

Chapter 2.70**A CODE OF ETHICS FOR CITY OFFICIALS****Sections:**

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2.70.010 POLICY. Public confidence and respect can best be promoted if every public official, whether paid or unpaid, and whether elected or appointed, will uniformly treat all citizens with courtesy, impartiality, fairness and equality under the law; and avoid both actual and potential conflicts between their private self-interest and the public interest. (Ord. 1986-9, S4)

2.70.011 DEFINITIONS. The terms used in this ordinance are hereby defined as follows:

- A. **Official** - Any person elected or appointed to any public office or public body of the city whether paid or unpaid and whether part time or full time.
- B. **Public Body** - Any agency, board, body, commission or committee, of the city.
- C. **Financial interest** - Any interest which shall yield directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the city) to the official or to any person employing or retaining the services of the official.
- D. **Personal interest** - Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

(Ord. 1986-9, S4)

2.70.015 FAIR AND EQUAL TREATMENT.

- A. No official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- B. No official shall request, use or permit the use of publicly-owned or publicly-supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit an official from requesting, using or permitting the use of such publicly-owned or publicly-supported property, vehicle, equipment, material, labor or service which it is the general

practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials in the conduct of official business.

(Ord. 1986-9, S4)

2.70.020 CONFLICT OF INTEREST. Financial or personal interest.

- A. No official, either on his own behalf or on behalf of any other person shall have any financial or personal interest in any business or transaction with any public body unless he shall first make full public disclosures of the nature and extent of such interest.
- B. Disclosure and disqualification. Whenever the performance of his official duties shall require any official to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberation as well as in the voting.
- C. Incompatible employment. No official shall engage in private employment with, or render services for, any private person who has business transactions with any public body unless he shall first make full public disclosure of the nature and extent of such employment or services.
- D. Representation of private persons. No official shall appear on behalf of any private person, other than himself, before any public body in the city.
- E. Gifts and favors. No official shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official.
- F. Confidential information. No official shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the city.
- G. Whether or not it shall involve disclosure, no official shall use or permit the use of any such confidential information to advance the financial or personal interest of himself or any other person.
- H. Nepotism. No elected official shall appoint or vote for appointment of any person related to him by blood or marriage who is a member of the officials household, under the same roof, and any parent, stepparent, grandparent, spouse, child, grandchild, brother, sister of the official or any child, parent, stepparent, or grandparent of the official's spouse, regardless of residence, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds.

(Ord. 1986-9, S4)

2.70.025 BOARD OF ETHICS.

- A. There is hereby created and established a board of ethics consisting of five persons who shall hold no other office or employment under the city. All members shall be residents of the city.

- B. The members shall be appointed by the mayor subject to confirmation by a majority of the whole number of the council, whenever a sworn complaint or request for advisory opinion pursuant to Sections 2.70.040 and 2.70.30 herein is received by the council. The Board of Ethics shall serve until its final written opinion on the matter before it has been issued, thereafter it shall automatically dissolve. (Ord. 1986-9, S4)

2.70.030 ADVISORY OPINION. Upon the written request of the officer concerned, the board shall render written advisory opinions based upon the provisions of this ordinance. The board shall file its advisory opinions with the city clerk or mayor, but may delete the name of the officer involved. (Ord. 1986-9, S4)

2.70.040 HEARINGS AND DETERMINATIONS.

- A. Upon the sworn complaint of any person alleging facts which if true would constitute improper conduct under the provisions of this ordinance, the Board of Ethics shall conduct a public hearing in accordance with the requirements of the due process of law, and, in written findings of facts and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official.
- B. All such quasi-judicial hearings shall provide for the following:
1. A notice of hearing setting forth the allegations of the complaint and service of said notice on the alleged violator by personal service or by mailing said notice to his or her last known address by registered or certified mail, return receipt requested;
 2. The representation of an accused official by a person or attorney of his or her choice at his or her own expense;
 3. The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters;
 4. The cross-examination of all witnesses by the interested parties or their representatives;
 5. The stenographic or other verbatim reproduction of all testimony presented in the hearing;
 6. A written decision by the Board of Ethics setting forth the factual basis and reasons for the decision rendered.
- C. All decisions by the Board of Ethics shall be final and not subject to further review by the city council. Appeal from the decision of the Board of Ethics shall be to the District Court of Mesa County, Colorado.

(Ord. 1986-9, S4)

2.70.050 SANCTIONS.

- A. If the Board of Ethics finds that an official has willfully violated any of the provisions of this code of ethics said official shall be discharged from his or her position with the city.
- B. If the Board of Ethics finds that an official has negligently violated any of the provisions of this code of ethics it shall issue a written warning to said official.

(Ord. 1986-9, S4)