

City Code of Ethics Training

City Planning Commission
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Office of the City Attorney



Origin of City Code of Ethics

- Colorado Constitution requires cities to adopt either
 - State ethics code legislation **or**
 - Similar municipal ordinance
- City adopted its own Code of Ethics
 - Chapter 1, Article 3 of City Code

Purpose of City Code of Ethics

- Honesty, integrity, fair dealing and ethical behavior
- Transparency
- Ensure public confidence
- Strive to avoid appearances of impropriety

Why Should You Care?

- Applies to all members of boards, committees and commissions appointed by the Mayor and/or City Council

Why do you have to see me (or someone like me) every year ?

- All “covered persons” are required to receive ethics education using the City Ethics Code on an annual basis

Primary Areas of Concern

- Gifts
- Conflicts of Interest

Gifts

- General Rule:
 - Cannot solicit, accept, or give a gift or thing of value related solely to your duties and responsibilities on behalf of the City

Gifts

- What Is a Gift?
 - A payment, subscription, advance, forbearance, acceptance, rendering or deposit of money, services, or anything of value given, to include food, lodging, transportation, golf or other recreation or entertainment, and reimbursement for other than necessary expenses for official business on behalf of the City, unless consideration of equal or greater value is received.

Gifts

- Exceptions to the Ban on Gifts
 - Provided that the gift could not be considered a bribe ... the following are permitted:
 - Campaign contributions
 - Under \$65.00 per year from vendor or third party
 - Unsolicited awards—like plaques and prof. awards
 - Perishable or consumable gifts given to City dept. or group
 - 18 total exceptions (see 1.3.111)

Gifts

- Inappropriate hospitality or gifts
 - Involve offering or receiving accommodations, tours, event tickets, recreation, entertainment, meals or other similar personal benefits when a personal or financial relationship exists that could influence or be perceived to influence objectivity when interacting with, representing, or conducting business for or on behalf of the City

Conflicts of Interest

- 1.3.101: Public service is a public trust
- 1.3.111: Every covered person owes a duty of loyalty to the City

Conflicts of Interest

- General Rule
 - No conflicts of interest allowed

What Is a Conflict of Interest?

- Conflict exists:
 - When personal or financial relationship could influence or be perceived to influence conduct of business on behalf of City
 - When improper and undue influence is exercised, or is perceived to be exercised, concerning a direct action involving the City
- Appearances of impropriety

Conflicts of Interest

- Examples:
 - You represent a group seeking a decision of the board
 - You own or have ownership/financial interest in a recipient business
 - You or your business are a competitor of a recipient business
 - You have financial dealings or are a creditor of a recipient business
- List of specific conflicts of interest: 1.3.113

Conflicts of Interest

- What should you do?
 - Exercise caution and best judgment
 - Will relationship affect your ability to be fair?
 - Disclose (sooner rather than later)
 - Do not vote on the matter
 - Do not attempt to influence decision of other committee members (leave the room)
 - Avoid providing an appearance of impropriety

Independent Ethics Commission

- 5 members appointed by City Council
- Render recommendations and **advisory opinions on ethical issues**
- Any person may file an ethics complaint or inquiry regarding an elected official, an appointee or an independent contractor
 - City Planning Commission members are appointees

Independent Ethics Commission

- Complaints
 - Filed with City Attorney's Office (and frequently the press.)
 - Only applies to matters in last 12 months
 - If frivolous, then dismissed
 - If non-frivolous, then investigated
 - CONFIDENTIAL until determined non-frivolous

Independent Ethics Commission

- IEC provides confidential written recommendation to City Council
- Penalty for breaching public trust for private gain can include 2x the amount of financial equivalent of any benefits obtained by action
- Person/entities inducing breach can also be subject to penalty

Many Ethics Issues Are Not Clear Cut

- Advisory Opinions—2 options
 - City Attorney
 - IEC
- Feel free to call if you have any questions or specific situations
- (719) 385-5909 – CAO