

Commissioner Stawney moved adoption  
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**RESOLUTION NO. 2012- 40**

**IN RE THE MATTER OF THE ADOPTION OF THE EAGLE COUNTY POLICY  
REGARDING INFORMATION REQUESTS AND USE OF COUNTY  
RESOURCES/FACILITIES FOR CAMPAIGNING PURPOSES**

**WHEREAS**, Eagle County recognizes and supports the electoral process and the provision of information in a timely manner which leads to better educated candidates, a richer political debate, and ultimately better elected officials; and

**WHEREAS**, Eagle County needs to balance such support with the requirements of the County to dedicate its resources and facilities to day-to-day operations; and

**WHEREAS**, Eagle County desires a consistent approach that complies with various legal requirements, including but not limited to the Colorado Open Records Act, the Fair Campaign Practices Act, and various State and Federal constitutional protections.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO:**

**THAT**, the Board hereby adopts the Policy Regarding Information Requests and Use of County Resources/Facilities for Campaigning Purposes attached hereto as Exhibit "A", effective as of the date of this resolution and remaining in place until revised or removed by further action of this Board.

**THAT**, this Resolution is necessary for the public health, safety and welfare of the County of Eagle, State of Colorado.

**MOVED, READ AND ADOPTED** by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 10<sup>th</sup> day of April, 2012.

ATTEST:

[Signature]  
Clerk to the Board of  
County Commissioners



COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY COMMISSIONERS

By:

[Signature]  
Peter F. Runyon  
Chairman

[Signature]  
Jon Stavney  
Commissioner

[Signature]  
Sara J. Fisher  
Commissioner

Commissioner Fisher seconded adoption of the foregoing resolution. The roll  
having been called, the vote was as follows:

Commissioner Runyon  
Commissioner Stavney  
Commissioner Fisher

ay  
ay  
ay

This Resolution passed by 3/0 vote of the Board of County Commissioners of  
the County of Eagle, State of Colorado.

## **Policy Regarding Information Requests and Use of County Resources/Facilities for Campaigning Purposes**

### ***I. General***

During election season, it is necessary to provide guidance on the appropriate responses to requests for documents and/or information from the press, candidates, and members of the public. It is also necessary to provide guidance on the use of County facilities and resources regarding election matters.

Eagle County government recognizes and supports the electoral process and the provision of information in a timely matter which leads to better educated candidates, a richer political debate, and ultimately better elected officials.

An appropriate exchange of information requires a consistent approach to all requests. Additionally, the exchange of information and use of County information/resources may have to be restricted to comply with various legal requirements, including but not limited to the Colorado Open Records Act, the Fair Campaign Practices Act, the Eagle County Employee Handbook, and various State and Federal Constitutional protections.

The following policies are intended as guidance only and may be deviated as determined necessary to protect the best interests of Eagle County. Any deviation of this policy must be reviewed and approved by the County Manager or his designee.

### ***II. Relevant Provisions Affecting Information Exchange and Use of County Resources/Facilities***

#### ***1) Handbook Provisions***

"Employees may not engage in political activities during working hours but may campaign when not working. County property cannot be used while actively campaigning. County property cannot be used while actively campaigning. Political activities shall not interfere with an employee's work."

#### ***2) Fair Campaign Practices Act: C.R.S. 1-45-117***

Political bodies are precluded from making contributions or expending money from any source to urge electors to vote in favor of or against various issues. However, an employee of the local government may respond to local ballot issues when asked unsolicited.

#### ***3) Open Records Act: C.R.S. 24-72-101 et seq***

The Open Records Act requires disclosure of "public records" which are

**EXHIBIT**

A

basically records used in the performance of public functions or involve the receipt of public funds. Work product is not a public record and may include such items as staff memos, drafts of legislation, deliberative or advisory material. The Open Records Law does not require the County to create a record. Additionally, the County is precluded from giving out certain information such as sheriff investigations; names, email addresses, phone numbers, identifying information; privileged, confidential commercial data; emails from constituents clearly intended to be kept confidential; and medical, scholastic, and sociological data. All open records request should be reviewed by the Office of the County Attorney.

#### **4) Hatch Act**

The Hatch Act is a federal law that mainly prohibits federal, state, and local government employees from candidacy for public office in partisan elections when such employees, as a normal and foreseeable incident of employment, perform duties in connection with an activity financed in whole or in part by federal funds. If an employee is covered by the Hatch Act they will need to either 1) resign their position with the local government; or 2) withdraw from partisan election. If you have questions about whether the Hatch Act applies to you, contact the Office of the County Attorney.

#### **5) Election Offenses: C.R.S. 1-13-713 and 714**

No person can be impeded, prevented, or interfered with in casting their vote. Additionally, no electioneering in any manner may occur on election day within one hundred feet of any building in which a polling place is located.

### **III. *Request for Information Policy***

#### **General**

Our policy is one of timeliness, responsiveness, and consistency. Responses for information that are intended to be an official response of the County, attributable to the County, or attributable to one of its departments should follow this policy. Accordingly, requests from candidates, press, or the public for information or employee access should be directed to the County Manager, Communication Director, or the Administration Manager for review and response.

#### **Policy**

- a) Speak with the candidate, reporter, or member of the public to fully and precisely understand the information he or she seeks. Requesting parties may and are encouraged when practical to put their requests in writing if necessary for clarity.
- b) Ask the requesting party when the information is needed so that we can respond in a timely manner.
- c) Inform the requesting party that Eagle County's policies require

that all such requests be reviewed by our County Manager, Communications Director or Administration Manager for the reasons set forth above. Emphasize that we are not singling out any particular candidate and all requests are being handled in this manner.

- d) Be realistic. If the request is for obviously innocuous or purely factual information readily available (i.e. number of employees in your department, office hours, etc.), please respond.

Many times the appropriate responses will be very fact specific so please do not hesitate to contact the County Manager, Communication Director or Administration Manager with any further questions you may have.

#### ***IV. Campaigning at County Facilities Policy***

##### **General**

County buildings are not by tradition or designation a forum for political advertising. It is necessary to restrict political advertising and campaigning to designated areas of County property to ensure those using our services are not impeded. Use of our properties is reserved, first and foremost, for their intended business purposes. The County will allow additional uses on a limited basis during the election season. It is the intent of the County to allow political advertising on a limited basis on its properties, but restrict the location on where it can occur.

##### **Policy**

- a) Signs expressing political views will be allowed on the grass strip on the far east side of both the Eagle and El Jebel buildings. Such locations are more particularly described on the attached Exhibits "A" and "B." No other County facilities may be used for such advertising. All other materials will be removed.
- b) Signs will be allowed in the County Road Right-of-Ways provided said signs are located 10 feet off the edge of the roadway to allow for mowing and snow removal activities. This policy is only applicable to County Roads and those placing signs are encouraged to verify the ownership of roads.
- c) Signs will only be allowed at such locations 45 days prior to a general election and must be removed 7 days following. Signs will only be allowed at such locations 30 days prior to a primary, municipal, or other special election and must be removed 7 days following. All remaining signs will be removed and may be disposed of by the County.
- d) Signs allowed under this policy may be no larger than six (6) square feet. The bottom edge of a posted sign shall not be more than 1 1/2 feet above ground level to maintain adequate site distance. Signs must be self-standing and no signs may be

placed on a tree or other structure. No signs will be allowed that are deemed by the County to be offensive in nature.

- e) No leafleting, signs, advertisings, etc. will be allowed inside the County buildings at any time. Any such material will be removed and may be disposed of by the County.
- f) Electioneering by any person shall be precluded within any county building or within one hundred feet of the same if such building is being used as a polling place. This restriction shall begin from the time of early voting through the day of the election. Electioneering shall include any dress or actions that may be considered campaigning for any candidate or issue on the ballot.
- g) All political advertising will be treated the same under this policy regardless of content.
- h) Signs placed on any County-owned facilities or road right-of-ways are done at the exclusive risk of those placing the signs. Damage may result from normal County maintenance activities. The County is not responsible for the loss or destruction of any such signs, whether such loss or destruction is intentionally or unintentionally caused by County staff. Additionally, any signs placed in violation of this policy may be removed and disposed of by the County.

## ***V. Use of Staff Resources for Campaign Issues Policy***

### **General**

Our policy is to be responsive to candidate, constituent, and press requests. Often times these requests require the use of County resources to respond. Such resources may include an employee's time, County databases, and County equipment. However, County employees are generally precluded from engaging in political activities during working hours or using County resources to urge electors to vote in favor or against an issue. This policy is intended to balance the need for responsiveness with the need for County employees to refrain from electioneering during working hours.

### **Policy**

- a) Speak with the candidate, reporter, or member of the public to fully and precisely understand the information he or she seeks. If the information is a public record readily available, it should be treated under the information request policy above.
- b) If the request will require the use of the County employee's time to either research or create a document, the requesting party should be informed that such request must be reviewed and approved by our County Manager, Communications Director or Administration Manager. Requests that overly burden a department or employee will be denied.

- c) Any work product from approved requests will be made available to all candidates upon request.
- d) Any approved work product should be factually and objectively stated to the extent possible.
- e) Absent approval as set forth above, employees should refrain from engaging in political activities during working hours. Unless approved as set forth above, County property cannot be used to actively campaign. This includes the use of the County internet system to urge electors to vote in a particular fashion. Political activities shall not interfere with an employee's work.

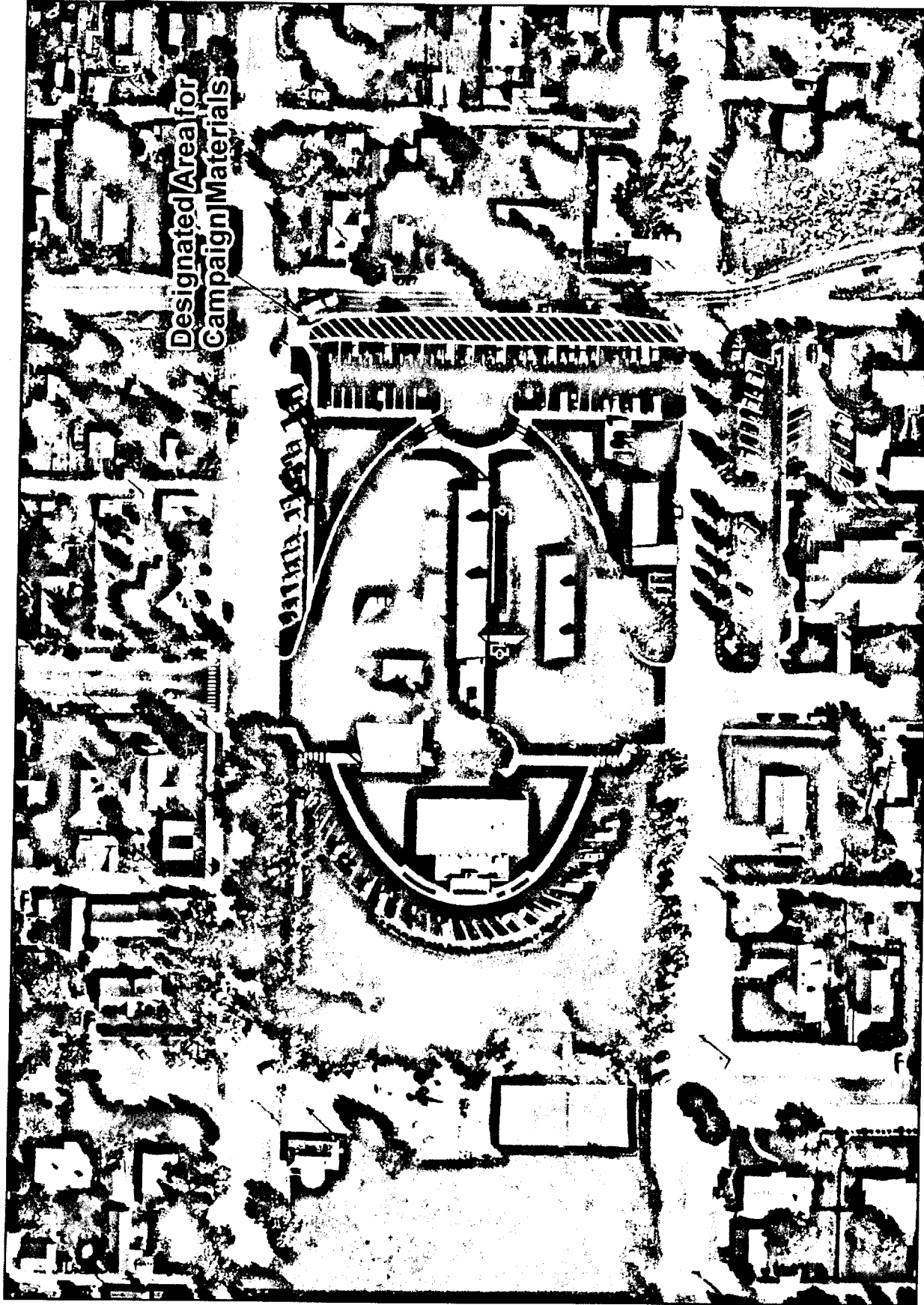
## **VI. *Use of County Equipment for Campaign Issues Policy***

### **General**

Our policy is to use County equipment to educate the general public on the issues facing the County. Such equipment includes the County's website and ECO TV18. Such equipment shall be readily available to foster the programs of sitting County commissioners but should not be used for the purpose of promoting candidacies of any elected or running officials except as pursuant to this policy.

### **Policy**

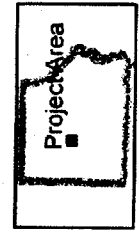
- a) No commissioner candidate or other public office candidate shall appear on ECO TV18 by hosting or appearing as a guest on a show 90 days prior to any general election. This preclusion shall apply equally to all candidates regardless of party affiliation.
- b) All candidates may continue to participate in and be broadcast on ECO TV18 during regularly scheduled Commissioner meetings and work sessions.
- c) No local, state, or national candidate shall be interviewed on ECO TV18 90 days prior to any general election unless all candidates for the particular position are present or have been invited to attend. Specifically, ECO TV18 shall be allowed and encouraged to air debates, interviews, and discussions involving competing candidates.
- d) The County's website will not be used for the purpose of promoting candidacies of any elected official.
- e) County buildings and facilities may be made available for various political functions and activities if available on a uniform basis pursuant to all rules and regulations associated with the general use of such buildings.



Designated Area for  
Campaign Materials

# Eagle County Map, Eagle Campus Designated Area for Campaign Materials

This map was created by the Eagle County GIS Department.  
Use of this map should be for general information only. Accuracy is not guaranteed and should not be used for legal purposes.  
Eagle County GIS Department  
Map Created: October 8, 2008 By: A. Weber  
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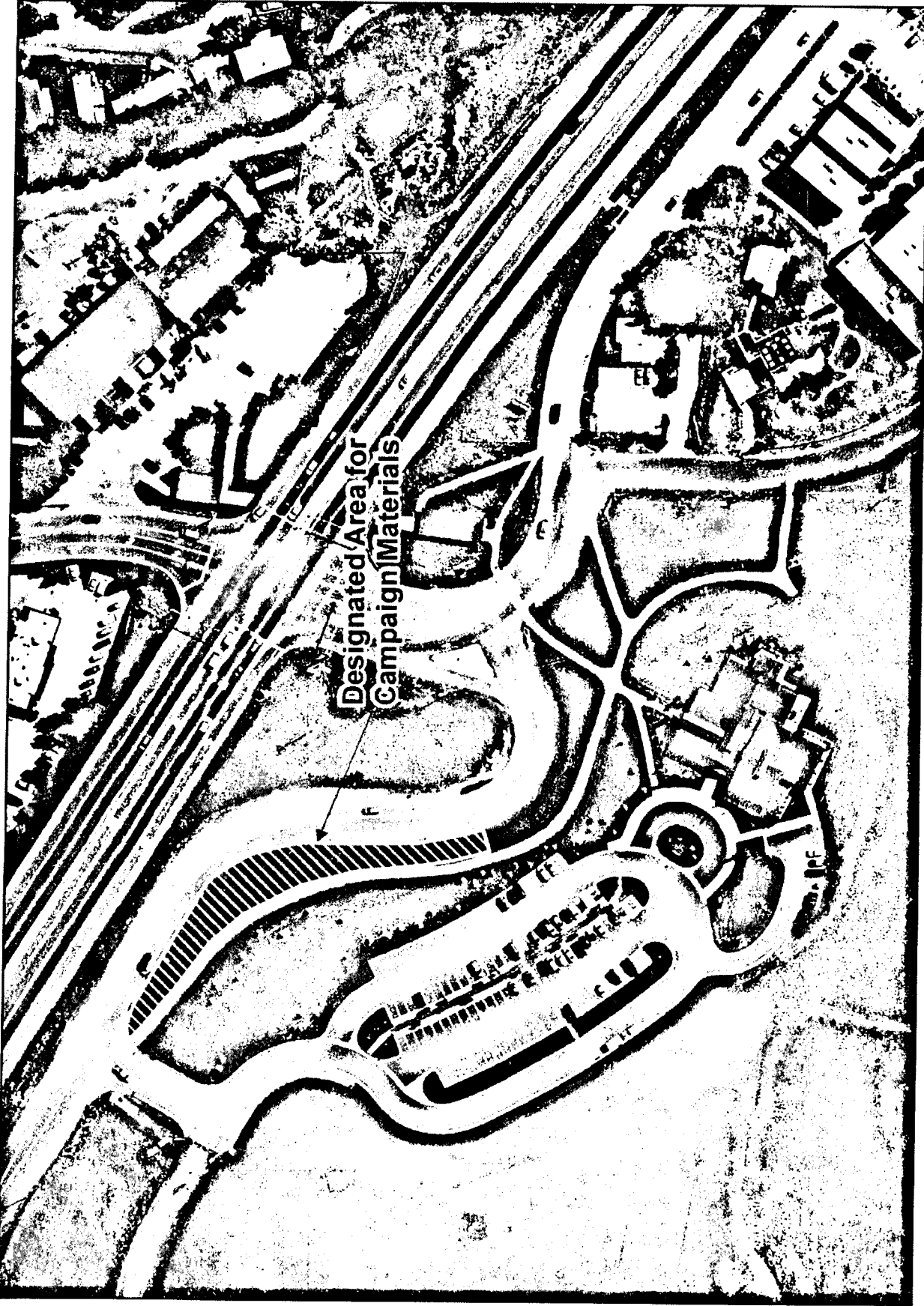


Project Area

0 50 100 Feet







# Eagle County Map, El Jebel Campus Designated Area for Campaign Materials

This map was created by the Eagle County GIS Department. Use of this map should be for general information only. Eagle County does not warrant the accuracy of this data or assume any liability for its use.

Map Created: October 4, 2008 By: A. Gentry  
GIS Department, Eagle County, Colorado

