



Vail Town Hall, Town Council Election – Who’s in, who’s out?

# VAIL HOMEOWNERS ASSOCIATION

## 2021 Vail Election Issue:

(DRAFT 083121)

### Governance Issues

August 31, 2021

This report, dealing with Governance issues, is the first of a series of reports that the VHA will issue leading up to the November Town Council election. The field of candidates is set, 10 in all. Two are incumbents: Travis Coggin and [Brian Stockmar](#). The others are Barry Davis, [Kirk Hansen](#), Kathryn Middleton, [Kim Newbury Rediker](#), Niko Sayag, Pete Seibert Jr., [Jonathan Stauffer](#) and Jermaine Wates. Resumes and invited letters of Purpose and Intent are linked to the candidate’s name above.

The election will begin on October 8 when ballots go in the mail to all registered voters. If you live in Vail and are not already a registered voter, you can register on-line at: [www.GoVoteColorado.gov](http://www.GoVoteColorado.gov). [In person registration and polling - Eagle County Voter Service and polling centers](#)

**Governance Issues:** The Town of Vail was founded on certain bedrock principles that recognized the importance and value of citizen participation in government and the necessity for an ethical government free of conflicts of interest. Yet, we find ourselves, a little over 50 years later, with a government that seems to do a significant part of the people’s business behind closed doors with citizen input strangled by strict enforcement of a 3-minute rule

and no comprehensive Conflicts of Interest Law or Code of Conduct.

Executive sessions have become routine and, while there is no way to know what happens there, there is a strong sense that positions are being developed and commitments made which are then just confirmed in public sessions. Developers are given unlimited time before the Council but, because of rigid application of the 3-minute rule, citizen input is relegated to written submissions. There is little opportunity to respond to developer dog-and-pony presentations, so the Council receives largely one-sided presentations. And conflicts of interest continue to pop up and be ignored.

The VHA has called for restraint in the use of executive sessions and for the lessening of limitations on speech at Town meetings. It has also called for reforms of the Town of Vail Code of Ethics and other procedural modifications to improve standards of transparency and accountability for those serving in positions of public trust.

The TOV considered a Code of Ethics in 1997, but it was put aside because of an upcoming Council election and then was never revisited. [A copy of that document is attached.](#) As can be seen, it is reasonably comprehensive. The draft appeared again in a 1998 work session but there was no action and the matter apparently died.

A recent review by informed parties made a few additions to that original draft to strengthen it, [attached](#).

Those changes are:

1. The definition of Conflict of Interest (COI) on p. 1 would not cover the two most recent PEC conflicts. “Employment interest” was added to make clear that one’s employment constitutes a conflict of interest when his/her employer is seeking action. Also, added was the second sentence to make clear that it covers both past and future benefits that the officer may receive (past benefits was one of the PEC conflicts). And “family” was added because immediate family employment can create just as significant a conflict. Adding family also cuts off the dodge that was used a number of years ago by an officer who, when confronted with a conflict, just transferred his business interest to other family members.
2. On p. 5, under Standards of Conduct, sections 8 and 9 were added to cover misrepresentation and intimidation, which was not otherwise covered. That would then cover what happened during the Booth Heights matter when the Town Attorney’s law firm threatened a libel suit to try to shut up an opponent of Booth Heights.
3. On p. 6 under “Conflict of Interest Disclosure, Etc.”:
  - a. In subsection “A,” “participate in” was added to make clear that it is just not voting that is precluded
  - b. Not all will be forthcoming and step aside when there is a COI. In fact, more often than not, when challenged, the person denies any conflict. Therefore, there needs to be an enforcement mechanism. Therefore, a new subsection “B” was added to provide a process for a disputed claim of conflict and to make clear that an officer’s denial, standing alone, is not sufficient since most officers deny that there is any conflict.

Unfortunately, despite support from Council members Foley and Stockmar, the Council has not yet taken up the matter of a comprehensive Conflicts of Interest Law and Code of Conduct.

It is VHA’s hope that an informed citizenry will be an effective citizenry. We urge that you become knowledgeable about the issues so that you can cast an informed vote in the upcoming election. Remember, this will be a mail-in ballot election, so it will be easier than ever to participate.

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## Reader's Survey

We want to hear what you, our readers, have to say about the issues you believe are important in the upcoming election. Please take a moment to answer the following two questions in the VHA Reader's Survey (link above). Your responses to the survey are confidential and will be used to analyze reader sentiment concerning the below questions.

### Questions:

**Yes/No - Are the Town of Vail Ethic Standards in need of reform?**

**Yes/No – Is the speaking time limitation for public hearing fairly applied to all parties?**

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If these are issues that concerns you, we invite you to join as a member of VHA or become a Paid Subscriber to our reports. Readers are requested to [submit and circulate an informed and well-tempered commentary suitable for public distribution](#). Our most valuable tool in influencing decision makers is through the proactive engagement of our informed readers. Your support will ensure that our reports can continue to bring important matters to the community's attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and Report readers, who sustain our efforts with financial and vocal support.

Subscribers desiring to become a Paid Subscriber may do so. To apply for VHA Membership, register as a Report Subscriber or Paid Subscriber can make a payment by check or digital transfer by forwarding your contact information to [vailhomeownersassoc@gmail.com](mailto:vailhomeownersassoc@gmail.com).

**Please forward this election report to Vail voters and appropriate parties.**

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