

STERLING CITY CODE

CHAPTER 2. ADMINISTRATION
ARTICLE VIII. CODE OF ETHICS

(Ordinance No. 20, Series of 2009)

Sec. 2-310. Purpose and application.

The purpose of this chapter is to protect the public health, safety, and welfare and the integrity of city government by defining and proscribing certain conflicts of interest that may arise between the city and elected officials or appointees to city boards, authorities, and commissions. The city council intends to prohibit the appearance of impropriety as well as actual conflicts of interest.

Sec. 2-311. Definitions.

As used in this article, the terms set forth shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Appearance of impropriety means an action that would give a reasonably prudent person the impression that an elected official or appointee is using his or her public office for private gain, giving preferential treatment to any person or organization, or losing impartiality in conducting city business.

Business means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit, or religious institution or charitable organization.

Quasi-judicial capacity means the determination of rights, duties, or obligations of specific individuals by applying existing legal standards or policy considerations to past or present facts developed at a hearing conducted for the purpose of resolving particular interests in a question.

Substantial interest means a pecuniary stake in the outcome of a decision or other interest of such weight that would lead a reasonably prudent person observing the situation to expect such interest to make the rendering of an objective decision unlikely. *Substantial interest* also means ownership of corporate debt securities or equity securities, held either individually or jointly, of more than one percent of debt securities or equity securities issued by such corporation based on current capitalization.

Transaction means any contract; any sale or lease of any interest in land, material, supplies, or services; or any granting of a development right, license, permit, or application.

Sec. 2-312. Persons covered.

All city officers and employees shall be bound by this article.

Sec. 2-313. Conflict of interest prohibited.

(a) No elected official or appointee to any city board, authority, or commission shall appear before the city council or any city board, authority, or commission if the city council or such board, authority, or commission is acting in a quasi-judicial capacity.

(b) An elected official or appointee who (1) has a substantial interest in any transaction with the city, (2) has a spouse or relative up through the second degree of consanguinity with a substantial interest in any transaction with the city, (3) has a substantial interest as an affiliate of a firm with a substantial interest in any transaction with the city, or (4) has a substantial interest as an affiliate of a firm appearing on behalf of or employed by a person with a substantial interest in any transaction with the city shall disclose the interest above described on the record of a public meeting of the city council or the city board, authority, or commission of which the person is a member.

(c) The interested elected official or appointee shall thereafter (1) refrain from voting upon or otherwise acting in an official capacity in such transaction; (2) physically absent himself or herself from the room in which the matter is being considered; and (3) not discuss the matter with any other member of the city council, board, authority, or commission of which the person is a member.

Sec. 2-314. Ban on use of official position for private gain.

(a) No elected official or appointee shall use his or her official position for private gain or for the private gain of any person with whom the elected official or appointee has a business or any other type of relationship, or otherwise engage in any activity that creates an appearance of impropriety.

(b) A city official or appointee shall not disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests or the financial interest of any other person or organization.

(c) A city official or appointee shall not accept a gift of substantial value that would tend to influence a reasonable person to depart from the faithful and impartial discharge of his or her duties or that a reasonable person in his or her position should know under the circumstances is primarily for the purposes of rewarding him or her for official action he or she has taken or may take. A *gift of substantial value* also includes any action that conveys a substantial economic benefit.

(d) A gift of substantial value shall include without limitation a loan at a rate of interest that is substantially lower than the commercial rate then currently prevalent for similar loans, and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.

(e) A gift of substantial value shall not include:

- (1) Campaign contributions and contributions in kind reported as required by section 1-45-108, C.R.S.;
- (2) An unsolicited, occasional nonpecuniary gift that is insignificant in value;
- (3) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (4) Unsolicited informational material, publications, or subscriptions related to the recipients' performance of official duties;
- (5) Payment of, or reimbursement for, admission for attendance at a convention or other meeting at which the city officer, employee, or consultant is scheduled to participate;
- (6) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting where such reimbursement is not extraordinary in light of the position held by the participating city officer, employee or consultant;
- (7) Anything given by an individual who is a relative or personal friend of the recipient;
- (8) Items of perishable or nonpermanent value, including but not limited to meals, lodging, travel expenses, or tickets to sporting, recreational, or cultural events;
- (9) Payment for a speech, appearance, or publication reported pursuant to section 24-6-203, C.R.S.; and
- (10) Monetary payment from employment, including other government employment, in addition to that earned from being a member of the city council or by reason of service in other public office.

(f) The provisions of this section are distinct from and in addition to the reporting requirements of section 1-45-108, C.R.S., and section 24-6-203, C.R.S., and do not relieve an incumbent in, or elected candidate to, the city council from reporting an item described in subsection (e) above if such reporting provisions apply.

Sec. 2-315. Violation and removal.

(a) The city attorney shall refer to the district attorney violations of the Standards of Conduct, article 18, title 24, C.R.S., by an elected official or by an appointee.

(b) The city council may, by a majority vote of the entire council, remove any appointee from a city board, authority, or commission who violates any provision of this chapter

Sec. 2-316. Advisory opinions and special counsel or ethicist appointment.

(a) Any elected official or appointee to a city board, authority, or commission may request the city attorney for an advisory opinion whenever a question arises as to the applicability of this chapter to a particular situation. The city attorney may recommend retention of either special counsel or an ethicist to assist in preparing an advisory opinion.

(b) The city attorney shall render such advisory opinion within thirty days from the date of receipt of the request for an advisory opinion, unless the city council retains either special counsel or an ethicist, in which case the city attorney shall render such advisory opinion within sixty days from the date of receipt of the request for an advisory opinion.

Sec. 2-317. Distribution of Code of Ethics.

All existing officers and employees and new officers and employees upon initiating their respective terms of office or employment shall receive a copy of this Code of Ethics or any amendments thereto and submit written acknowledgment of such receipt, which acknowledgment shall be retained as an official public record of the city.