Ethics Code and Open Meetings Law Training

Historic Preservation Board

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COLORADO SPRINGS

OLYMPIC CITY USA

City Code of Ethics

- Colorado Constitution requires home rule cities to either adopt Colorado's ethics legislation, or adopt our own, similar ethics code.
- City Code of Ethics – passed April 2007 – **City Code Chapter 1, Article 3**
- Significant amendments to the City Code of Ethics passed by Council December 2016

City Code of Ethics

The City of Colorado Springs aspires to conduct its businesses, operations and services in accord with the law and the highest standards of business practices and ethics. The City of Colorado Springs is committed to complete honesty, utmost integrity, fair dealing, and ethical behavior as the basis of its businesses, operations, and services to the community.

City Code § 1.3.101(B).

City Code of Ethics: Covered Persons

- Independent Ethics Commission Jurisdiction
  - Elected officials; administrative officers; Municipal Court Judges; and members of City boards, committees, or commissions appointed by City Council, the President of Council, or the Mayor.
- Human Resources Jurisdiction
  - All other employees, volunteers (other than boards and commissions), and independent contractors

City Code of Ethics: Advisory Opinion

- Any covered person may request an advisory opinion (confidential or non-confidential) from the City Attorney
- Must be regarding future action
- Must fully disclose all pertinent facts and circumstances in writing to the City Attorney
- Defense to violation of the ethics code if the covered person, in good faith, follows the advisory opinion
- Verbal advisory opinions are not binding – ask for writing

City Code of Ethics: Gifts

- No covered person or immediate family member shall solicit, accept, or give any gift related to the covered person's duties and responsibilities on behalf of the City
- Gifts to covered persons are prohibited unless an exception exists
- Immediate family members are included within the gift prohibition
  - Definition is broad: includes “greats”, cousins, step relatives, and in-laws, people in your household

City Code of Ethics: Gift Exceptions

- If the gift could not reasonably be considered a bribe or means of improper influence on direct official action, then the following are permitted:
  - Under $75.00 per year from vendor or 3rd party (adjusted for inflation)
  - Unsolicited awards (plaques & professional awards)
  - Awards or prizes at competitions or drawings open to the public
  - Conferences (must be speaking, part of vendor agreement, or 501(c)(3))

City Code of Ethics: Gift Exceptions

Permitted Gifts (cont.):

- Perishable or consumable gifts given to a City department or group
- Gifts that become property of the City
- Discounts that are similarly available to the public generally or to a large segment of the public

City Code of Ethics: Conflicts of Interest

- Conflicts of interest are prohibited
- Covered persons may not:
  - Use (either for self or immediate family) or disclose confidential information
  - Knowingly make unauthorized commitments or promises purporting to bind the City
  - Request or grant special consideration, treatment, or advantage beyond that available to every other private organization or individual

City Code of Ethics: Conflicts of Interest

- Covered persons may not (cont.):
  - Endorse private organizations or individuals
  - Directly or indirectly participate in any matter in which they or an immediate family member has a substantial interest
  - Misappropriate services or other resources of the City for personal benefit
- Disclosure and recusal is mandatory

City Code of Ethics: Conflicts of Interest

- Appearance of Impropriety
  - Occurs when a covered person will or may create a reasonable perception that his/her ability to carry out official duties with integrity, impartiality, and competence is impaired, but the action does not constitute a conflict of interest
- Disclosure and recusal is voluntary
- May: Declare in writing or orally at an appropriate public meeting that the appearance of impropriety will not impact the covered person's ability to participate fairly and impartially.

City Code of Ethics: Conflicts of Interest

- Disclosure and recusal requires:
  - Refraining from voting on or taking any official action concerning the matter
  - Refraining from communicating with any covered person with authority to take official action (commenting on the matter through public or private statements, emails, blogs, tweets, or other social media)
  - Physically leaving any room or premises at which the matter is being discussed or considered

Open Meetings Law

- All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

24-6-402(2)(b)

Open Meetings Law: Notice

- Full and Timely Notice:
  - 24 hours prior to meeting
  - Posted in a designated public place with the boundaries of the local public body
- 24-6-402(2)(c)