examples of the duty of loyalty include using Confidential Information for personal financial gain or accepting gifts that could influence the public official's decision.

The duty of care requires the public official to exercise reasonable diligence, skill, and prudence in the performance of their official duties. This requires public officials to make informed decisions, consider the consequences of their actions, and act in the public's best interest. A public official who makes well-reasoned, informed decisions that ultimately prove unwise has not necessarily violated their duty of care. A public official who acts carelessly, without adequate information, or without reasonable care has likely violated this duty. Examples of the duty of care include failing to adequately research or consider the consequences of a policy and using public funds in an excessive or wasteful manner.

The duty of impartiality means public officials must avoid bias in their decision-making. Public officials must act fairly and equitably. They must serve the interests of the entire community, not just those of specific individuals or groups. Examples of the duty to act impartially include favoring a particular contractor without a legitimate reason or making decisions that disproportionately benefit a specific neighborhood over the entire Town.

The duty of disclosure means public officials must disclose all material information in a full, fair, open, and honest way. In this context, material information is any information that might reasonably affect the public's interest or impact the public official's decision. This also requires public officials to disclose

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potential Conflicts of Interest and to protect Confidential Information. An example of the duty of disclosure is that a government official serving on the board of a nonprofit organization must publicly disclose their relationship with the nonprofit before voting on matters that affect the nonprofit.

## **6. Rules of conduct for Council members and Board members.**

### **A. Confidential Information.**

1. No Council or Board member may disclose to third parties any Confidential Information unless authorized to do so by a two-thirds vote of the applicable Council members and Board members in office, except as required by law.
2. No Council or Board member may waive any confidence or privilege of the Council or the Board unless authorized to do so by a two-thirds vote of the applicable Council or Board members in office, except as required by law.
3. Any information discussed in an executive session is Confidential Information and protected by privilege. No individual Council or Board member may attempt to record an executive session, except that individual Council and Board members may take notes during an executive session for their personal recollection to assist with their Fiduciary Duty to the Town. Except as authorized under subsection 6.A or by an order from a court of competent jurisdiction, disclosure of information discussed in an executive session or contained in an advisory opinion may be grounds for Misconduct. Notwithstanding the rest of this subsection, information otherwise available to the public does not become confidential merely because it was discussed in an executive session or in an advisory opinion.
4. The obligations and requirements of this subsection 6.A. continue to apply to Council members and Board members after leaving office.
5. Whether or not it shall involve disclosure, no Council or Board member shall use or permit the use of any Confidential Information to advance his or her personal or Financial Interest or those of any other person, unless such information is available to the public at large.

### **B. Gifts.** No Council or Board member may solicit or accept from any person or entity a present or future gift, favor, loan, service, honorarium, or thing of value, whose cumulative value is more than sixty-five dollars (\$65) per annum, or of any value whatsoever under circumstances that would lead a reasonable person to believe that such gift, favor, loan, service, honorarium, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such Council or Board member in connection with an Official Act, or as a reward for Official Action he or she has previously taken. This prohibition shall not apply to:

1. Campaign contributions and contributions in kind reported in full compliance with the Colorado Fair Campaign Practices Act.
2. Admission and reasonable expenses for attendance at conferences, meetings, seminars, training sessions, cultural events, award ceremonies, or conventions related to or in connection with Town business.
3. Acceptance of food and refreshment at conferences, meetings, seminars, training sessions, luncheon and dinner meetings, special occasions, and other instances in conjunction with Town business.
4. An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad, or other similar item, or an unsolicited token or award of appreciation in the

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- form of a plaque, trophy, desk item, wall memento, or similar item.
5. A gift given by an individual who is a relative or personal friend of the recipient on a special occasion.
  6. Payment of salary from employment, including other government employment, in addition to any that may be earned from being a Council or Board member, and reimbursement of necessary and reasonable expenses directly related to such employment.
- C. *Conflict of Interest.* No Council or Board member may participate in any discussion of, or take any Official Action on, any matter in relation to which the Council or Board member has a Conflict of Interest, as provided in Section 7 of this Ethics Code. In addition, a Council or Board member must not perform an Official Act that directly and substantially affects to its economic benefit a business or other undertaking in which such Council or Board member has a substantial personal or financial interest, or that directly and substantially affects to its economic detriment any business or other undertaking when such Council or Board member has a substantial personal or Financial Interest in a competing business or undertaking.
- D. *Appearances before Council and Boards.* No Council or Board member may appear on behalf of a private party before the Council or Board, unless otherwise permitted by the Town Code, except that any Council member or Board member may appear before the Council or any board to address that Council or Board member's own personal interest. Nothing in this subsection shall preclude a Council or Board member, in the same manner and under the same circumstances as any other person, from appearing before the Council or any board on an application of the Council or Board member for a permit, license, or other approval of the Council or Board required by law.
- E. *Civil litigation.* No Council or Board member may appear on behalf of or represent any private interests, other than the Council member's or Board member's own interest, against the interests of the Town in any civil litigation to which the Town is or may become a party, unless the consent of the Council or applicable board is first obtained, except that any Council or Board member may testify under oath if subpoenaed.
- F. *Service on other governmental entities or associations.* A Council or Board member may serve on a board of another governmental entity or association as long as the Council or Board member (1) first requests the consent of the Council to apply for, run for, or seek appointment to the board of the other governmental entity or association and a majority of the Council members in office approve the request, (2) does not receive any personal pecuniary benefit from such service, other than reimbursement for expenses directly related to such service, (3) explicitly discloses such service through a conflict-of-interest disclosure as to type of position, compensation, and role, to be kept on file with the Town and with the other governmental entity, (4) discloses a conflict and recuses themselves from an Official Act of the Council or Board that may directly or substantially affect the other governmental entity or association, and (5) discloses a conflict and recuses themselves from an Official Act of the other governmental entity or association that may directly or substantially affect the Town.
- G. *Personal benefit.* No Council or Board member may use any Town property, equipment, or employee services for personal or private purposes, gain, or advantage except in the same manner and under the same circumstances as any other person who is not a Council member or Board member of the Town.
- H. *Representing the Council.* Individual Council and Board members shall not represent, imply, or otherwise suggest that they are speaking on behalf of the Council or Board unless expressly authorized by a formal action of the Council or Board. When speaking about Town matters,
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individual members must clearly distinguish their personal views and opinions from those adopted or expressed by the Council or Board. Individual members may, to the best of their ability, accurately summarize or repeat Official Actions by the Council, including actions by the Town. Authority to represent the Council or Board may be granted only through an official resolution passed by the Council or Board, which clearly defines the scope, limitations, and subject matter of the approved authority. Nothing in this subsection is intended to restrict or otherwise limit an individual Council member's or Board member's rights to the freedom of speech under the First Amendment of the United States Constitution or Article 2, Section 10 of the Colorado Constitution.

- I. *Limited authority.* Individual members have no independent authority to bind the Council. No individual Council member or Board member may make any promise, provide any assurance, or enter into any agreement or commitment that may bind the Council or the Town. Similarly, no individual Council member or Board member may make any promise, provide any assurance, or otherwise suggest that they know how the Council will vote on any Official Act. Authority to represent and bind the Council or Board may be granted only through an official resolution passed by the Council or Board, which clearly defines the scope, limitations, and subject matter of the approved authority. Individual Council members and Board members must take reasonable steps to prevent misunderstandings about their limited authority whenever they interact with the public, outside organizations, or other governmental bodies.
- J. *Duty to uphold Official Actions.* When the Council takes an Official Action, each individual Council member or Board member owes a duty to the entire Council or Board to uphold the Official Action. Individual members retain the ability to disagree with the Council or Board Official Action, and they maintain their individual Constitutional rights to speak freely concerning such Official Action. However, individual Council or Board members must not contradict or undermine the Official Action in any manner that suggests or implies that the Council or Board holds a different or contrary view.
- K. *Social Media.* The Town's image as a professional organization is critical to maintaining the respect of its constituents. Official Town, Council, or Board Social Media accounts shall be operated and maintained by Town Staff. Individual Council members and Board members may choose to maintain personal Social Media accounts. Personal accounts should include the following disclaimer: "The opinions expressed are my own and do not necessarily reflect those of the Severance Town Council or the Town of Severance." Although the Town recognizes that individual Council members and Board members may choose to express themselves by posting personal information on Social Media platforms or by making comments on Social Media sites hosted by other people, groups, or organizations, this right of expression should not interfere with the operation of the Town. Individual Council members and Board members should not personally criticize or make personal attacks on other Council members, Board members, Staff Members, or members of the public. Nothing in this subsection is intended to restrict or otherwise limit an individual Council member's or Board member's rights to the freedom of speech under the First Amendment of the United States Constitution or Article 2, Section 10 of the Colorado Constitution.
- L. *Special consideration.* No Council or Board member may request from 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.
- M. *Voting on matters involving one's own conduct.* No Council member or Board member may take any Official Action or vote on any question concerning the member's own conduct.
- N. *Obligation to cooperate with the investigation.* As part of their Fiduciary Duty to the Town and its residents, all Council members and Board members owe an ongoing duty to cooperate with any

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investigation of Misconduct under §10 below. Such obligation shall continue even after Council members and Board members leave office, except as described in §10(K) (Resignation in lieu of Hearing) below. Failure to cooperate with such an investigation is itself a violation of this Ethics Code and may subject the Accused to sanctions as described in §10 below. This includes failure of an Accused to timely respond to a special investigator regarding a certified complaint.

- O. *Other conduct.* It shall be a violation of this Code of Conduct for any Council member or Board member to engage in other conduct which threatens the public confidence in the integrity of the Town government, including but not limited to illegal conduct, conduct which puts self-interest before public interest, willful or persistent failure to perform his or her duties, engaging in any form of harassment or unlawful discrimination, or any other conduct involving dereliction of duties.

## **7. Conflict of interest—Disclosure; Recusal.**

- A. No Council or Board member may vote on any matter if the member has a Conflict of Interest as defined above. If a Council or Board member has a Conflict of Interest in any matter proposed or pending before the Council or Board, of which he or she is a member, the member shall disclose the Conflict of Interest in a public meeting and shall not vote, participate in, or take any Official Action on the matter.
- B. If any Council or Board member is aware that he or she could reasonably be perceived as having such a Conflict of Interest or is unsure of the existence of such a conflict, the member shall nevertheless disclose the possibility of such Conflict of Interest to the Council or Board. The member may request an advisory opinion pursuant to Section 9 of this Ethics Code. If the Town Attorney determines that such member has a Conflict of Interest, the member shall disclose such Conflict of Interest to the relevant Council or Board and shall not vote, participate in, or take any Official Action on the matter.
- C. A Council or Board member with a Conflict of Interest shall physically remove himself or herself from the room in which the Council or Board is meeting and shall refrain from attempting to influence the decisions of the other members of the Council or Board of which the person is a member. The conflicted member shall exit the room before any discussion by the Council or Board related to the conflicted matter. No vote shall be recorded for a Council or Board member who refrains from voting due to a Conflict of Interest. After the Council or Board has completed consideration of the matter, the member may return and resume his or her duties as a member of the Council or Board.
- D. A Council or Board member who has a Conflict of Interest may vote notwithstanding the requirements and restrictions of this section, but only if his or her participation is necessary to obtain a quorum or otherwise enable the Council or Board to act. The conflicted Council or Board member must comply with the disclosure procedures in sections 7.A, 7.B, and 7.C before voting or otherwise participating in any discussion related to the conflicted matter.

## **8. Quasi-judicial decisions.**

- A. *Duty to remain impartial.* Each Council and Board member shall be and remain impartial when making any quasi-judicial decision. Any Council or Board member who cannot be impartial in making a quasi-judicial decision shall follow the disclosure and recusal procedures in Section 7 of this Ethics Code.
- B. *No investigation or ex parte communications.* No Council or Board member shall receive nor shall any Town employee or member of the public provide to any Council or Board member any substantive oral or written information, except for legal advice, regarding a matter which is pending before the Council

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or board on which the member sits, and which is the subject of a quasi-judicial hearing before the Council or board, outside of the quasi-judicial hearing process. The term "quasi-judicial hearing process" includes, but is not limited to, preparations necessary for such a hearing, including written staff reports, scheduling, agendas, proposed resolutions and ordinances, posting or publishing notice, and legal advice. The Town Attorney shall provide affected Council or Board members with advice on what constitutes a quasi-judicial decision.

- C. *Disclosure.* In the event a Council or Board member shall inadvertently or unintentionally receive any substantive oral or written information outside of the quasi-judicial hearing process, as prohibited in this section, the Council or Board member shall fully and completely disclose such substantive oral or written information received at the start of the quasi-judicial public hearing process. The Council or Board member shall comply with the requirements of this subsection by making such full and complete disclosure. Failure to make such full and complete disclosure shall be a violation of this section.

## **9. Advisory opinions.**

- A. The Town Attorney represents the Council and owes a Fiduciary Duty to the Council as a whole. The Town Attorney does not represent any individual Council member, nor is the Town Attorney able to provide legal advice to any individual Council member. The Town Attorney's Fiduciary Duty to the Council includes a duty to disclose full, accurate, and honest information to the Council. Therefore, the Town Attorney is unable to withhold relevant information from the Council to the benefit of any individual Council member. Nevertheless, an individual Council member may request an advisory opinion from the Town Attorney as provided in sections 7, 9, and 12. Any advisory opinion by the Town Attorney will be issued in writing to the relevant Council or Board, but no advisory opinion will be issued to an individual member.
- B. Any Council or Board member may request an advisory opinion from the Town Attorney regarding a legal question concerning any matter pending before the Council or Board for an Official Action, which is reasonably likely to come before the Council or Board for an Official Action within the next six (6) months, or a matter of general concern to the Council or the Town.
- C. An advisory opinion by the Town Attorney is Confidential Information in accordance with section 6.A above. Disclosure of an advisory opinion by an individual Council or Board member may qualify as an act of Misconduct. An individual Council or Board member does not have the authority to waive attorney/client privilege on behalf of the entire Council or Board.
- D. Any Council or Board member may request from the Town Attorney an advisory opinion whenever a question arises as to the applicability of this Ethics Code to a particular situation. In determining whether a Council or Board member has a Conflict of Interest, consideration may be given to the following:
1. The purposes and provisions of this Ethics Code;
  2. Whether the potential Conflict of Interest would impede independence of judgment;
  3. The effect of the member's participation on public confidence in the integrity of the Council or Board and of the Town government;
  4. Whether the member's participation is likely to have any significant effect on the ultimate disposition of the matter; and
  5. The member's Fiduciary Duty to the Town.

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- E. Should the Town Attorney at any time determine that he or she has a conflict of interest in carrying out the duties of this section, the Town Attorney shall request that the Town Council appoint special counsel to undertake such duties. A majority vote of the Council must engage special counsel, and his or her reasonable fees and expenses shall be paid by the Town.

## 10. Enforcement.

- A. *Council to enforce.* The Town Council shall have exclusive responsibility for the enforcement of Misconduct as to Council members and Board members. The Council shall have the power to investigate any complaint and to initiate any civil action on behalf of the Town where it believes such action is appropriate. If the Accused is a Council member, the procedures in Subsection 7.C. shall apply, except that the Accused Council member may participate as a party in a hearing on a complaint under this section. An investigation of Misconduct or a finding of Misconduct by the Council under this section is intended as an internal process to maintain the ethical, professional, and fiduciary standards expected by the Town and its residents. It is in no way intended to prevent, interfere with, or limit any criminal investigation or prosecution for Official Misconduct as defined in §18-8-404, 405, C.R.S., or any other applicable crimes.
- B. *Verified complaint.* Any person who believes that a Council member or Board member has committed an act of Misconduct and wishes to initiate proceedings on such alleged Misconduct shall file a written complaint with the Town Clerk, who shall forthwith forward the complaint to the Council. The Town Clerk shall, within ten days of receipt of a complaint, serve a copy of the complaint upon the Accused. The complaint must state in detail the facts of the alleged Misconduct, must specify the provisions of this Ethics Code or the Charter alleged to have been violated, and must 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 that does not contain such a signed statement shall be returned forthwith to the complainant without action.
- C. *Dismissal.* If the Council determines that the verified complaint does not allege facts sufficient to constitute an act of Misconduct, it shall dismiss the complaint and notify the complainant and the Accused.
- D. *Investigation.* Following the receipt of a complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that an act of Misconduct has been committed or that an investigation of possible Misconduct is warranted, the Council may cause an investigation to be made of the circumstances concerning the possible Misconduct. An investigation shall be conducted by a special investigator, who shall be a qualified disinterested party recommended by the Town Attorney, and who shall be engaged by a majority vote of the Council. The Town shall pay the reasonable fees and expenses of the special investigator. Before invoking its investigatory powers, the Council shall approve a motion that states the nature and purpose of the investigation, the actions or activities to be investigated, and the persons who are the subject of the investigation. The Council shall, within five days, serve a copy of the motion on the Accused together with a notice informing the person that he or she is the subject of the investigation and a general statement of the applicable provisions for which violations are being investigated.
- E. *Special investigator.* The special investigator shall have the following duties:
1. *Notice to the Accused.* The special investigator shall notify the Accused and request a written response to the verified complaint. This request shall be in writing and shall be served upon the

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Accused no later than 10 days after the Council appoints the special investigator. The Accused's response shall be in writing, under oath, and subject to perjury in accordance with §§ 18-8-501, 802, C.R.S. The response shall address each act of Misconduct alleged in the verified complaint and shall provide as much detail as necessary to reasonably address the allegations of Misconduct. The Accused shall serve the response on the special investigator at Town Hall or at an address identified by the special investigator within 30 days of request by the special investigator, except that the special investigator shall grant an additional 15 days upon request by the Accused. Failure of the Accused to timely serve a written response upon the special investigator and/or otherwise cooperate with the investigation may constitute an additional act of Misconduct, and it may subject the Accused to additional sanctions.

2. *Investigation.* The special investigator shall interview witnesses and request documents relevant to the investigation. Before completing the investigation, and in addition to the response detailed above, the special investigator shall provide the Accused an opportunity to provide information concerning the complaint. Such information must be provided in writing, under oath, and subject to perjury in accordance with §§ 18-8-501, 802, C.R.S. The Accused may provide the special investigator with the names and contact information for witnesses who may have information relevant to the investigation, and the special investigator shall make reasonable efforts to interview these witnesses.
  3. *Investigation report.* Upon completion of the investigation, the special investigator shall provide a written investigation report to the Council summarizing the verified complaint, the Accused's response, a list of relevant witnesses, a list of relevant documents or other evidence, the results of the investigation, and the special investigator's conclusions. The report shall indicate whether the special investigator believes there is probable cause to support the violation(s) of Misconduct alleged in the verified complaint, whether the investigation revealed that there is probable cause to believe that different or additional violations of Misconduct occurred, or recommend dismissal of the complaint. The investigation report shall detail the basis for the special investigator's conclusions. A copy of the investigation report shall be provided to the Council and served on the Accused.
- F. *Dismissal or hearing.* Upon completion of the investigation, the Council shall review the investigation report and dismiss the complaint if it determines there was no Misconduct. If the Council determines, based on the investigation report, that there is probable cause that Misconduct occurred, it shall, by motion, set a hearing date, time, and place. The investigative report and notice of the hearing shall be served on the Accused not less than thirty days before the hearing. The notice of hearing shall include a complete list of all counts of alleged Misconduct to be addressed at the hearing.
- G. *Hearing.* The following shall apply to Misconduct hearings:
1. The Mayor or Mayor Pro Tem shall preside over the hearing on the complaint and shall determine all procedural issues with the assistance of the Town Attorney. If both the Mayor and Mayor Pro Tem are accused of Misconduct in the verified complaint, the remaining Council members shall vote by simple majority to select a Council member to preside over the hearing. Under no circumstances shall an Accused preside over a hearing to determine their own Misconduct, nor shall the Accused participate in the deliberation or vote concerning the finding of Misconduct.
  2. The hearing shall be open to the public and subject to the standard public notice requirements, though the public shall not participate in the hearing unless called to testify as a witness.
  3. The hearing shall be conducted to provide fundamental fairness, although strict rules of

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- procedure and evidence need not be followed.
4. All witness testimony shall be provided under oath and subject to perjury in accordance with §18-8-501, C.R.S.. Witness testimony shall be subject to cross-examination.
  5. Documentary evidence that can be reasonably authenticated shall be admitted for consideration.
  6. The special investigator shall present the case against the Accused, including calling and questioning any relevant witnesses and entering relevant evidence.
  7. The Accused may be represented pro se or by any attorney, licensed to practice law in the State of Colorado and in good standing, of the Accused's choice.
  8. The Accused shall have the right to address the Council prior to deliberation. The Council may consider the Accused's failure to testify as evidence against the Accused.
  9. In accordance with relevant law, the right against self-incrimination, under both the Fifth Amendment of the U.S. Constitution and Article 2 Section 18 of the Colorado Constitution, shall apply only if the speaker is the subject of a criminal investigation or the defendant in a criminal prosecution, or if the presiding Council member finds that such criminal investigation or criminal prosecution is likely to result from the speaker's testimony.
- H. *Findings.* At the conclusion of the hearing regarding the alleged Misconduct, the Council shall deliberate on the record as necessary until the Council can pass a motion to dismiss the charges, a motion finding Misconduct, or a motion finding Misconduct is unproven. The Council shall enter such findings as to each count of Misconduct alleged in the notice of hearing. An act of Misconduct shall be proven by a preponderance of the evidence as determined by two-thirds of all the voting members of the Council (excluding the Accused). In the event the Council, after deliberation, is unable to agree on an individual act of Misconduct by a two-thirds majority of the voting members of the Council, the presiding Council member shall enter a finding of "unproven" regarding the individual act of Misconduct in question. Upon finding that the Accused committed an act of Misconduct, the Council may continue the hearing to discuss and, in its discretion, to receive additional evidence regarding the appropriate sanction. The Council shall serve on the Accused a written finding and order within thirty days after conclusion of the hearing, including any continuance to consider sanctions.
- I. *Sanctions.* Upon a finding of Misconduct, the Council may impose an oral or written reprimand, a public censure, non-financial restorative justice measures, or other sanctions as the Council deems just and appropriate, depending on the seriousness of the Misconduct and any mitigating circumstances. The Council may also remove an Accused from such person's appointed positions, including removal from any committees, boards, or other special or ex officio appointments. When imposing any sanctions for Misconduct, the Council may consider any evidence from the hearing, including testimony or documentary evidence, arguments from the special investigator, arguments from the Accused, arguments from the Accused's attorney, as well as any additional evidence from the sentencing hearing.
- J. *Service.* Service of any notice or other document pursuant to this section or this Code of Conduct and Ethics is complete upon mailing certified mail, return receipt requested, postage prepaid, to the person's last known address, or upon personal service. Service also includes mailing certified mail, return receipt requested, postage prepaid, to a licensed attorney who is retained to represent the person. A person may waive formal service under this section by notifying the sender in writing that electronic service via electronic mail ("e-mail") or facsimile is acceptable and by acknowledging receipt of the document.
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- K. *Resignation in lieu of hearing.* An Accused may choose to resign their position as a Council member or Board member in lieu of a formal finding of Misconduct. This subsection shall apply only if the Accused resigns their position, in writing, at any time before the Council enters deliberations per subsection 10.H above. Once an Accused resigns under this subsection, the Council shall stop any additional investigation and take no further action under this section 10. If the Accused resigns before the special investigator completes their report, the special investigator shall complete their report based on the evidence obtained at the time of the resignation. Should an Accused choose to resign under this subsection, the Council may still issue a public statement that the Accused resigned during an investigation for alleged Misconduct, including the specific or general acts of Misconduct alleged in the verified complaint, the special investigator's report, or the notice of hearing. However, the Council shall not state that the Accused committed Misconduct, or that the alleged Misconduct was proven. Should an Accused resign under this subsection, they shall not be eligible for reimbursement of attorney fees under section 10.L below.
- L. *Reimbursement of attorney fees.* The Accused may retain an attorney to represent them at their own expense. If the final outcome of any verified complaint is dismissal or in the event the Council finds the Accused not to commit Misconduct, then, in that event, the Accused may request reimbursement for any attorney fees expended by the Accused in their defense of the complaint. The Council may reimburse the Accused in an amount determined by the Council in its sole discretion, subject to appropriation. The Accused seeking such reimbursement of attorney fees as provided for herein shall file a complete and detailed request for reimbursement with the Council showing amounts expended and specific legal services received. The Council shall then review the request and determine its appropriateness under this section. In the event the Council determines by resolution to reimburse such fees, the Town shall reimburse them within 60 days of receipt of the request for reimbursement, subject to appropriation. However, if the Accused is found to have committed a single count of Misconduct, then the Accused shall not be entitled to any reimbursement for attorney fees.
- M. *Records.* The Town Clerk shall record and maintain copies of the verified complaint, response, investigation report, dismissal, notice of hearing, hearing record, hearing exhibits, hearing findings, and/or sanctions as part of the official town records. Such files shall be maintained indefinitely.
- N. *Other actions not precluded.* Nothing in this section or this Ethics Code shall be construed to preclude other actions that may be available at law against an Accused for violations of this Ethics Code or the Charter.

## **11. Compliance with other laws.**

The requirements of this Ethics Code shall be in addition to the applicable requirements of the Town Charter, the Town Code, the Colorado Constitution, and the laws of the state. To the extent any conflict exists between the requirements of this Ethics Code and the requirements of the Town Code, the Colorado Constitution, or the laws of the state, the more restrictive provision shall apply.

## **12. Conduct with Town Staff.**

- A. When interacting with Town Staff, Council members and Board members shall:
1. Treat all Staff Members as professionals;
  2. Not disrupt Staff Members in the performance of their duties;
  3. Not publicly criticize individual Staff Members;

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4. Direct all questions of staff members through the Town Manager; and
  5. Not attend staff meetings unless invited by the Town Manager.
- B. Individual Council members and Board members are prohibited from giving a direct order to any Staff Member, and from soliciting political support from any Staff Member for any Council member's or Board member's campaign for any elected or appointed office.
  - C. If a Council member wishes to discuss matters relating to Town operations and administrative services with Town Staff, the Council member must first advise the Town Manager. The Town Manager may either arrange a time and place for the Council member to discuss the matter with the appropriate Staff Member, or arrange for the appropriate Staff Member to attend a Town Council meeting to discuss the matter with the entire Council, as appropriate.
  - D. Council members and Board members may only request information from Staff Members through the Town Manager. If, in the Town Manager's determination, more than 60 minutes of Staff Member time per calendar week will be required to obtain or compile the requested information, the request will not be processed unless the matter is placed on the Town Council's agenda for consideration at an upcoming regular or special meeting. The Town Manager will direct Staff Member to fulfill the request only if so directed by a majority vote of the Council present.

**13. Council and Board Meeting Conduct.**

- A. When interacting during public meetings, Council members and Board members shall strive to:
  1. Treat all Council members and Board members as professionals;
  2. Stay on topic; focus on the issue or topic;
  3. Not use profanity directed at Council members, Board members, Town Staff, or the public;
  4. Not personally criticize or make personal attacks on Council members, Board members, Town Staff, or the public.



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 63 - Ordinance 2026-03: An Ordinance of the Town Council of the Town of Severance, Colorado, repealing and reenacting section 6-1-150 of the Severance Municipal Code regarding Solicitors, Door-to-Door Salespersons	Andrew Rogers, Town Attorney	Town Attorney, Andrew Rogers
<b>ACTION REQUESTED</b>		
<p>The Town Attorney asks the Town Council to review and discuss the Ordinance repealing and reenacting section 6-1-150 of the Severance Municipal Code regarding Solicitors, Door-to-Door Salespersons and take action.</p> <p>Actions that may be taken:</p> <ul style="list-style-type: none"> <li>• Move to adopt Ordinance 2026-03</li> <li>• Move to adopt Ordinance 2026-03 with amendments</li> <li>• Take no action and do not adopt Ordinance 2026-03</li> </ul>		<p><b><u>Ordinance Attorney Approved</u></b></p>
<b>BRIEF HISTORY OF ITEM</b>		
This item was introduced to the Town Council at the March 10, 2026, Council Work Session.		
<b>BRIEF SUMMARY</b>		
<p>The proposed Ordinance includes three groups: Permit Holders (the selling company), Supervising Solicitors (who oversee salespeople), and Individual Solicitors (the salespeople). Both the company and supervisor are held liable for Individual Solicitors' violations, incentivizing lawful conduct. The Town may suspend or revoke permits and issue fines. "Soliciting Without a Permit" carries a minimum fine of twice the permit fee, while "Unlawful Commercial Solicitation" fines follow the standard Town fine. Citations are filed in Municipal Court with a default provision similar to traffic tickets, and companies with outstanding Town fines cannot obtain permits. Solicitors must wear identification badges displaying their permit authorization. Charitable fundraising, political canvassing, and religious outreach are exempt from these requirements.</p>		
<b>PUBLIC SUPPORT/CONCERN</b>		
Town staff, Municipal Court staff, and the Police Department have been contacted by several concerned citizens regarding door-to-door solicitors.		
<b>ANALYSIS AND RECOMMENDATION</b>		
This Ordinance considers the Council's comments and citizen concerns. The goal is to balance the community safety and privacy concerns with the solicitor's First Amendment rights. Please review the document and share any concerns.		

**MATERIALS SUBMITTED**

The following materials were submitted and included in this packet:

1. ORD 2026-03 - Amended Solicitors, and door-to-door salespersons - FINAL

**TOWN OF SEVERANCE  
ORDINANCE NO. 2026-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, REPEALING AND REENACTING SECTION 6-1-150 OF THE SEVERANCE MUNICIPAL CODE REGARDING SOLICITORS, DOOR-TO-DOOR SALESPERSONS**

**WHEREAS**, the Town of Severance, Colorado (the “Town”) is duly organized and validly exists as a Home Rule Town under Article XX, Section 6 of the Colorado Constitution and the Town’s Home Rule Charter; and

**WHEREAS**, it is in the best interests of the Town to have clear regulations, so they remain understandable and enforceable; and

**WHEREAS**, the Town Municipal Code (the “Code”) includes §6-1-150 – “Solicitors, canvassers, door-to-door salespersons,” which addresses the registration of such activities within the Town; and

**WHEREAS**, the Town has received numerous questions regarding the regulations for solicitors and door-to-door salespeople, which have caused staff to review the regulations; and

**WHEREAS**, to ensure clear and concise regulations regarding requirements for solicitors and door-to-door sales, it has become necessary to review and update regulations regarding the same; and

**WHEREAS**, to protect vulnerable adults and children from possible financial or physical exploitation and harm, the Town finds it necessary to establish certain minimum qualifications for door-to-door salespeople who may interact with citizens in their residences; and

**WHEREAS**, the Town Council finds that amendments to the Code regarding solicitation and door-to-door sales promote the public health, safety, and welfare; and

**WHEREAS**, the Town Council therefore desires to amend the regulations on solicitation and door-to-door sales to provide clear guidance within the Town, and to promote privacy and public safety.

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

**Section 1.** Findings Incorporated. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Town Council.

**Section 2.** Section 6-1-150, entitled “Solicitors, door-to-door salespersons,” of the Severance Municipal Code, is hereby repealed and reenacted to read as follows:

**Sec. 6-1-150. – Solicitors, and door-to-door salespersons.**

A. Purpose.

1. The provisions of this Section are intended to balance the First Amendment rights of residential solicitors in the Town with the privacy, safety, health, and welfare of the Town residents by:
  - a. Requiring all persons who conduct any door-to-door solicitation within the Town pursuant to a permit issued by the Town; and
  - b. Prohibiting solicitations at residences where the owner or occupant has prohibited solicitation in a manner consistent with the provisions of this Section.

B. Definitions.

1. For this Section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word shall is always mandatory and not merely directory.
  - a. *Administrative Action* means the revocation, suspension, or denial of a Commercial Solicitation permit in accordance with this Section. An Administrative Action does not include the imposition of a fine. An Administrative Action is separate and distinct from a Citation.
  - b. *Charitable Fundraising* means the act of directly approaching a private residence, including individuals at the residence, to request a donation or other support for a cause or non-profit organization. Charitable Fundraising includes fundraising sales related to schools (including school related extracurricular clubs and organizations), youth sporting events, youth organizations (such as the Girl Scouts or Boy Scouts), community organizations and nonprofits (such as food banks, the American Legion, Habitat for Humanity, or the Salvation Army), religious organizations, and health and cause organizations (such as the American Cancer Society, the March of Dimes, or the American Breast Cancer Foundation).
  - c. *Citation* means a violation of this Section issued by a Police Officer and supported by probable cause. For this Section, a Citation can include the imposition of a fine after a judgment of guilt or liability in municipal court. A Citation does not include the revocation, suspension, or denial of a Commercial Solicitation permit. A Citation is separate and distinct from an Administrative Action.

- d. *Commercial Solicitation* means the act of directly approaching a private residence, including individuals at the residence, for the purpose of promoting, offering, or selling a product, service, or business opportunity, with the intention of financial gain for the soliciting party or their employer. This includes presenting, demonstrating, or describing a product or service, as well as a pitch to persuade the individual to make a purchase, sign a contract, or agree to a future appointment. This activity is distinct from Political Canvassing, Charitable Fundraising, or Religious Outreach. This activity includes both lawful solicitation related to a Commercial Solicitation permit and unlawful solicitation without a Commercial Solicitation permit.
- e. *Conviction*.
  - 1. For this Section, Conviction means any of the following:
    - a. A guilty verdict after a criminal trial; or
    - b. A plea of guilty accepted by or entered in a criminal court; or
    - c. A plea of nolo contendere or no contest accepted by a criminal court; or
    - d. The imposition of a deferred sentence in a criminal case; or
    - e. The entry of an Alford plea or similar plea where the applicant asserted innocence but still accepted the imposition of a sentence or sanction in a criminal court.
  - 2. Conviction does not include a juvenile adjudication under Title 19, Article 2.5 of the Colorado Revised Statutes, as amended, or similar criminal juvenile actions in other jurisdictions. However, the person's status as a registered sex offender or sexually violent predator may still be sufficient grounds for denial of a permit.
  - 3. Conviction does not include a crime where the person received a pardon in accordance with Section 7, Article IV of the Colorado Constitution, or equivalent actions under federal law or the laws of any other state.
  - 4. Conviction does not include a judgment of guilt or liability involving a Citation.
- f. *Individual Solicitor* means a person who engages in Commercial Solicitation on behalf of the Permit Holder.

- g. *Solicitation* generally means the act of directly approaching a private residence, including individuals at the residence, for the purpose of making a request, appeal, or offer intended to elicit a response, action, commitment, or transaction from that person on behalf of oneself or an organization. This includes political canvassing, charitable fundraising, religious outreach, and commercial solicitation.
- h. *Permit Holder* means the commercial applicant that applies for a Commercial Solicitation permit. This includes the same party once the Town issues a Commercial Solicitation permit in compliance with this Section. Multiple Individual Solicitors may engage in Commercial Solicitation on behalf of a single Permit Holder. Each Permit Holder shall have at least one Supervising Solicitor overseeing the Individual Solicitors working under the permit. The Permit Holder is liable for the actions of the Individual Solicitors and Supervising Solicitors working under their permit. The Permit Holder may be subject to an Administrative Action and a Citation for actions by the Individual Solicitor and the Supervising Solicitors working under their permit.
- i. *Political Canvassing* means the act of directly approaching a private residence, including individuals at the residence, to seek their vote, political support, or signature on a petition.
- j. *Religious Outreach* means the act of directly approaching a private residence, including individuals at the residence, to share a religious message, invite participation, or seek converts.
- k. *Supervising Solicitor* means the person who supervises the Commercial Solicitation on behalf of the Permit Holder and is responsible for overseeing the activities of the Individual Solicitors. Supervising Solicitors are responsible for ensuring the Individual Solicitors comply with the requirements of this Section and may receive a Citation due to the actions of their Individual Solicitors.
- 1. *Qualifying Crime* shall include the following offenses:
  - 1. Any Conviction for an offense that qualifies as a crime under the Victim's Rights Act, as identified in § 24-4.1-302(1), C.R.S., as amended, or equivalent crimes under federal law or under the laws of any other state. Examples of such crimes include, but are not limited to, murder, manslaughter, vehicular homicide, assault, menacing, kidnapping, sexual assault, robbery, child abuse, stalking, intimidation of a witness, indecent exposure, burglary, and arson; or
  - 2. Any Conviction for an offense involving domestic violence as outlined in Title 18, Article 6, Part 8 of the Colorado Revised

Statutes, as amended, or equivalent crimes under federal law or under the laws of any other state; or

3. Any Conviction for an offense that qualifies as a bias-motivated crime as identified in § 18-9-121, C.R.S., as amended, or equivalent crimes under federal law or under the laws of any other state; or
4. Any Conviction for an offense involving at-risk persons, as outlined in Title 18, Article 6, Part 6.5 of the Colorado Revised Statutes, as amended, or equivalent crimes under federal law or under the laws of any other state; or
5. Any Conviction for an offense that requires registration as a sex offender under Title 16, Article 22 of the Colorado Revised Statutes, as amended, or equivalent crimes under federal law or under the laws of any other state; or
6. Any Conviction for an offense that qualifies as a sexually violent predator under §18-3-141.5, C.R.S., as amended, or equivalent crimes under federal law or under the laws of any other state; or
7. Any Conviction for an offense involving embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation or perjury, in accordance with Section 4, Article XII of the Colorado Constitution, or equivalent crimes under federal law or under the laws of any other state.

C. Commercial Solicitation prohibited.

1. A valid Commercial Solicitation permit does not authorize an Individual Solicitor or a Supervising Solicitor to approach any private residence where a “No Solicitation” or “No Trespassing” sign is clearly posted at or near the entrance(s) to the residence. Commercial Solicitation is prohibited at any such residence, and no solicitor may approach, enter, or remain upon such property for Commercial Solicitation, regardless of whether the solicitor or their employer holds a valid permit under this Section. For this subsection, if an occupant of a multi-unit dwelling wishes to prohibit Commercial Solicitation by posting a sign, the sign prohibiting solicitation must be posted at or near the entrance(s) to the occupant's individual dwelling

D. Permit required.

1. No permit is required for Political Canvassing, Charitable Fundraising, or Religious Outreach.
2. Any person, firm, organization, or corporation seeking to engage in Commercial Solicitation must obtain a permit from the Town Manager or their

designee and pay the permit fee as provided in the Town fee schedule before commencing any such solicitation.

3. Commercial Solicitation permits shall be issued in the name of the commercial applicant. A permit issued under this Section authorizes Individual Solicitors and Supervising Solicitors to engage in Commercial Solicitation on behalf of the Permit Holder. The Permit Holder is responsible for the conduct of all Individual Solicitors and Supervising Solicitors operating under the permit. Any violation of this Section by an Individual Solicitor or Supervising Solicitor may be attributed to the Permit Holder and the Individual Solicitor or Supervising Solicitor. Upon issuance of each permit, the Town Manager, or their designee, shall create and maintain a list of all persons authorized to engage in Commercial Solicitation under the permit. It shall be the sole responsibility of the Permit Holder to:
  - a. Provide a copy of the permit to each Individual Solicitor and Supervising Solicitor; and
  - b. Ensure that each Individual Solicitor and Supervising Solicitor complies with the terms and conditions of the permit and with the provisions of this Section; and
  - c. Notify the Town Manager or their designee in writing of any persons to be added to or deleted from the list of authorized Individual Solicitors or Supervising Solicitors; and
  - d. Submit to the Town Manager or their designee, for each person to be added to such list, the information required under Section.
4. Once the Town receives a complete permit application, the Town Manager or their designee has ten (10) business days to either issue a Commercial Solicitation permit or deny the application based on the criteria outlined in this Section. If approved, the permit will cover all Individual Solicitors authorized to conduct Commercial Solicitation on behalf of the Permit Holder.

E. Application contents; fees.

1. Each Commercial Solicitation Permit Holder shall file with the Town Manager or their designee a completed application containing the following:
  - a. A notarized affidavit signed by the Supervising Solicitor affirming that all information contained in the application is true and complete, and acknowledging that the Supervising Solicitor is responsible for any violations of this Section committed by the Individual Solicitors. The affidavit shall inform the Permit Holder that actions by the Individual Solicitors and Supervising Solicitors shall be considered against the Permit Holder for the purposes of revocation, suspension, or denial of the Commercial Solicitation permit. The affidavit shall inform the

Permit Holder that it is liable for the actions of its Individual Solicitors and Supervising Solicitors, and that violations of this Section may be enforced against the Permit Holder, including the imposition of fines; and

- b. The full name, business address, business telephone number, and email address of the Supervising Solicitor(s); and
- c. Information regarding the business as required by the Town Manager or their designee, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State; and
- d. A complete list of all Individual Solicitors and Supervising Solicitors authorized to engage in Commercial Solicitation under the permit;
- e. For each Individual Solicitor and the Supervising Solicitor(s), the application shall include the following information:
  - i. Name, address, telephone number, email address, and date of birth; and
  - ii. A photograph of the individual, which reasonably identifies the individual. Such photographs shall measure two inches by two inches and are commonly referred to as “passport photographs”; and
  - iii. Waiver and consent for the Town Manager, or their designee, to obtain a copy of the person’s criminal history, as maintained by the Colorado Bureau of Investigation;
  - iv. A statement as to whether or not the person:
    - 1. Has been convicted of any felony, misdemeanor, or other ordinance violation (other than a traffic violation) and, if so, the nature of the offense or violation, the penalty or punishment imposed, the date and location where such offense occurred, and the pertinent details of the offense; and
    - 2. Is required to register as a sex offender or as a sexual predator and the nature of the offense or punishment or penalty assessed, in this or any other state; and
    - 3. If the applicant has been convicted of any felony, misdemeanor, or other ordinance violation (other than a traffic violation), the applicant may provide information regarding their rehabilitation and good conduct,

including a summary of the events surrounding the crime and any other relevant mitigation.

- v. A valid state-issued REAL ID compliant driver's license or identification card or other valid identification that complies with the Real ID Act of 2005.
  - f. A brief explanation of the nature of the expected Commercial Solicitation activity;
  - g. If the Permit Holder is a foreign corporation or an employee or subsidiary of such corporation, the name, address, email address, and telephone number of the registered agent for service of process residing in Colorado;
  - h. Proof that the Permit Holder has obtained all required Town licenses;
  - i. Any other information determined to be relevant by the Town Manager or their designee.
2. At the time of application, each Individual Solicitor, Supervising Solicitor, and Permit Holder shall pay a fee in an amount required by the Town's fee schedule to be sufficient to defray the costs incurred by the Town in processing the application. Said fee shall be nonrefundable.

F. Identification badge and replacement.

1. When an application for a Commercial Solicitation permit is approved, the Town shall issue an identification badge to each Individual Solicitor and Supervising Solicitor.
2. Upon receipt of an application for a replacement badge, stating that the previously issued identification badge has been lost, damaged, or stolen, payment for replacement, as defined in the fee schedule, and submission of a new passport-sized photograph, the Town may issue a replacement badge. No replacement badge shall be issued unless the Town can verify that the Individual Solicitor or Supervising Solicitor remains employed with Permit Holder, or otherwise will be engaged in the same soliciting activities as specified in the original application. Replacement badges are subject to a fee, as outlined in the Town fee schedule.

G. Duty to display identification badge.

1. An Individual Solicitor or Supervising Solicitor shall display or wear their Town-identification badge, so that it is plainly visible at all times while engaging in Commercial Solicitation.

2. Whenever requested by any Police Officer or by any customer or prospective customer, an Individual Solicitor or Supervising Solicitor shall exhibit his or her Town-issued identification badge.
3. Failure to display an identification badge by an Individual Solicitor or supervising Solicitor is a violation of this Section, and it is subject to Administrative Action and citation.

#### H. Duration of permit, renewal.

1. Each Commercial Solicitation permit shall be valid for one year, effective from the date of issuance and expiring on December 31 of the year of issuance.
2. Any Permit Holder wishing to obtain a permit beyond their current permit term must submit a new permit application in accordance with this Section.

#### I. Denial of permit.

1. The Town shall not issue a Commercial Solicitation permit until the applicant has paid all outstanding fines under this Section. This applies to any person, firm, organization, or company applying for a permit, and includes any fines owed by individual solicitors who worked on behalf of that applicant.
2. The Town Manager or their designee may deny an application for a Commercial Solicitation permit for any of the following reasons:
  - a. Any material misrepresentation or false statement in the application for the permit; or
  - b. Failure of the Permit Holder to obtain any required Town license; or
  - c. Previous suspension, revocation, or denial of a permit; or
  - d. The Supervising Solicitor or an Individual Solicitor is under criminal investigation for a Qualifying Crime; or
  - e. The Supervising Solicitor or an Individual Solicitor has pending or unresolved criminal charges, including a Qualifying Crime; or
  - f. The Supervising Solicitor or an Individual Solicitor is required to register as a sex offender or sexually violent predator in this state or any other jurisdiction, has a conviction for any crime that requires such registration; or
  - g. The Supervising Solicitor's or an Individual Solicitor's criminal history, if it includes a felony conviction for a Qualifying Crime; or



- b. Any information provided by the person or produced on their behalf regarding their rehabilitation or good conduct.

J. Prohibited Conduct:

1. Regardless of whether the solicitor or their employer holds a valid permit under this Section, while engaging in Commercial Solicitation, no person may:
  - a. Knowingly make a false or deceptive representation or statement in an attempt to obtain an invitation to visit any private residence for the purpose of Commercial Solicitation, by knowingly making a false or deceptive representation or statement; or
  - b. Remove, damage, or obscure any sign or sticker posted on any private residence that indicates the resident or occupant does not welcome visitors, prohibits solicitation, or prohibits trespassing; or
  - c. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (if one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
2. Supervising Solicitors must reasonably supervise the Individual Solicitors engaged in Commercial Solicitation on behalf of the Permit Holder. Violations of this Section by an Individual Solicitor may be enforced against either the Individual Solicitor, the Supervising Solicitor, or both. Additionally, violations of this Section by an Individual Solicitor or a Supervising Solicitor shall be considered whenever a Permit Holder applies for a Commercial Solicitation permit and may constitute grounds for Administrative Action.

K. Transfer of permits prohibited.

1. A Commercial Solicitation permit issued under this Section is non-transferable. A permit may only be used by the person, firm, organization, or corporation to which it was issued, and it may not be transferred to, shared with, or used by any other person, firm, organization, or corporation. Any attempt to transfer or share a permit shall render the permit void and may result in denial, suspension, or revocation of any current or future permit, in addition to any fines imposed under this Section.

L. Suspension, revocation, or nonrenewal of permit.

1. The Town Manager or their designee may suspend or revoke the Commercial Solicitation permit of any Permit Holder, Supervising Solicitor, or Individual Solicitor for a violation of this Section.
2. The Town Manager or their designee shall provide written notice of the intent to suspend or revoke a permit. This notice will be mailed to the Permit Holder,

Supervising Solicitor, and Individual Solicitor at the address on file with the Town. The notice must be provided at least ten (10) calendar days before any Administrative Action is taken on the permit.

3. The Permit Holder, Supervising Solicitor, or Individual Solicitor may request a hearing to contest the proposed Administrative Action. This request must be made in writing and received by the Town within twenty (20) calendar days of the date the notice was mailed. If a hearing is requested, no action will be taken on the permit until the hearing is completed and a decision is reached. A hearing will be held at the Severance Town Hall, and the Town Manager or their designee shall preside. The hearing shall be conducted to provide fundamental fairness, although strict rules of procedure and evidence need not be followed.
4. Suspension or revocation of the Commercial Solicitation permit of any Permit Holder, Supervising Solicitor, or Individual Solicitor may be based on the following:
  - a. Failure by the Individual Solicitor or Supervising Solicitor to exhibit their permit as required in §(J); or
  - b. Failure by the Individual Solicitor or Supervising Solicitor to display their identification badge as required in §(F); or
  - c. The Individual Solicitor or Supervising Solicitor engaging in any prohibited conduct identified in §(I); or
  - d. The Individual Solicitor or Supervising Solicitor committing a violation under §(P); or
  - e. Fraud, misrepresentation, or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any Individual Solicitor or Supervising Solicitor;
  - f. Failure to obtain any required Town license;
  - g. Failure to reasonably supervise Individual Solicitors to ensure the Commercial Solicitation is performed in compliance with this Section; or
  - h. Authorizing, condoning, or knowingly tolerating any Commercial Solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
2. If an Administrative Action is based on the same or similar conduct as a Citation, the Town Manager or their designee may elect to continue with the Administrative Action or delay the Administrative Action until after the

Citation is litigated. An Administrative Action does not prevent a Citation, nor does a Citation prevent an Administrative Action.

M. Records.

1. The Town Manager or their designee shall maintain records showing each permit issued and the alleged violations of this Section, in accordance with the Town document retention policy.

N. Appeal.

1. An applicant to appeal against any decision relating to his or her permit shall submit an appeal to the Town Council in accordance with the due process rights as provided under the Town Code. The Town Council's decision shall be final.

O. Violations and penalties.

1. In addition to an Administrative Action, any person, firm, organization, or corporation engaging in Commercial Solicitation that violates any provision of this Section shall be punished as set forth below.
2. Any fine issued under this Section is separate from, and in addition to, any Administrative Action. A violation of this Section can result in both a fine and an Administrative Action. Receiving a fine does not prevent an Administrative Action, nor does an Administrative Action prevent the issuance of a fine.
3. Violations of Section 6-1-150 of the Severance Municipal Code are non-criminal offenses and shall be written into the Severance Municipal Court, as authorized in §2-4-10, etc. of the Severance Municipal Code.
4. For this Section, a violation occurs each time a person, firm, organization, or corporation engages in Commercial Solicitation contrary to these regulations. Each such instance shall be treated as a separate and independent violation, and a separate fine may be imposed for each violation. By way of example, each residence approached for Commercial Solicitation shall constitute a separate and independent violation.
5. It shall be unlawful for any person, firm, organization, or corporation to engage in Commercial Solicitation without first obtaining a permit from the Town in accordance with Section 6-1-150(D) of the Town of Severance Municipal Code. Violations of this subsection shall, upon judgment of guilt or liability, be punishable by a fine of no less than twice the current fee for obtaining such a permit. The fine shall not exceed the maximum fine as outlined in Section 1-4-20 of the Severance Municipal Code. Upon judgment of guilt or liability, any person, firm, organization, or corporation that violates this subsection commits the offense of "Soliciting Without a Permit."

6. It shall be unlawful for any Permit Holder, Individual Solicitor, or Supervising Solicitor to violate the requirements of Section 6-1-150 of the Severance Municipal Code. Violations of this subsection shall, upon judgment of guilt or liability, be punishable by a fine not to exceed the maximum fine as outlined in Section 1-4-20 of the Severance Municipal Code. Upon a judgment of guilt or liability, any person, firm, organization, or corporation that violates this subsection commits the offense of “Unlawful Commercial Solicitation.”

P. Default, default judgments, and collections.

1. This subsection applies to all non-criminal violations in accordance with §(O). This subsection does not apply to Administrative Actions.
2. Before a violation can be subject to the procedures outlined in this section, the action must have been properly initiated by the Town Manager or their designee, or proper substituted service of a complaint, summons and complaint, citation, penalty assessment, notice, or other document charging the party with the non-criminal violation. Service shall comply with Colorado Municipal Court Rules of Procedure Rule 204.
3. Failure to appear to enter a plea or defend any non-criminal ticket at a scheduled court date shall result in the finding of default. Notice of the default, notice of pending default judgment, and Notice of Hearing shall be sent to the Defendant at the Defendant's last known physical address as indicated on the Commercial Solicitation application, and/or by email at least twenty-one (21) days prior to the hearing date. Failure to appear at the duly noticed hearing shall result in entry of a default judgment, the setting of a fine, and referral for collections as provided below.
4. A motion to set aside a default and/or a default judgment shall be made within a reasonable time, not to exceed six (6) months. The court may, for good cause shown, set aside an entry of default, and/or a default judgment.
5. In any case where a default judgment has entered, the Municipal Court shall have the authority to pursue collection of the amount due from the Defendant. The Municipal Court shall adopt procedures for the collection of default judgments which, in addition to any other remedy available, may include the engagement of third-party collection services.
6. In addition to the amount of any default judgment entered pursuant to this Section, the Defendant shall additionally pay any associated collection costs, fees, and/or commissions for third-party collection services.

Q. Prospective application.

1. This Section applies to conduct occurring on or after the effective date of this ordinance. Nothing in this Section shall be applied retroactively to conduct that occurred before the effective date of this ordinance, and no Administrative

Action shall be taken based solely on conduct that predates the effective date of this ordinance.

**Section 3.** Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause, or portion of the Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the Ordinance.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 5.** In accordance with Section 6.03(6) of the Severance Home Rule Charter, this Ordinance shall take effect thirty (30) days after publication.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL THIS 14TH DAY OF APRIL, 2026.**

**TOWN OF SEVERANCE**

\_\_\_\_\_  
Matthew Fries, Mayor

**ATTEST**

\_\_\_\_\_  
Sarah Jacobsen, Town Clerk

**AFFIDAVIT OF PUBLICATION**

STATE OF COLORADO    )  
  )  
COUNTY OF WELD        )

I, Sarah Jacobsen, Town Clerk for the Town of Severance, Colorado do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 2026-\_\_\_, enacted by the Town Council on \_\_\_\_\_, 2026, on the Town of Severance’s website, <https://www.townofseverance.org/255/Ordinances> , on the \_\_\_ day of \_\_\_\_\_, 2026.

Witness my hand and seal this \_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Sarah Jacobsen, Town Clerk



## AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 81 - Comprehensive Plan Discussion	Josh Olhava	Josh Olhava, Ayres Associates - contract Town Planner
<b>ACTION REQUESTED</b>		
Town Management asks the Town Council to discuss the Comprehensive Plan after the presentation and direct any feedback they deem appropriate.		<b><u>Discussion</u></b>
<b>BRIEF HISTORY OF ITEM</b>		
<b>BRIEF SUMMARY</b>		
<p>The Town is required to update our Comprehensive Land Use Plan to conform to SB24-174, approved by the State, which requires Colorado jurisdictions to update their Comprehensive Plans to add a Strategic Growth Element (SGE) and a Water Supply Element (WSE).</p> <p>The State has determined that the SGE will guide future growth to support housing and use land efficiently. The State supports integrating the SGE into the comprehensive plan to discourage sprawl and promote the development or redevelopment of vacant and underutilized parcels in urban areas to address the demonstrated housing needs of the county or region and to mitigate the need to extend infrastructure and public services to develop natural and agricultural lands for residential uses.</p> <p>SB24-174 states that WSE must be developed in consultation with entities that supply water for use within the municipality, county, or region, including water conservation policies and estimates of the range of water supplies and facilities needed to support the potential public and private development described in the comprehensive plan.</p>		
<b>PUBLIC SUPPORT/CONCERN</b>		
None at this time		
<b>ANALYSIS AND RECOMMENDATION</b>		
Town Management asks the Town Council to discuss the Comprehensive Plan after the presentation and direct any feedback they deem appropriate.		
<b>MATERIALS SUBMITTED</b>		
<p>The following materials were submitted and included in this packet:</p> <ol style="list-style-type: none"> <li>2020 Comprehensive Plan-UA</li> </ol>		



# 2020 COMPREHENSIVE PLAN





Dear Town of Severance Residents, and Surrounding Community Members

The Town of Severance has experienced rapid growth and extensive changes since the previous Comprehensive Plan was adopted in 2012. The Town of Severance Board of Trustees recognized this and elected to have a Citizen Advisory Committee become involved to help reassess and refine the vision for the Town of Severance.

Over the past 12 months we have come to recognize that citizen involvement in this process is a vital component to an effective and lasting Comprehensive Plan. Our participation in this endeavor has been a great honor and it has shown us how planning for the future of Severance will sustain our unique community. This updated Comprehensive Plan highlights the opportunities for improvement that come with growth, but also provides a framework for dealing with the challenges that occur with development.

There are many attributes that bring people to Severance, including its rural heritage, natural features, open spaces, affordability and potential opportunities for business. The updated Comprehensive Plan aims to maintain these attributes for both the existing residents as well as for those who may join the community in the future. However, we also recognize the need for diligent growth management that encourages exceptional residential and economic development, along with improved services for residents.

The future of Severance will hold many challenges, but also many exciting opportunities. The Citizen Advisory Committee hopes that this updated Comprehensive Plan will be a resource for both current and future residents and we encourage all citizens to support and guard the vision it puts forth. The [Future Land Use Map](#) combined with the objectives described in the narrative, support managed development that maintains the culture, environment and community that makes us who we are. We look forward to, and encourage, further dialogue with the residents of Severance and our surrounding neighbors on changes to the [Land Use Code](#) and other policies of the Town that will help fulfill the implementation of the Comprehensive Plan.

Sincerely,

Rod Simpson

Stan Everitt

Karlee Hill

Steve Pierce

Tim Rohrbacher

Michael Hall

Gary Martin

STAFF: Nicholas Wharton, Mitchell Nelson, Abdul Barzark, Lindsay Radcliff-Coombes



## **TABLE OF CONTENTS**

### **Vision & Goals** **Pages 4-12**

The vision and goals portion of the Comprehensive Plan identifies the Guiding Principles, Community Vision, Existing Planning Influences, and Community Design Values.

### **Land Use Plans & Policies** **Pages 13-18**

The Land Use Plans and Policies portion of the Comprehensive Plan begins to identify zoning areas and specific land uses and visions for these areas.

### **Implementation** **Pages 18-28**

The Implementation Portion of the Comprehensive Plan addresses how the [Future Land Use Map](#) and associated zoning will be reflected in various aspects of the Town such as utilities, open space, and transportation.

### **Maps & Appendices** **Pages 29 - 36**

Many sections of the Comprehensive Plan refer to maps located in the appendices.



## INTRODUCTION

The Town of Severance ("Town" or "Severance") is a small but vibrant community that sits in an ideal location from many standpoints. The Town is in Weld County approximately 50 miles north of the Denver Metro area and centrally located between the major Northern Colorado cities of Fort Collins, Loveland, and Greeley which allows easy access for both work and play. The town limits cover an area of nearly 4,300 acres.

Severance was established as a statutory town in 1920 and has since grown from 40 residents to an estimated 7,300 friendly people. The Town began as an agricultural hub in Northern Colorado and in the last decade it has grown and evolved into a wonderful bedroom community for people to raise their families while maintaining the unique character of a rural town surrounded by agricultural producers and open lands. Today, Severance's residents have access to a burgeoning commercial core, parks and trail systems, schools, and other important public services. All of these characteristics make Severance a great place to live, do business, and visit.

In 2020, Severance's 100th-year as an incorporated Town, we developed Severance: Hometown Vision, hereafter referred to as "The Plan." This is a combination of the Town of Severance 2020 Comprehensive Plan update, the Town's Land Use Code, and other governing documents that form the basis of future land use planning and development in Severance. While it is obvious that land planning and development have profound impact on the physical terrain within and surrounding Severance, we also recognize that there are other important elements of the community such as open space, water resources, transportation, culture, and heritage that are influenced by growth, and these must also be addressed.

The Plan recognizes and respects private property rights while acknowledging the appropriate balance between these rights, the impact on health, safety, and welfare, for both existing and future residents of the Town, and the infrastructure requirements to adequately serve future development.

The aim is to create a pragmatic, user-friendly comprehensive plan and development code combined with processes that foster creativity and economic prosperity. Due to the unique characteristics of the plan, we highly recommend that those interested in planning and development in Severance thoroughly read the documents in order to fully understand the processes and procedures involved, and the roles of the property owner, Town government and citizens.

The Comprehensive Plan is an attempt to depict a version of our community at some point in the future. The Town recognizes that growth and development are constantly influenced by innumerable factors occurring in real time, which creates an inherent tension between the static plans described in this plan and the dynamic aspects of future growth and development. The success of The Plan is dependent on a thorough understanding and adherence to the following ideals:



- The Guiding Principles (pg. 5)
- The Community Vision (pg. 6)
- Existing Planning Influences (pg. 9)
- Community Design Values (pg. 12)

The ultimate objective of the community vision will be implemented by following the GUIDING PRINCIPLES and the COMMUNITY DESIGN VALUES resulting in the creation of a unique small town that is affordable, sustainable, attractive and a great place to live.

The Plan is a tool that to be used by both the [Planning Commission](#) and [Board of Trustees](#) as the basis for any land use decisions within the Town. The GUIDING PRINCIPLES AND VISIONS in this document will be the foundation for future land use code updates. It should be understood that The Plan will be updated every 5-7 years and that changes to the Land Use Code and other governing documents may occur before the next update.

## **GUIDING PRINCIPLES**

The Plan was founded upon a group of Guiding Principles that established the framework for its implementation. All policies, procedures, planning and development shall be structured to conform to these Guiding Principles. All property owners, developers, town officials, and other interested parties, including existing and future residents, shall recognize the importance of these Guiding Principles and refer to them to effectively plan, review, develop and manage growth in Severance. These Guiding Principles are intended to establish collaborative relationships, roles, and responsibilities among property owners/developers, town officials, and the public.

### **1. PROPERTY OWNER/DEVELOPER**

- Land Use changes should be initiated by the property owner, recognizing the statutory rights that are possessed by the Town.
- Proposed land use changes shall align with The Plan, policies and procedures.
- Proposed land use changes should include creative and unique plans that support the vision of The Plan.
- Proposed land use changes must address community values, services, water resources and infrastructure.
- In the event a proposed project does not align with the [Future Land Use Map](#) adopted with The Plan, changes may be initiated by the property owner if proposed amendments are consistent with the Guiding Principles and Community Design Values. The process of a Comprehensive Plan Amendment is defined in more detail in the Town's Land Use Code and is a requirement for any deviation from The Plan.
- It is the property owner's responsibility to become an integral part of the process and to establish long-term relationships with the town officials.



## 2. TOWN OFFICIALS

- A. The Plan, policies and procedures shall be clearly stated, easily understood, accessible, and administered in the spirit of collaboration.
- B. Policies and procedures shall promote and foster creativity and quality.
- C. Policies and procedures shall support the Town's fiscal responsibility.
- D. The Plan and subsequent policies and procedures shall foster and promote responsible economic activity through various methods including a detailed incentive policy and a reasonable planning process.
- E. The Plan and subsequent policies and procedures shall balance community values, services, and infrastructure with private property rights.

## 3. PUBLIC PARTICIPATION

- A. Public participation is welcomed, encouraged, and valued.
- B. Public participation is intended to be constructive and to aid proposed land use changes to better align with the principles, policies, and procedures of The Plan.
- C. Public participation can vary in engagement depending on the differing steps of the land use process.

The Comprehensive Plan process is intended to be the point at which an engaged citizenry can have major input on the principles, policies, and procedures of The Plan and its vision for Severance's future. Once adopted, the [Planning Commission](#) and [Board](#) are obligated to govern based on The Plan and the [Land Use Code](#), which may be updated based on changes to The Plan. When possible, the Town encourages direct collaboration between existing property owners and proposed development.

## COMMUNITY VISION

The Plan describes the future physical, cultural and economic elements of our community based on certain influences of the present as well as expectations over the next several years. As this Comprehensive Plan is implemented and matures, we anticipate that circumstances will arise that may influence the fulfillment of our community vision. However, The Plan has been intentionally crafted to address present conditions and to offer the flexibility needed to achieve the dynamic hometown vision of the future.



### VISION STATEMENT: PHYSICAL

Severance will remain a small town with a strong vibrant commercial and town core surrounded by sub-urban residential neighborhoods. Beyond the sub-urban perimeter, the pattern of development will be predominately large-lot rural residential subdivisions and a mix of agricultural land uses. A few development nodes as shown on the future land use map in orange may arise along surrounding major highways. These four zoning categories will interface with future industrial uses and the future open space and civic development that may occur. This area will need more detail based on our discussion about [Land Use Plans and Policies](#).

With each development, there is a priority for adequate open space and a regional system of trails and natural areas. This is represented in the series of maps associated with The Plan. These maps illustrate both existing zoning and land use ([pg. 29](#)) and the proposed future land use map ([pg. 14](#)). The interaction of varying land uses will be handled through criteria in both The Plan and the subsequent policies and procedures adopted by the Town. Severance also recognizes the historically agricultural background of the area and intends to maintain this through the allowance of large-scale commercial agricultural operations, the continued implementation of small-scale agricultural operations, and Town-supported heritage programs.

Weld County's [Right To Farm Statement](#) defines the priority for agricultural production within much of the Town's [Growth Management Area](#) (GMA). While the Town does not have oversight of county land, it will maintain an active and open dialogue with county officials and landowners to collaboratively encourage compatible land uses. This interaction will mainly be accomplished through the existing Coordinated Planning Agreement between the two entities (on file at Town Hall).



## VISION STATEMENT: CULTURAL

Severance will remain a family-oriented town that encourages interaction between neighbors, businesses and civic services. Frequent community events that are collaboratively sponsored and organized will promote Severance as a great place to live, do business or visit. The Town will continue to promote arts, culture and heritage through these community events and through future partnerships or programs that may become available. The Town will also promote the value of using and protecting Severance's vital outdoor resources and amenities, including open spaces, and trails. Following the completion of the Community Park, a Parks, Recreation and, Culture Department may be created to continue fostering these goals.



## VISION STATEMENT: ECONOMIC

Severance will be an economically sustainable community by guiding growth and development according to our physical and cultural visions. Collaboration between the [Chamber of Commerce](#), other local businesses, and the Town will be critical in achieving this goal. The Plan fosters business growth by encouraging policies and practices that support diverse uses and flexibility. Informed infrastructure requirements and fees, combined with straightforward, streamlined processes are essential for strong economic development. This includes policies and fees designed to cover new users' fair share of water and stormwater services and infrastructure. Severance acknowledges the necessity of residential development in the creation of a sustainable economic environment. Beginning with Home-Based Businesses as defined in the Land Use Code and continuing up to the potential for future large-scale economic development, The Plan and subsequent policies and procedures will create a standard for commercial and industrial development that not only supports the Town financially, but adheres to the Community Design Values and land use code requirements.



## **EXISTING PLANNING INFLUENCES**

The Plan is based on several physical conditions that have influenced our Community Vision, such as the Severance Greenway, a series of irrigation ditches, the lack of a major highway through the town center, and a diverse topography. These conditions may change and potentially modify the vision. If this occurs, the physical changes will impact the cultural and economic elements of the community vision; this should also be considered with any change to physical conditions.

### **1. GROWTH MANAGEMENT AREA ([map on pg. 10](#))**

The Growth Management Area is the Town's projected area of growth. It is defined in order for the Town to better plan with neighboring agencies and to help guide annexation among different communities. Areas within the Town's Growth Management Area are not under Town jurisdiction but are considered when making land use decisions.

### **2. GEOGRAPHIC**

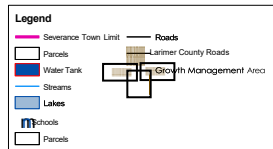
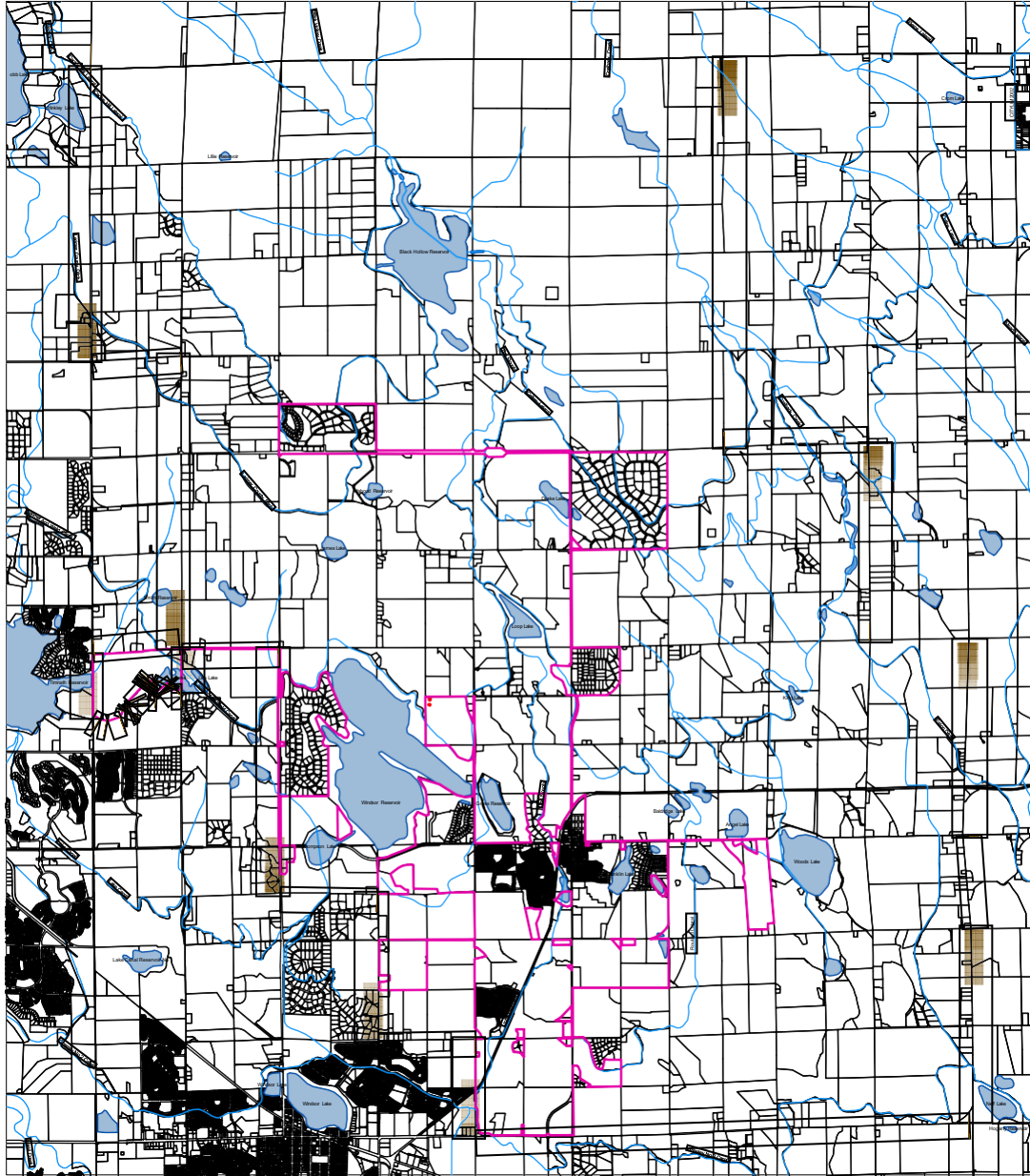
Severance is nestled in a large drainage basin which creates a relatively narrow valley that is associated with a significant flood plain ([Geographic Features map pg. 30](#)). The floodplain creates the Severance Greenway; this valley offers a regionally unique sense of place, while the flood plain influences development opportunities. Beyond the ridges forming the valley are gently rolling hills spotted with natural lakes and man-made reservoirs. Significant lakes and reservoirs include Franklin Lake, Loup Reservoir, and Windsor Reservoir which all provide a variety of opportunities such as irrigation sources, and areas of existing or potential recreation. A series of irrigation ditches run through Severance, including the Eaton Ditch, John Law Ditch, and Larimer County Canal all of which interact with proposed development.

### **3. TRANSPORTATION**

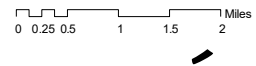
The Town is bounded on the north, south and west by three major state highways: HWY 14 to the north, HWY 392 to the south, and HWY 257 to the west. The only north-south through roadway connecting the state highways is WCR23, and the only east-west through roadway is East Harmony Road. WCR 21 is a major north-south arterial that conveys much of the residential traffic between HWY 392 at the south end of the Severance GMA and WCR 74. Through this network of intersecting arterials (Road Network map on pg. 31) and a number of residential connector/collector streets, traffic from neighborhoods is conveyed in and out of Town. The Great Western Trail is a major pedestrian linkage that runs through the Severance Greenway and will eventually connect Severance to Fort Collins to the west and Eaton to the east. Adjacent residential development currently connects to this trail where possible. Concurrent with this update of The Plan the Town will be completing a [Transportation Master Plan](#) that will assist in clarifying existing traffic conditions and future improvements. ([section continued on pg. 11](#)).



## GMA MAP



UPDATED MAY 28, 2020





#### 4. PARKS AND RECREATION/OPEN SPACE

Running from HWY 392 northward to approximately two miles north of HWY 14 is a major drainage way and flood plain identified as the Severance Greenway. This is envisioned to become an extensive park, recreation, and open space area that offers pedestrian trails, wildlife corridors, active and passive parklands, and other open space opportunities. Developments should consider multi-modal connectivity between their transportation networks and the Severance Greenway. The Town currently has the majority of its parks in and around residential neighborhoods. The primary parks include Lakeview, Blue Spruce, Karen Suman, Brownell, Summit View, and The Overlook. The Town is currently developing 35 acres of a future 90-acre community park located northwest of the intersection of WCR 23 and WCR 72 and adjacent to the Great Western Trail. This community park will serve as an anchor to the Severance parks and trails network and will be a pivotal community gathering space for town events.

Through the series of smaller neighborhood parks, the large central community park and the connecting trails, the Town provides reasonable access to recreational facilities and open space. As the Town continues to build out, the existing network must be considered, improved as needed and designed to connect to the overall park network ([Park Network Map on pg. 32](#)).

#### 5. UTILITIES

Severance's potable water service area covers approximately 3,000 acres of the town's 4,300-acre area, and, as of 2016, provided potable water to approximately 2,954 people ([see Water District Map, pg. 33](#)). In 2016, Severance delivered 456.2 Acre Feet (AF) of treated water to its water customers; average residential gallons per capita per day (GPCD) was 120.8. Severance has experienced a nearly 20% annual growth rate over the past 20 years, and population of the service area is estimated to grow to over 4,900 by the year 2026. It is estimated that approximately 20-25% of Severance's residents who reside within the town boundary and/or Growth Management Area are not serviced by the Town's potable water services. Typically, these residents have their own wells or are served directly by [North Weld County Water District](#) (NWCWD).

Severance's water facilities include two 500,000-gallon treated-water storage tanks and a pump station that provide water for fire protection, daily operating levels, and emergency water storage. System improvements, such as a secondary point of connection to the NWCWD system and an additional storage tank for drought resiliency, are anticipated in the future. Severance's water-related priorities are described in later portions of The Plan (Pgs. 19 – 21). Additional information can be found in the Town's 2017 Municipal Water Efficiency Plan.



Sanitary sewage is treated in an existing town-operated treatment plant and also transported in a main trunk line to a regional treatment plant in Windsor. These combined facilities have the capacity to treat effluent equivalent to a residential population of approximately 10,000 people or 4,300 households. These facilities are easily accessible to serve the town core and sub-urban perimeter. Severance South Subdivision, which lies at the southern border of the Town, along with other projected development may prompt the installation of a secondary trunk line that will be treated by the Windsor Treatment Plant. This will have considerable impact on the capacity within the Sub-urban Perimeter and Town Core land use areas. Beyond these areas of urban and sub-urban land uses are several subdivisions using individual sewage disposal systems (septic) for wastewater treatment. Within the boundaries of the Future Land Use Map, potable water, electricity, gas and other utilities are available through other providers or the town. Additionally, the Saddler Ridge subdivision located north of Highway 14 currently operates its own sanitary treatment facility, and there is the potential for future expansion to serve the adjacent Development Node Land Uses. A sewer extension that would primarily serve development at the intersection of WCR 74 and HWY 257 is in the early planning stages. The completion of this sewer project would enable the development node zoning of this area to be fulfilled.

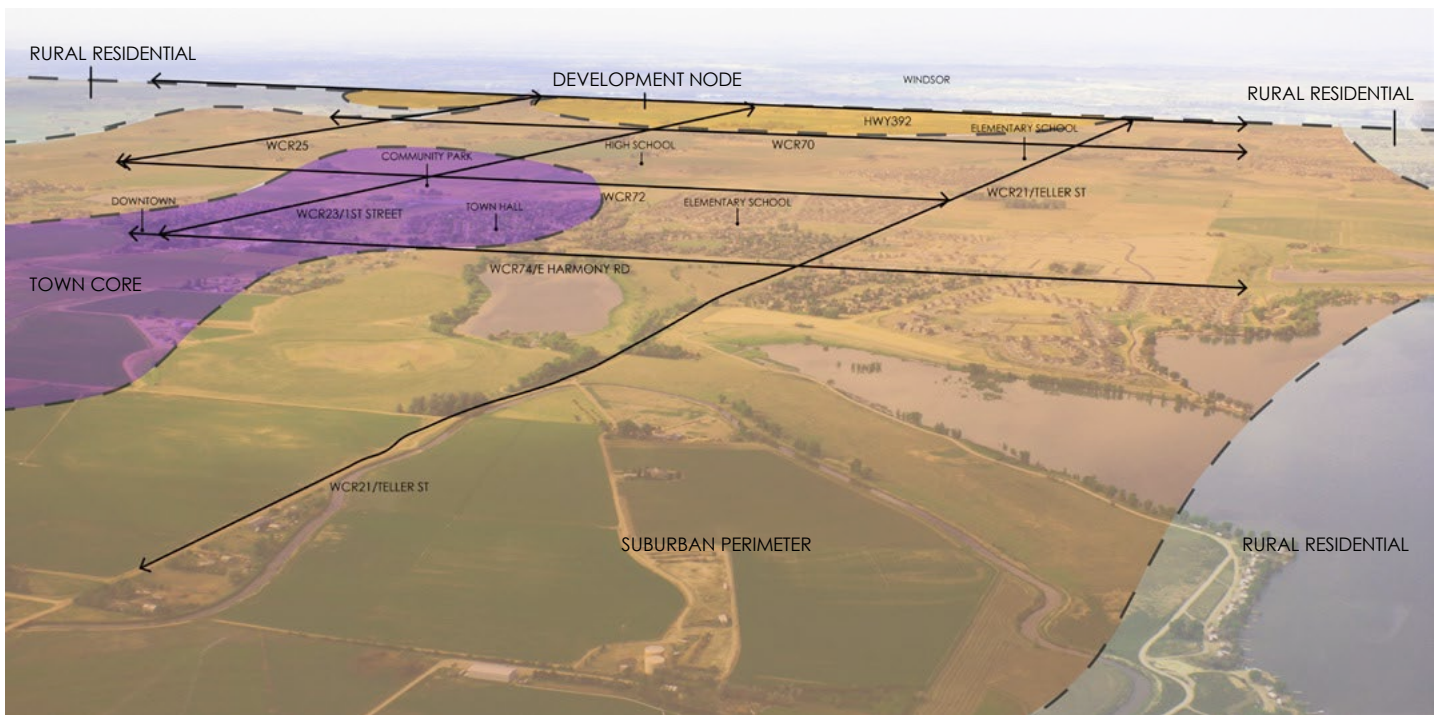
### **COMMUNITY DESIGN VALUES**

Design elements define a community and the fulfillment of The Plan is achievable by emphasizing certain community design values while leaving other design decisions up to the property owners. Supporting and maintaining good design also requires sound management. Therefore, developments must include interim and final property management plans with all development proposals. Community Design Values will apply to design elements such as community entryways, major roadways, subdivision perimeters, subdivision entryways, internal fencing, connectivity throughways, park improvements, open space, internal roadway design, residential lot layout, landscaping, setbacks, and commercial architecture. Each zoning has different design values and will be discussed in later portions of The Plan ([pgs 15-19](#)). These limited Community Design Values are also described in the accompanying Land Use Codes. In addition to the Design Values located in the Land Use Code, the Corridor Planning or Design Overlays provide additional control to certain areas of Town. Intergovernmental agreements with neighboring communities help to coordinate design at the intersection of jurisdictions or along major shared corridors.

Severance will be an economically sustainable community by growing and developing according to our physical and cultural visions. The Plan fosters business growth by encouraging policies and practices that support diverse uses and flexibility. Reasonable infrastructure requirements and fees, combined with straightforward, streamlined processes are essential for strong economic development, which will be strengthened and complemented by supporting and encouraging residential developments that portray Severance as a unique community in the region.

Rural character is a strong element of Severance's identity. The Plan would support continued agricultural uses of land within the Town's Growth Management Area, should landowners desire to do so. Changing land use from agricultural to other more intensive uses is expected under the new plan. The Future Land Use map depicts a pattern of development that supports the continuation of rural character developments outside the areas that are practically served by centralized sewer treatment infrastructure. More intensive sub-urban development will become the transition between this rural development pattern and the town core.

## LAND USE PLANS AND POLICIES



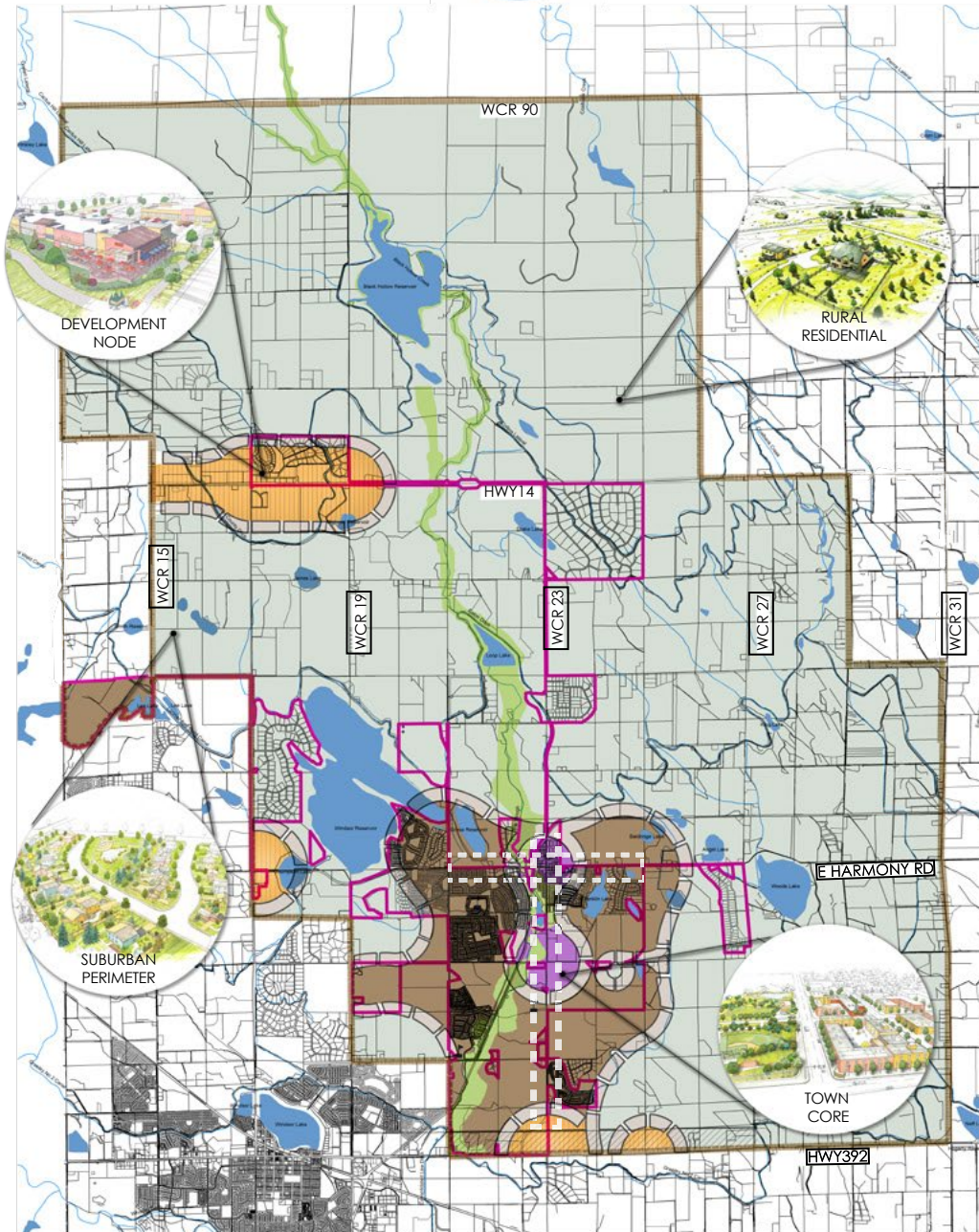
## **FUTURE LAND USE PLAN**

The Plan includes a process to review proposed land use changes within the Growth Management Area ([Future Land Use Map on pg. 14](#)). Any proposal for changing land uses in or around Severance will be evaluated based on the following:

- The desires of the property owner;
- Conformance with the Future Land Use Plan
- Infrastructure that is available or obtainable to serve the property
- Water resource availability and commitment to water efficient development practices;
- Adherence to Vision Guiding Principles
- Conformance with Community Design Values
- Overall alignment between the proposed land use change and the physical, cultural , and economic vision statements of The Plan
- Consideration for the impacts on existing residents



## FUTURE LAND USE MAP



LEGEND

- Growth Management Area
- Streams
- Lakes
- Schools
- Parcels
- Roads
- Town Boundary
- Rural Residential Conservation/Agriculture
- Suburban Perimeter
- Town Core
- Severance Greenway Corridor
- E Harmony Road and 1st Street Corridor Planning Areas
- Transition Area Between Zoning Districts

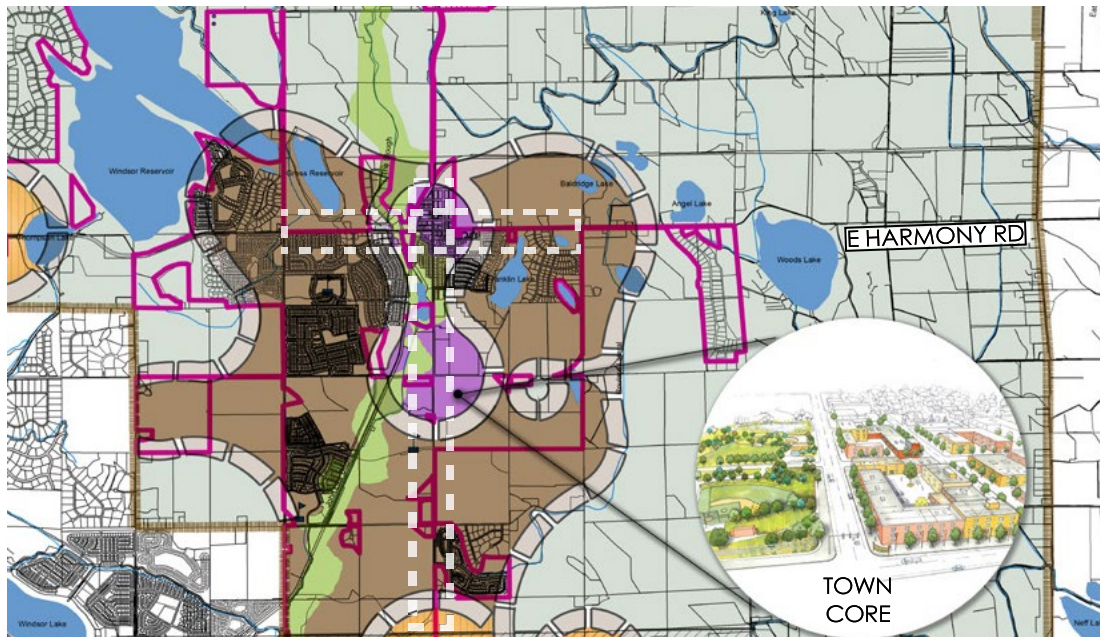
FUTURE LAND USE MAP

5.4.20

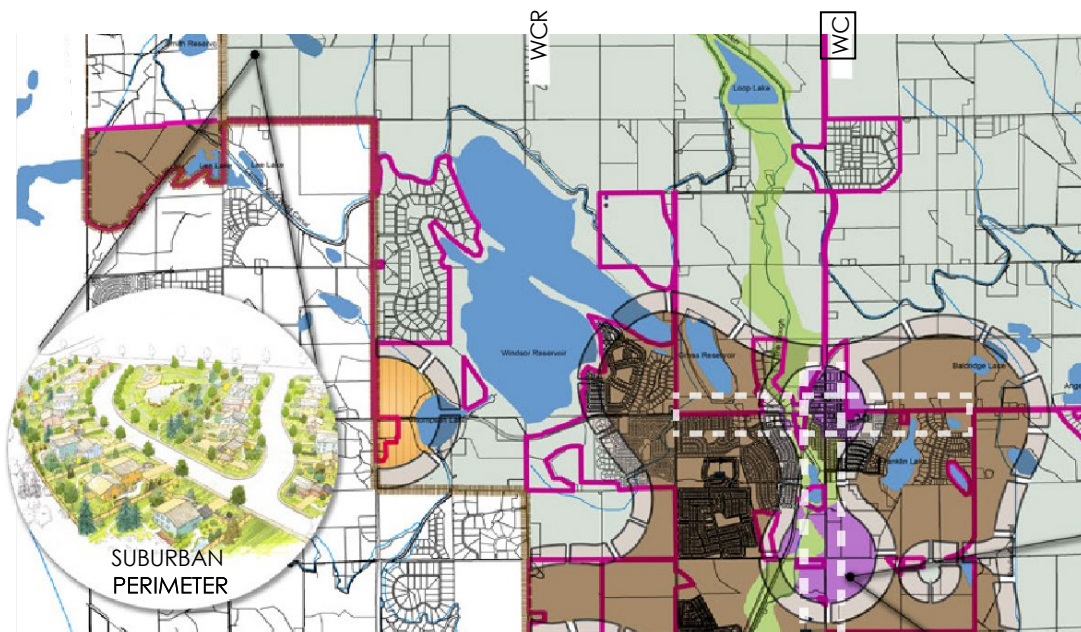
**FUTURE LAND USE CATEGORIES**

The Future Land Use Plan is intended to show the areas that appear to be appropriate for various patterns of development. This Plan and accompanying map identify four categories of development and loosely identify the distribution of each. In addition, other areas are shown within Corridor Planning Areas that may accommodate industrial, light industrial, commercial, retail or other uses. Given the flexible nature of the future land use plan, lines adjacent to undeveloped land delineate other land uses and are intentionally not specific to properties, features, infrastructure, or other planning influences; rather they are placed to identify the general area where transitions between land uses are anticipated. Each proposal in these transitional areas will be evaluated to determine the most suitable future land use for that property at the time the proposal is made. Proposed land use changes clearly inside designated categories may request alterations to the plan but said alteration must be justified; if accepted, the future land use plan shall be updated to reflect these changes.

The following describes the general characteristics of each category:



**1. TOWN CORE:** This is the area of town where commercial, residential and mixed-use development has already occurred or is a reasonable extension of these land uses. Typically, this core area is served by centralized sewer, water and other utilities, has a roadway network in place, and has businesses along with civic uses that are servicing the surrounding residents. The Town Core is intended to be the vibrant and diverse center of Town, and the following images begin illustrate the characteristics of this zoning category with more specific codes and criteria located in both the overlaid corridor plans and the Severance Land Use Code.



**2. SUB- URBAN (OR SUBURBAN) PERIMETER:** Surrounding the town core are areas of predominately residential subdivisions. These areas are also served by centralized sewer, water and roadway networks. The Future Land Use map identifies the existing sub-urban development as well as areas that could be served by extending infrastructure to them. The sub-urban perimeter is limited by the existing sewer and water service capacities.

These areas are expected to be primarily residential developments with possible limited commercial uses. The predominant land use within the suburban perimeter is single family residential; perimeter treatment and adequate open space are prioritized. The following images illustrate these values, and additional criteria are located in the Land Use Code. Projects along a Severance corridor plan will conform to the associated standards.

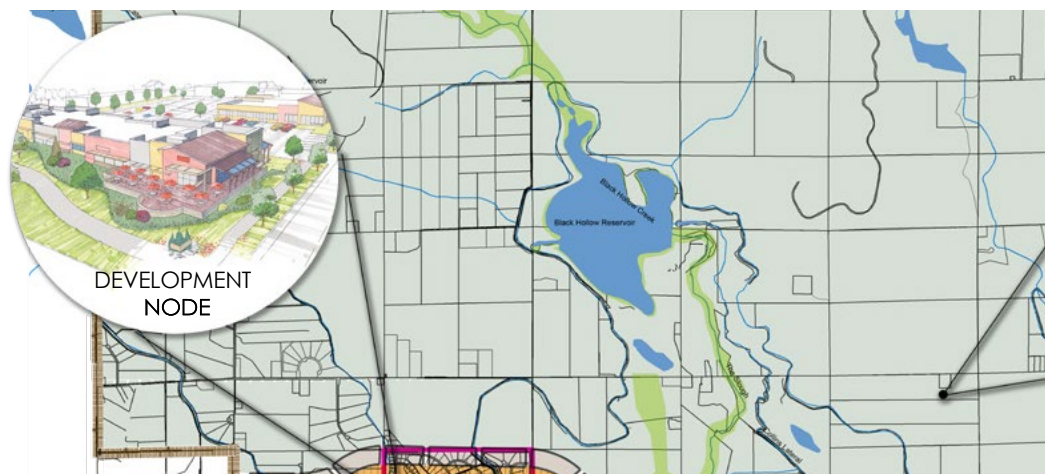


**3. RURAL RESIDENTIAL:** Beyond the Sub-Urban perimeter are lands intended for rural residential use. These areas may have centralized water but are not served by central sewer. Within the Rural Residential zoning there are three zoning sub-categories:

**RURAL RESIDENTIAL ESTATE** - Development in this planning area is intended to be large lot residential subdivisions with a pre-determined number of acres per lot combined with the limitations of infrastructure that may be accessible or obtainable.

**RURAL RESIDENTIAL AGRICULTURE** - This within or outside the rural residential area. Agricultural residential development is intended to be large lot residential subdivisions with an agricultural component that is associated with each lot, or a select number of lots, or is a stand alone agricultural parcel. The designation of Rural Residential Agriculture has certain requirements that are more clearly explained in the Severance [Land Use Code](#).

**RURAL RESIDENTIAL CONSERVATION** – The Conservation designation allows for altered standards of development in exchange for a larger percentage of open space within a rural development. The intention of the Town is to continue to preserve the rural character of the area through designated agricultural open space. Further standards and criteria are set forth in the [Land Use Code](#).



**4. DEVELOPMENTAL NODES:** The Land Use Map identifies where commercial, mixed-use, or urban style development may be appropriate outside and away from the Town Core. The intensity of development will be relative to available or obtainable infrastructure. The planning and design of a development node will consider the transition of this intensive land use adjacent to the rural residential or agricultural residential areas. Within the Development Node zoning, there is a sub-category of Industrial, which is outlined as follows:

**DEVELOPMENTAL NODES INDUSTRIAL** – The Town recognizes the necessity to locate certain land uses along major highway corridors and away from the lower intensity residential and commercial uses within the Sub-urban Perimeter and Town Core zoning areas. The sub zoning of Industrial allows for these uses to proceed under a different process and set of standards that are outlined in the Land Use Code. Images of both the standard Development Node zoning and Industrial sub zoning are shown here.



## **IMPLEMENTATION**

### **WATER SYSTEM**

The Town of Severance owns, operates, and maintains a separate and independent potable water storage and distribution system within the [North Weld County Water District \(NWCWD\)](#). NWCWD currently delivers water from its treatment facilities through a mainline that feeds two 500,000 gallon Town-owned and operated storage tanks. From these tanks, water is distributed through Town-owned and operated facilities within the water service area (see map). Severance is responsible for acquiring its own raw water supplies, which it transfers to NWCWD on an annual basis for treatment and delivery. The majority of Severance’s water supply includes potable shares of the Colorado-Big Thompson Project (C-BT), as well as the North Poudre Irrigation Company (NPIC). The Town also has non-potable shares available from NPIC and Loup Valley Reservoir Company that can be used for irrigation of four city parks. The Town’s rates and supply are coordinated through staff from each entity and interaction between the Town Board of Trustees and the NWCWD Board.

Increasing pressure on water resources from population growth along the Front Range has driven the price of water up significantly in the last 20 years. Accordingly, the Town will employ the following strategies for securing additional supplies, reducing the use of existing limited supplies, and ensuring water is not a limiting factor for the anticipated population growth:



- Secure an adequate and reliable water supply for existing and future residents of the community.
  - The primary water sources that Severance is considering for future supply are additional C-BT shares, native Poudre River water, and Northern Water's Northern Integrated Supply Project (NISP), which would bring additional water storage and supply to Severance and other Northern Colorado communities.
  - The Town is exploring requirements for non-potable water services to future subdivisions, reducing the amount of potable water required for new development.
- Ensure that local land use planning and water planning are in line with regional and state land use and water conservation plans and programs, including [Colorado's Water Plan](#).
  - The Town will identify potential strategies that help meet Colorado's Water Plan's measurable objectives as they relate to water conservation and integrating water and land use planning.
  - The Town will explore adoption of water efficient landscape regulations, including landscape and irrigation design criteria.
- Ensure that local land use planning and regulation are coordinated with local water planning and regulation.
  - The Town and NWCWD will work together to expand the two systems to supply the region's growth. System improvements such as a secondary point of connection to the NWCWD system are anticipated in the future. As development continues, the two entities continue to coordinate specific water dedication and system improvements.
  - The Town will coordinate with NWCWD to identify ways that system development connection charges and water rates can incentivize water efficiency in new development.
  - The availability of water will have an impact on the development of land uses identified on the [Future Land Use Map](#). Water dedication varies depending on the proposed Land Use and will continue to be a factor for both the Town and NWCWD.
- Continue to utilize identified goals and activities from its [2017 Water Efficiency Plan](#) as it relates to existing residents and water conservation.

## 1. TOWN CORE

The Town Core is expected to have higher densities of development and more intense commercial land uses such as offices, restaurants, mixed-use, banks, and retail. Increased density in the Town Core will improve the water efficiency by reducing the total water demand per square foot of developed area. Further, the Town Core will be the site of demonstration gardens, providing residents examples of more water-efficient landscaping in a high-traffic area. This area is currently within the Severance Water Service Area.

## 2. SUB-URBAN PERIMETER

This land use category contains the majority of residential housing for the community and is in the Severance Water Service Area. Housing densities will be a minimum of two dwelling units per acre. Some small-scale commercial development could occur within the sub-urban perimeter but is limited in size and density. Large industries, structures and apartment buildings will be discouraged. Developers and residents will be encouraged and incentivized to examine the possibility of utilizing non-potable water sources for outdoor irrigation.

## 3. RURAL RESIDENTIAL

This land use category contains low density residential development within the Town's outer fringe. Depending on the location, existing and new development may or may not be within the Severance Water Service Area. In some cases, other water districts will provide centralized water. Similar to the sub-urban perimeter, developers and residents will be encouraged and incentivized to examine the possibility of utilizing non-potable water sources for outdoor irrigation.

## 4. DEVELOPMENT NODES

The development nodes are currently located outside of the Severance Water Service Area, and new development will be serviced by the North Weld County Water District.

## **SANITARY SEWER SYSTEM AND MANAGED INDIVIDUAL WASTEWATER TREATMENT SYSTEMS**

The Town of Severance sits within a confined basin that defines the sewer service area. Sanitary sewer is treated in an existing town-operated treatment plant and is transported in a main trunk line to a regional treatment plant in Windsor. These combined facilities have the capacity to treat effluent equivalent to a residential population of approximately 27,000 people or 9,300 households. These facilities are easily accessible to serve the town core and sub-urban perimeter. Beyond these areas of urban and sub-urban land uses are several subdivisions using individual wastewater treatment systems for wastewater treatment. All development within the Severance Growth Management Area will be served by centralized sewer or town-managed individual wastewater treatment systems.

### 1. TOWN CORE

The Town Core is expected to have higher densities of development and more intense commercial land uses such as offices, restaurants, mixed-use, banks, and retail. The Town Core is currently within the Severance Sanitation Service Area and will be served with centralized sewer.

### 2. SUB-URBAN PERIMETER

This land use category contains the majority of residential housing for the community. Housing densities will be a minimum of two dwelling units per acre. Some small-scale commercial development could occur within the sub-urban perimeter. The area is served by public sewer and is within the Severance Sanitation Service Area.



### 3. RURAL RESIDENTIAL

The intent of rural residential land use is to provide low-density development in the outlying areas of the Growth Management Area. These areas are not served by centralized sewer. Individual wastewater treatment systems are allowed per Weld County Department of Public Health and Environment regulations. Individual wastewater treatment systems shall be designed and approved by the Town prior to obtaining approval from Weld County. Approved individual wastewater treatment systems are monitored and managed by the Town of Severance.

### 4. DEVELOPMENT NODES

Depending on the location, some development nodes can be served by the Severance Sanitation Service Area. Other locations will be serviced by other sanitation districts.

### **STORM DRAINAGE SYSTEMS**

Drainage in the Severance Growth Management Area is generally from north to south, and the area is divided by a network of canals, ditches, reservoirs, and creek beds.

Storm drainage in Severance is handled on a site-by-site or project-by-project basis. Current drainage requirements for new development in Severance follow Best Management Practices (BMP) and established storm management practices. These BMP's Practices are located in the [Greeley Design and Construction Standards](#), which have been adopted by the Town of Severance. All new development is required to adhere to these standards and the Town works to address any deficiencies in the drainage system with capital projects funded through impact fees.

### **OTHER UTILITIES**

Within the boundaries of the Future Land Use Map, electricity, gas, internet and other utilities are available through providers on [pg. 27](#). Fiber and wireless high-speed internet providers have been incentivized to expand within the Growth Management area and provide better service to Town residents. Improved internet will continue to be a priority for the Town.

### **ROADWAY AND PEDESTRIAN NETWORK**

Severance is settled at the crossroads of WCR 74 and WCR 23. The Town is bounded by HWY 14 to the north, HWY 392 to the south, and HWY 257 to the west. The Future Land Use Plan Map shows the primary gateway to the Town of Severance at the intersection of HWY 392 and WCR 23, and another gateway at HWY 257 and WCR 74. Typically, the existing roadway network is limited to rural county roads spaced in one-mile intervals that correspond to section lines. The Future Land Use Map also indicates that the county roads remain the roadways serving the land uses within the boundaries of the planning area. Each new development will create a system for internal circulation. These systems should provide connections to adjacent land uses, where appropriate, and include off-street multi-use walkways.



Based on the Future Land Use Map, each of the four land use categories have differing densities and/or intensities so each category will address transportation in relation to the anticipated land uses. The Town will be completing a Transportation Master Plan that will contemplate the relationship between the [Future Land Use Map](#) and the [roadway and pedestrian network](#).

## 1. TOWN CORE

The center of the Town Core district is located at the intersection of WCR 23 (1st Street) and E Harmony Road (WCR 74/4th Street). Although the roadway network is in place, future improvements to these roads will occur as redevelopment occurs in the downtown area. Street improvements such as on-street parking, curb and gutter, sidewalks, landscaping, and other enhancements will provide a cohesive downtown look and feel.

In addition to on-street sidewalks, pedestrian connectivity is achieved via connections to and from the Severance Greenway and the Great Western Trail. The Town will complete a Corridor Plan for both E Harmony Road and WCR 23 that will add additional criteria to access and frontage along these major corridors. There will also be an [E Harmony Road Access Control Plan](#) completed with Weld County and Eaton for the corridor between HWY 257 (Severance) and WCR 39 (Eaton). Portions of this Access Control Plan will overlap the Town Core and the proposed land uses will be required to adhere to spacing and access standards in this document.

## 2. SUB-URBAN PERIMETER

New development in the sub-urban perimeter shall provide an internal local street system. Connector streets will link neighborhoods to perimeter arterial/collector streets and adjacent properties. At a minimum, local streets will have paved travel ways, with curbs, gutters, and sidewalks. Each lot, common areas, and greenbelts will be landscaped. Connector streets and adjacent perimeter streets shall be landscaped and contain other enhancements. Where appropriate, water conscious landscaping should be utilized.

Internal and perimeter pedestrian connections will be oriented to the Severance Greenway as a part of the roadway system. Pedestrian connectivity to adjoining developments will be limited but will be encouraged in more than one location, depending on the size of the development and characteristics of the land. The Corridor Plan for E Harmony Road will have an impact on portions of the Sub-urban Perimeter zoning, it will primarily focus on aesthetic treatments on the arterial roadways and may also address access and other transportation standards.



### 3. RURAL RESIDENTIAL

Typically, the existing roadway network serving the rural residential areas within the GMA is limited to county roads spaced in one-mile intervals. New residential development in this district shall be served by internal, rural local roads, either all-weather or paved, with valley pan gutters or grassy barrow ditches. The perimeter county roads will be resurfaced and/or widened according to the intensity of each development and need for improvements. Access from perimeter roadways will be limited, depending on the amount of frontage and the density of development. Generally, driveways will not be allowed to load onto perimeter roads. Entryway and perimeter roadway enhancements will be required, including landscaping, fencing, and signage. This is further contemplated in the land use code.

Internal pedestrian transportation may be accomplished with wider roads or an internal pedestrian network. Pedestrian connection to adjoining properties that can be developed is also expected but limited. Perimeter pedestrian connectivity will be accomplished by the installation of community pathways that are off the roads but within the Right of Way.

In Rural Residential Conservation and Agricultural Projects reduced standards may be accepted due to a decrease in density and the addition of conservation land.

### 4. DEVELOPMENT NODES

Given the uncertainty of land uses, densities, intensities and other development issues that may be associated with these areas, specific criteria for roadways and pedestrian networks will be tailored to the development proposals for each property.

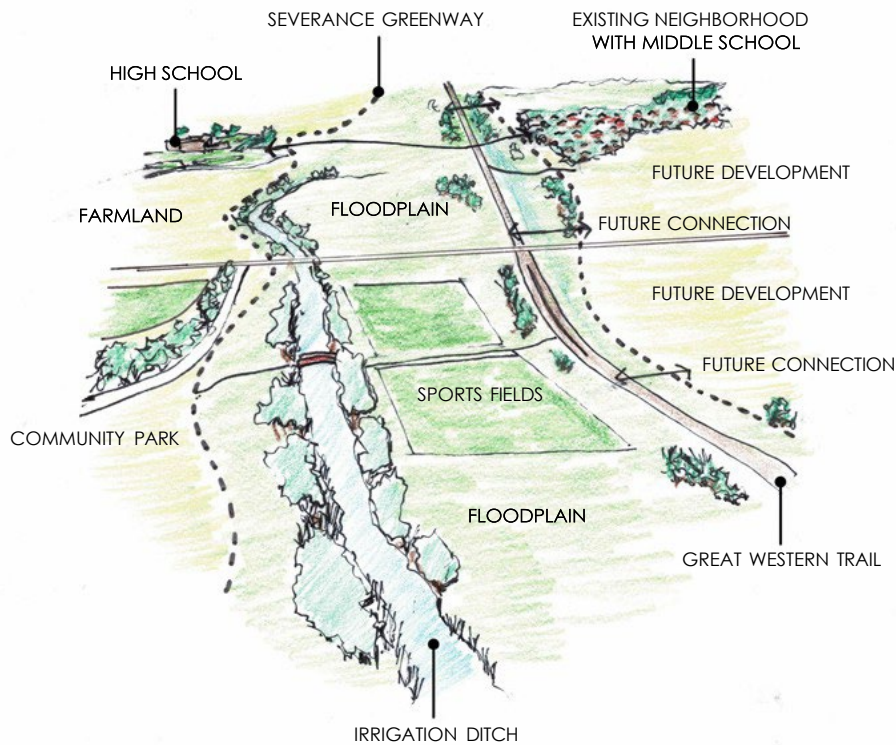
The locations of Development Nodes on the Future Land Use Map are typically at or near the intersection of a state highway. The Colorado Department of Transportation (CDOT) will be involved in the development review of properties that are within the Development Node zoning and located adjacent to HWY 257, HWY 392, and HWY 14.

### **PARKS AND OPEN SPACE**

The Severance Future Land Use Map depicts a significant “Greenway” running as a central spine from north to south. This Severance Greenway corresponds to the valley discussed in the Vision section of this document and is considered the major community-wide component of Severance's [Parks, Recreation, and Open Space Plan](#). Other features within the Growth Management Area also offer park, recreation, or open space opportunities, either public or private.

Based on the Future Land Use Map, three of the four land use categories include portions of the Severance Greenway. Each of these land use categories have differing densities and/or intensities, so each category will address parks, recreation and open space in relation to the land uses anticipated.

The Town intends to preserve open space and agricultural heritage in the Rural Residential areas of the Future Land Use Map through conservation and agricultural development, as further defined on [pg. 25](#). The Severance Greenway will provide an important wildlife corridor and a Town amenity. In many cases the corridor will be restored to a more natural treatment such as native grass and wetlands, which has ancillary benefits such as habitat restoration and improved water quality. Projects proposed outside of the Greenway corridor will consider connections that accomplish a network of wildlife migration and enhancements that promote the existing natural features of the area such as birds, waterfowl, and other wildlife. Colorado Parks and Wildlife will be included in development review and will provide feedback on proposed development.



SEVERANCE GREENWAY CONCEPT

## 1. TOWN CORE

Since the Severance Greenway runs through the Town Core area, which is expected to have denser development and intense land uses, new development should be oriented to facilitate connection to the Greenway. New development adjacent to and/or overlooking the Greenway should also recognize the present and future aesthetic and public values of this space and incorporate site and architectural design elements to complement these values.

Also running through the Town Core within the Greenway is the [Great Western Regional Trail](#). These combined assets will become the heart of the parks, recreation, and open space network for Severance. Enhancements to these elements will help strengthen the unique characteristics of the Town as well as development in the Town Core.



## 2. SUB-URBAN PERIMETER

This category of land use contains the majority of residential housing for the community. These land areas are also split by the Severance Greenway and Great Western Trail. Connection from new sub-urban perimeter developments to the Greenway and Trail corridor is the highest priority of The Plan; the intent is to link new and existing neighborhoods to this expansive open space area. To this end, major east-west roadways, select internal roadways or off-road trails will be used as connectivity corridors, accommodating vehicular and/or pedestrian access. These connectivity corridors will be planned to connect to adjoining lands designed to reduce conflicts between pedestrians and vehicles and will include aesthetic enhancements. If properly executed, connectivity corridors could satisfy the minimum parks, recreation and open space requirements of new developments. The open space minimums set forth in Chapter 16 of the [Land Use Code](#) further define open space requirements for Sub-urban Perimeter Development.

## 3. RURAL RESIDENTIAL

Rural Residential developments are comprised of large acreage lots with ample space on each lot to accommodate the recreational and open space needs of the owners. Therefore, common areas designed to serve these purposes are not required within the neighborhood.

Connection from rural residential lands to the town core is desirable and may require on-road or off-road enhancements for vehicle and/or pedestrian uses. The intent is to provide a network of roadways, sidewalks and trails ultimately linking the outlying neighborhoods to other areas of the community. Each subdivision proposal should include methods to address these connectivity and transportation community values that will potentially satisfy the parks, recreation, and open space requirements of this comprehensive plan.

### RURAL RESIDENTIAL CONSERVATION

In Rural Residential Conservation Development open space percentages requirements may be met with the conservation parcel. The intent of the Rural Residential Conservation Development is to maintain rural characteristics and existing wildlife. This can be accomplished in a number of ways and will be determined on a case by case basis. The requirements of conservation development are further discussed in Chapter 16 of the [Land Use Code](#).

### RURAL RESIDENTIAL AGRICULTURAL

Development in the Rural Residential Agricultural zoning will be primarily focused on functioning agriculture, and parks and open space may be waived on a case by case basis. The intent is for larger-scale agriculture to be the priority, and many of the existing county standards would be mimicked regarding open space.



#### 4. DEVELOPMENT NODES

Given the uncertainty of land uses, densities, intensities and other development issues that may be associated with these areas, specific criteria for parks, recreation, and open space can be tailored to the development proposals for each property.

##### DEVELOPMENT NODE INDUSTRIAL

Development Node Industrial Zoning may require additional open space improvements and/or dedication to meet buffering requirements for high impact uses. The requirements of Development Node Industrial Zoning are further discussed in Chapter 16 of the [Land Use Code](#).



## MAP AND APPENDICES

### EMERGENCY SERVICES

- [Windsor-Severance Fire Rescue](#), Station #2 in Severance (staffed 24/7)
- [Town of Severance Police Department](#) (formed in 2018)

### PUBLIC/PRIVATE UTILITIES

- [Poudre Valley Rural Electric Association](#) and [Xcel Energy](#) each provide electricity
- [Xcel Energy](#) and [Atmos Energy](#) provide gas service
- There are currently 5 providers of internet within Town
  - [LightGig Communications](#)
  - [Ascent Broadband](#) (wireless)
  - [CenturyLink](#)
  - [TDS Telecom](#)
  - [Rise Broadband](#)
- Cable Providers
  - [TDS Telecom](#)

### SCHOOLS AND EDUCATION

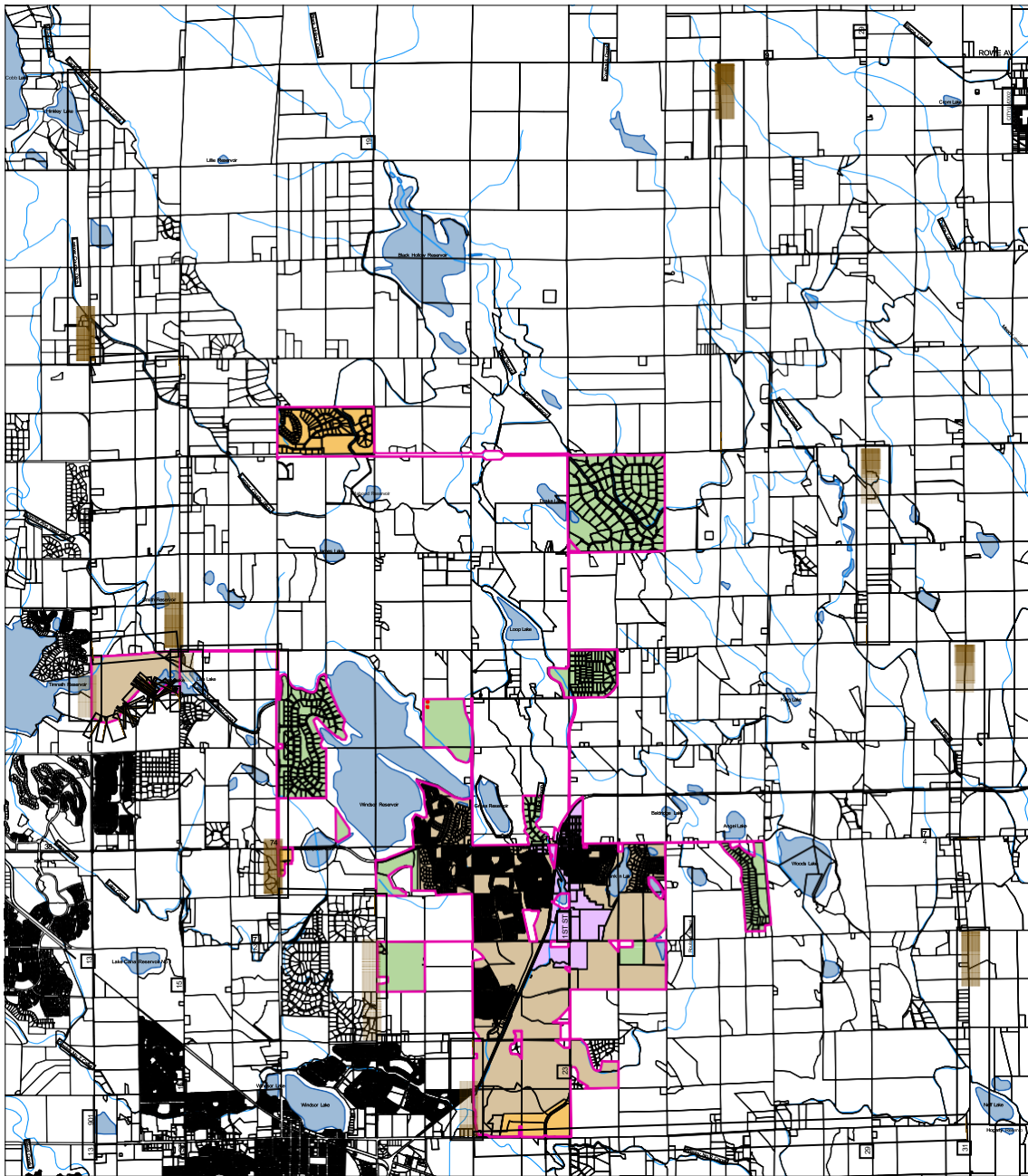
- Severance is served by three different school districts:
  - [Eaton RE-2](#)
  - [Ault-Highland RE-9](#)
  - [Weld County RE-4](#)
- Weld County RE-4 operates three schools in Severance:
  - [Severance Middle School](#) (2009)
  - [Rangeview Elementary School](#) (2010)
  - Severance High School (2019)

### OTHER STAKEHOLDERS

- Loup Reservoir Company
  - Julie Roth, 180 N 8th St. Windsor, CO 80550 [loupreservoircompany@gmail.com](mailto:loupreservoircompany@gmail.com)
- [Northern Water Conservancy District](#)  
220 Water Ave. Berthoud, CO 80513, 800-369-7246
- [Colorado Department of Transportation](#) (CDOT)  
10601 W. 10th St. Greeley, CO 80634, 970-350-2100
- [Weld County](#)  
1555 N 17th Ave. Greeley, CO 80631
- [North Weld County Water District](#)  
32825 CR 39 Lucerne, CO 80546, 970-356-3020
- [Box Elder Sanitation District](#)  
3201 E Mulberry St. Unit Q. Fort Collins, CO 80524 970-498-0604
- [Weld RE-4 School District](#)  
1020 Main St. Windsor, CO 80550 970-686-8000
- [Clearview Library District](#)  
720 3rd St. Windsor, CO 80550 970-686-5603



EXISTING ZONING MAP



**Legend**

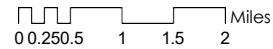
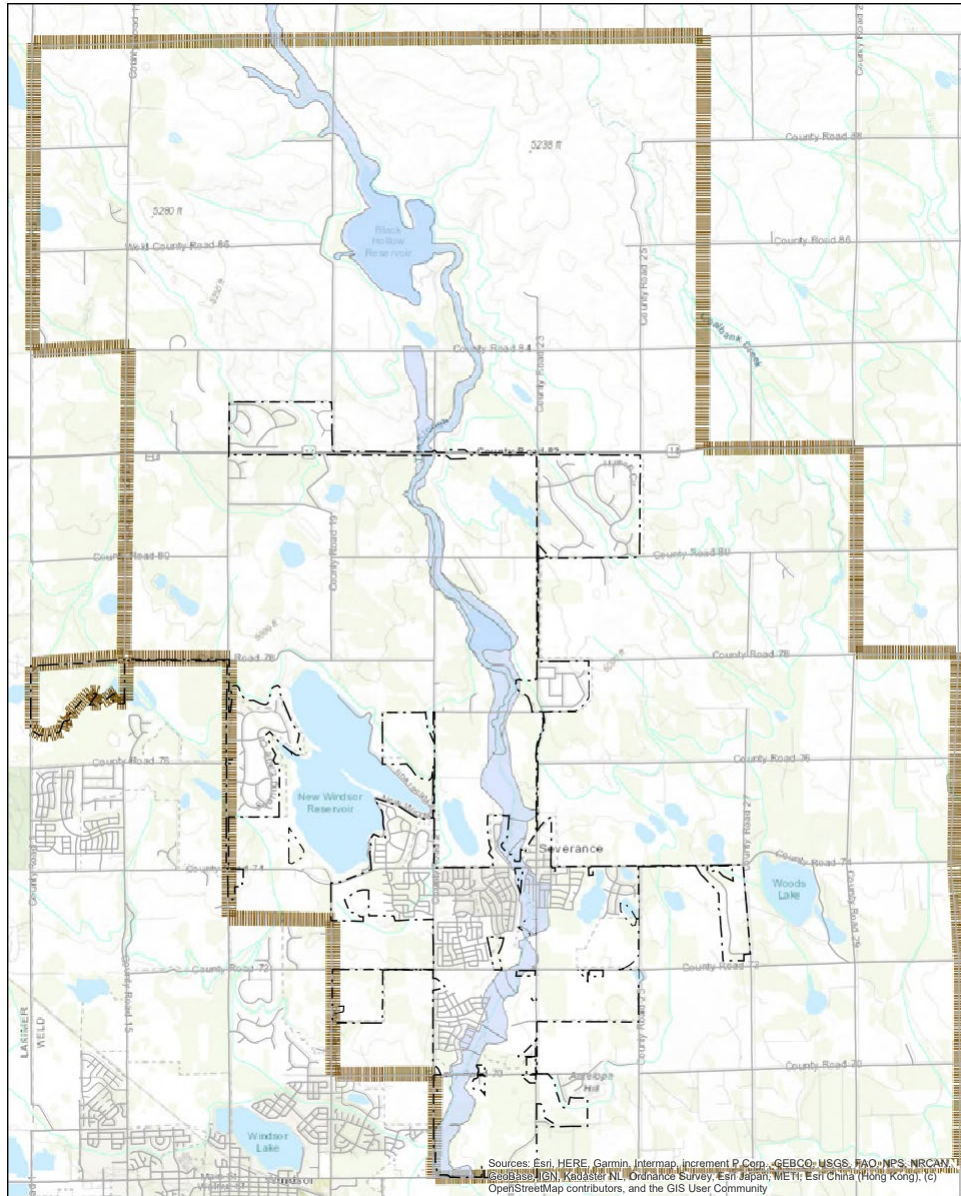
Severance Town Limit	Parcels	Town Core
Parcels	Roads	
Parcels	Larimer County Roads	
Water Tank	Growth Management Area	
Streams	Development Node	
Lakes	Rural Residential	
Schools	Suburban Perimeter	

UPDATED MAY 28, 2020  
 0 0.25 0.5 1 1.5 2 Miles

FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL



## OVERALL DRAINAGE MAP



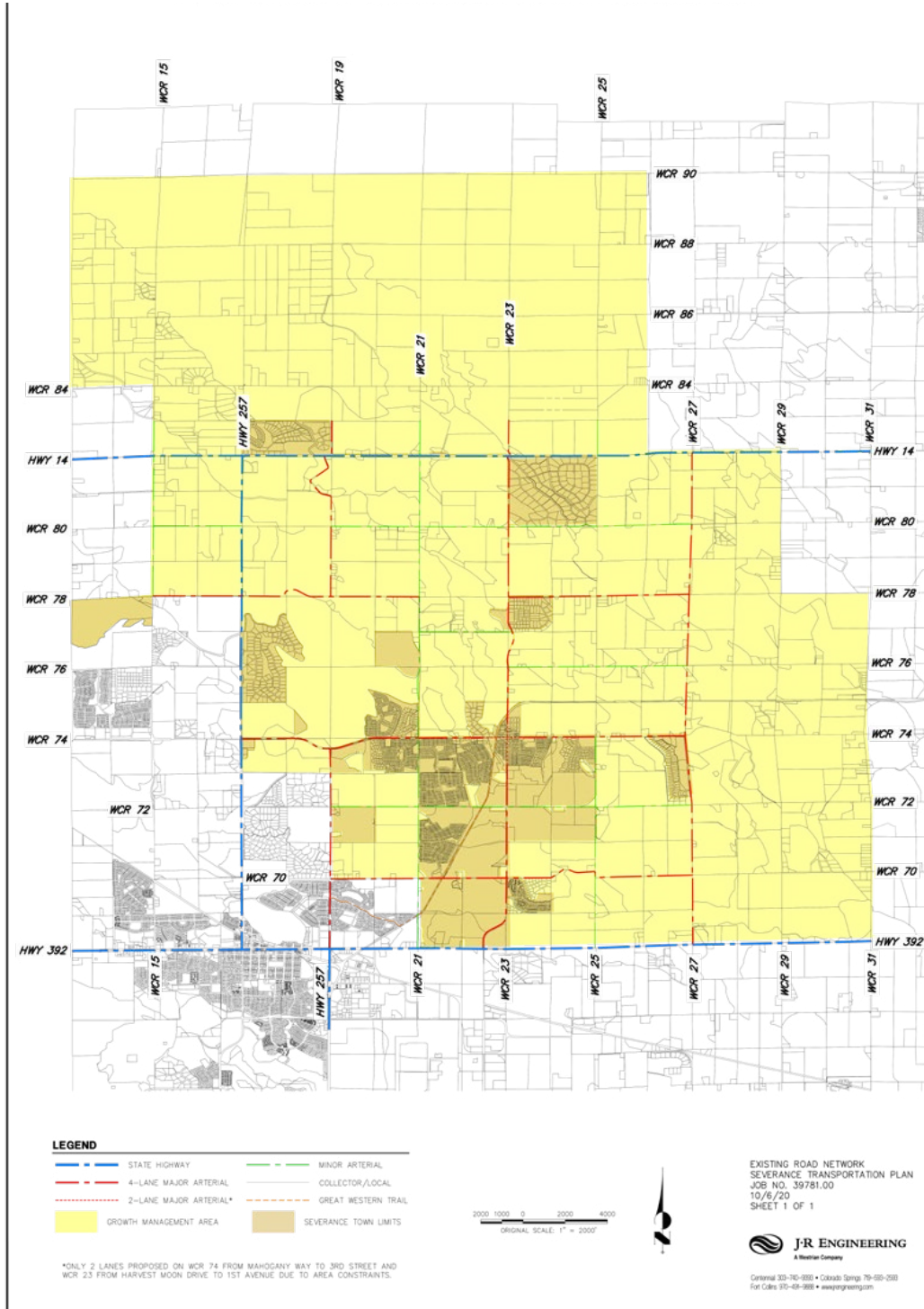
### Legend

- Floodplain 2020
- Floodplain 2020
- Road
- Severance Town Limit

FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL

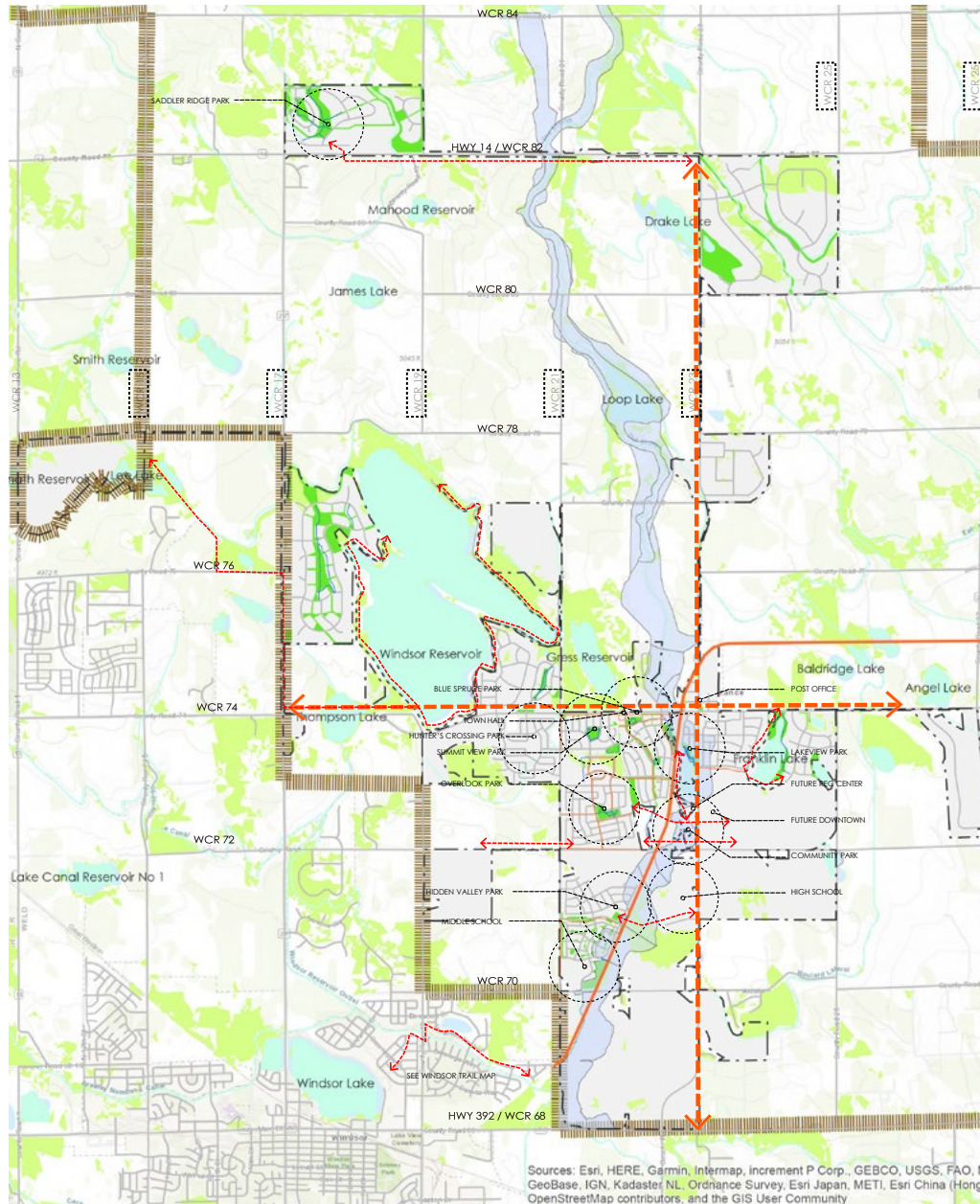


## TRANSPORTATION NETWORK MAP



FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL

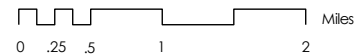
## PARKS AND TRAILS MAP



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, N GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swire, OpenStreetMap contributors, and the GIS User Community

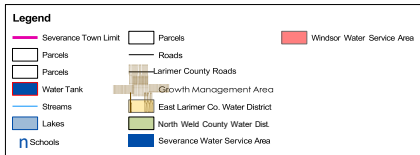
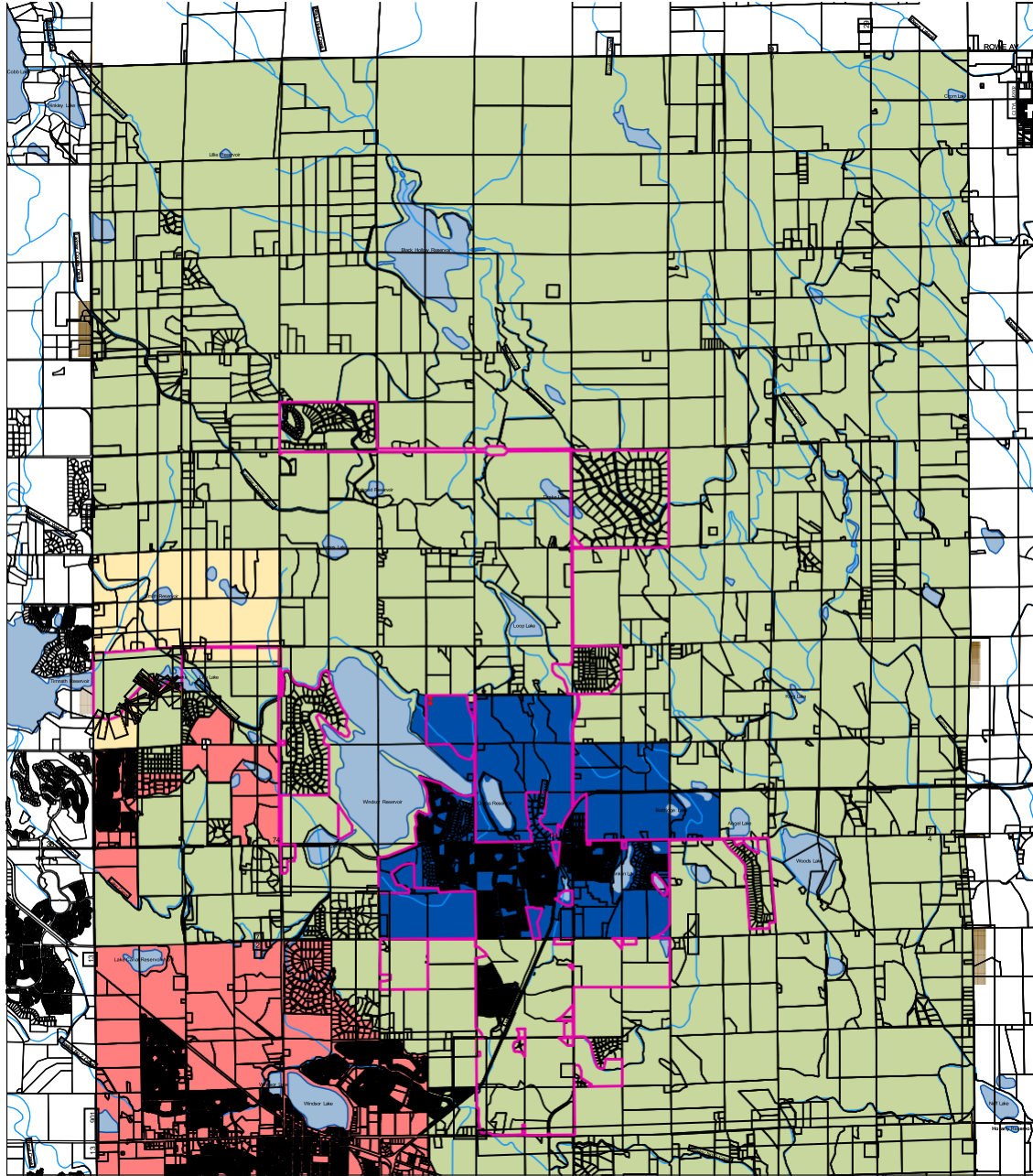
### Legend

- Parkland
- Open Space
- Natural Lands
- Lakes
- Off Street Trails
- On Street Trails
- Floodplain2020
- GMA\_12-12-16
- Proposed Trails
- Road
- Streams
- Severance Town Limit
- Future Transit Corridor
- Future Trail Connection
- Five Minute Walking Radius

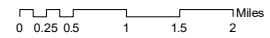


FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL

## WATER DISTRICTS MAP



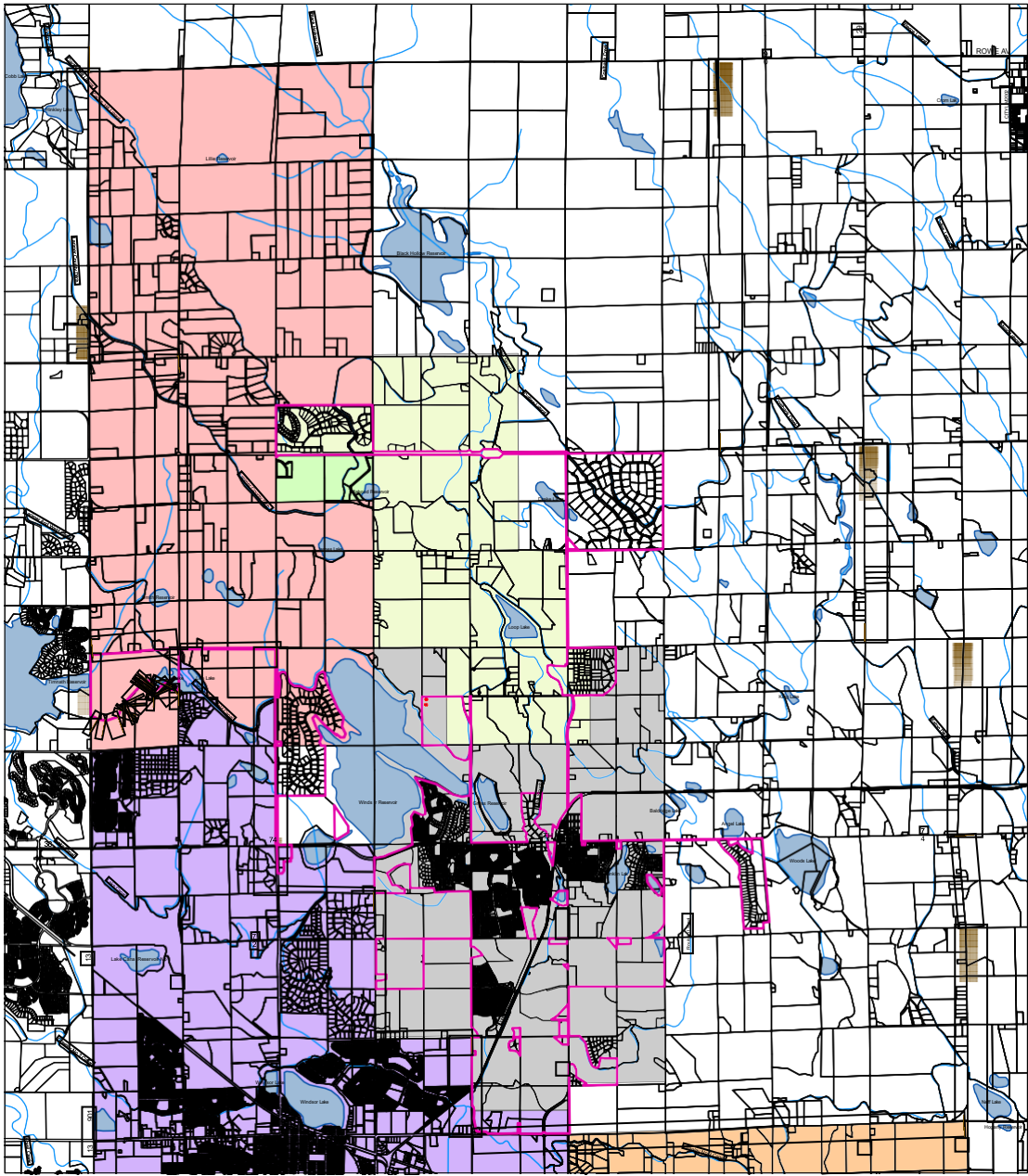
UPDATED MAY 28, 2020



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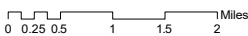
SEWER DISTRICTS MAP



**Legend**

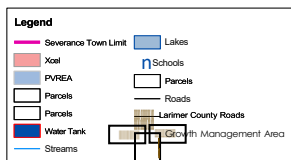
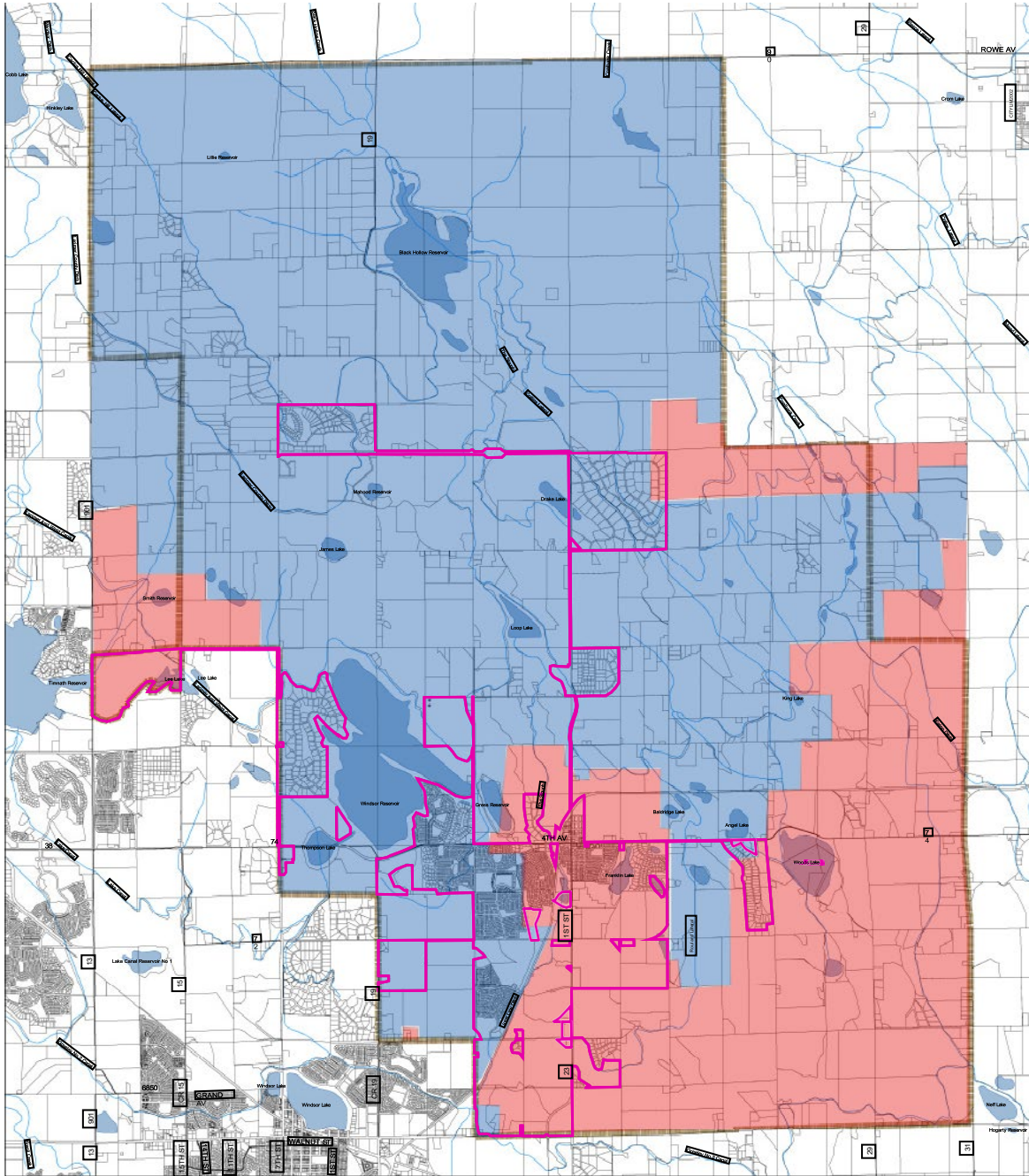
Severance Town Limit	Parcels	Boxelder Sanitation District
Parcels	Roads	Greeley Sanitation Service Area
Parcels	Larimer County Roads	Saddle Ridge Metro District Service Area
Water Tank	Growth Management Area	Severance Sanitation Service Area
Streams	Sanitation Districts	ation Area
Lakes	<b>Name</b>	
Schools	Box Elder Cooperative Area	

UPDATED MAY 28, 2020

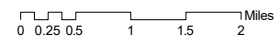


FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL

## GAS/ELECTRIC MAP



UPDATED MAY 28, 2020



FOR MORE INFORMATION AND UP-TO-DATE MAPS, PLEASE CONTACT TOWN HALL