

Councilperson Coppola

Councilperson Havercroft

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH, COLORADO
ADOPTING AN AMENDMENT TO THE
CODE OF CONDUCT AND CODE OF ETHICS**

WHEREAS, the City Council adopted Resolution No. 09-97 to adopt standards of conduct and ethics to guide the elected and appointed officials of the City of Castle Pines North in the conduct of their duties and responsibilities; and

WHEREAS, the Code of Conduct and Ethics ("Code") is intended to supplement rather than supersede applicable state statutes regarding conduct of elected officials; and

WHEREAS, the City Council desires to amend the Code to remove the prohibition against Council members using or speaking about partisanship during any local elections in order to comply with the constitutional protections of the First Amendment of the U.S. and state constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

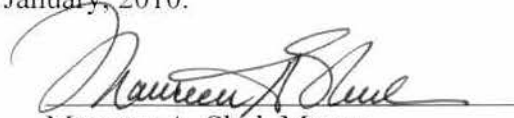
Section 1. The City Council Code of Conduct and Code of Ethics is hereby amended to amend Section IV(B) to read in full as follows:

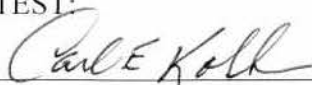
B. Non-Partisan Public Servants. There should be no partisan references or campaigning for political office at meetings of City Council, Boards or Commissions.

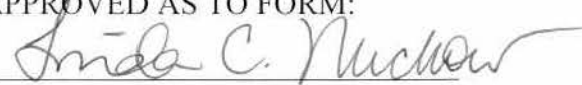
Section 2. Except as amended herein, the Code of Conduct and Code of Ethics as adopted by Resolution No. 09-97 remains in full force and effect.

Section 3. This Resolution shall be effective upon final adoption.

INTRODUCED, READ AND ADOPTED AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH by a vote of six (6) in favor, none against and one (1) absent this 7th day of January, 2010.


Maureen A. Shul, Mayor

ATTEST:

Carl E. Kollmar, Interim City Clerk

APPROVED AS TO FORM:

Linda C. Michow, City Attorney

City of Castle Pines North
Code of Conduct
and
Code of Ethics

I. Intent.

The intent of this Code of Conduct and Code of Ethics for the City of Castle Pines North is to assure that the public has confidence in the integrity of all aspects of City government and the Public Servants that exercise discretionary powers. The City shall be guided by the principle of non-partisanship: all actions, decisions and votes shall be made in the best interest of the public, on their merits, objectively and without regard to political party, regional or ideological partisanship.

II. Declaration of Purpose.

A. Framework.

This Code of Conduct and Code of Ethics should evoke a commitment to maintain high ethical standards. The following substantive provisions form the framework of the essential principles governing the conduct and ethics of public officials.

1. Public Interest.

Treat public service as a public trust, only using the power and resources of public service to advance public interest and not to attain personal or private benefit.

2. Objective Judgment.

Employ independent, objective judgment in performing duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.

3. Accountability.

Assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold Public Servants accountable.

4. Democratic Leadership.

Honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

5. Respectability.

Safeguard public confidence in the integrity of government by being honest, fair, caring and respectful, and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a Public Servant.

B. Purpose of Code of Conduct and Code of Ethics.

The purpose of this Code of Conduct and Code of Ethics is to:

1. State principles of conduct and ethics which are to be applied in public service;
2. Help motivate Public Servants to pursue productive conduct and ethical ideals which exceed minimum standards;
3. Provide a process by which Public Servants may identify and resolve conduct and ethical issues;
4. Identify minimum standard of ethical conduct for Public Servants;
5. Inform the public of the minimum standards to which their Public Servants are expected to adhere;
6. Promote public confidence in the integrity of Public Servants; and
7. Establish penalties, when appropriate, for Public Servants who violate the public trust.

III. Definitions.

- A. "Board" or "Commission" means any appointive board, commission, committee or other appointed body established pursuant to state law or City ordinance or resolution.
- B. "Board of Ethics" means the Mayor and the City Council, except the Board of Ethics shall not include any person being investigated by the Board of Ethics.
- C. "Business Entity" means any of the following entities, whether or not carried on for purposes of profit: business, sole proprietorship, firm, partnership, unincorporated association, venture, trust or corporation.
- D. "Contract" means any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred. For purposes of considering violations of this Code of Ethics, "Contract" does not include:
 1. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 2. Merchandise sold to the highest bidder at public auctions;
 3. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 4. Contracts with a Public Servant or Business Entity in which a Public Servant has an Interest if, because of its geographic restrictions, the City

could not otherwise reasonably afford itself of the subject of the Contract. It shall be presumed that the City could not otherwise reasonably afford itself of the subject of a Contract if the additional cost to the City is greater than ten percent, or if the Contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period;

5. Contracts in which a Public Servant who has an Interest has disclosed a personal interest and has not taken official action thereon or with respect to which any member of the City Council who has an Interest has voted thereon in accordance with Section 24-18-109(3)(b) or 31-4-404(3), C.R.S. Any such disclosure shall be made to the City Council and to the Secretary of State;
 6. Contracts with a corporation in which the Public Servant exercising an official action holds a minority interest.
- E. “Employee” means any person holding any paid position of employment with the City.
- F. “Gift of Substantial Value” or “Gift of Substantial Economic Benefit Tantamount to Gifts of Substantial Value” includes without limitation a loan at a rate of interest 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, and also includes any pecuniary gift of any value associated in any way with a Contract over which the Public Servant has or may perform an Official Action. The following shall not be considered Gifts of Substantial Value or Gifts of Substantial Economic Benefit Tantamount to Gifts of Substantial Value unless they involve a pecuniary gift associated with a Contract over which a Public Servant performs an Official Action:
1. Campaign contributions and contributions in kind reported as required by Section 1-45-108, C.R.S.;
 2. An occasional nonpecuniary gift having fair market value of or aggregate actual cost of fifty dollars (\$50.00) or less in value in any calendar year;
 3. A nonpecuniary award publicly presented in recognition of public service;
 4. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting;
 5. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to the Public Servant which is not extraordinary when viewed in light of the position held by the Public Servant;
 6. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;

7. Payment for speeches, appearances, or publications reported pursuant to Section 24-6-203, C.R.S.;
 8. Payment of salary from employment, including other government employment, in addition to that earned by reason of service as a Public Servant;
 9. Pecuniary or non-pecuniary gifts or contributions to programs or events sponsored by the City in which multiple Public Servants may participate.
- G. “Independent Contractor” means a person or entity other than an Officer, or employee who is paid for services rendered to the City pursuant to a contract for services and any officer, employee, agent, Volunteer or subcontractor of such person or entity.
- H. “Interest” means a substantial interest held by an individual that is:
- An ownership interest in a business;
 - A creditor interest in an insolvent business;
 - An employment or a prospective employment for which negotiations have begun;
 - An ownership interest in real or personal property;
 - A loan or any other debtor interest; or
 - A directorship or officership in a business.

The term “Interest” is intended to reflect a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss, but does not include any matter in which a similar benefit is conferred to all persons or property similarly situated. An Interest of the following persons and entities shall be deemed to constitute an Interest of a Public Servant:

- Any Relative of the Public Servant; or
- Any Business Entity in which the Public Servant is an officer, director, employee, partner or owner; or
- Any Business Entity in which the Public Servant owns or controls shares of stock, the aggregate amount of which constitutes more than one percent of the shares of stock of the Business Entity then outstanding. Participation in a stock mutual fund shall not be considered an Interest in a Business Entity of which the mutual fund owns or controls shares of stock.

- I. “Officer” means all elected or appointed officers, including but not limited to:
 - 1. Mayor;
 - 2. Council Members;
 - 3. Treasurer;
 - 4. Clerk;
 - 5. Attorney;
 - 6. Manager or equivalent chief administrative officer.

- J. “Official Action” means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which includes use of discretionary authority of any Public Servant.

- K. “Public Servant” means an Officer, Employee, Independent Contractor or Volunteer of the City, a candidate for such position, and former Officers, Employees, Independent Contractors and Volunteers for six months after termination of service as a Public Servant.

- L. “Relative” means any person related to a Public Servant by blood or marriage, in any of the following degrees: parents, spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

- M. “Verified Complaint” means a written complaint containing a statement signed by a person indicating he or she has personal knowledge of the allegations of the complaint and knows them to be true.

- N. “Volunteer” means any person who is appointed or authorized to act on behalf of the City in any manner without compensation.

IV. General Requirements.

- A. Duty. All Public Servants have a duty to use their public positions to contribute to the public good. This Code of Conduct and Code of Ethics shall not preclude Public Servants from acting in any manner consistent with their official duties or from providing assistance or public services to anyone who is entitled to them. All Public Servants, however, also have a fiduciary duty to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good. Public Servants must be mindful that the appearance of impropriety can be as corrosive of public confidence as an actual impropriety, and must strive to avoid situations which may create an appearance of impropriety.

- B. Non-Partisan Public Servants. There should be no partisan references or campaigning for political office at meetings of City Council, Boards or Commissions.

- C. Chronic Violation of Laws. Public Servants have an ethical duty to abide by federal, state, and City laws. Chronic or excessive violations of federal, state or City laws, even when they do not result in convictions for the commission of felonies, misdemeanors, or other laws whose violation constitutes a violation of this Code of Conduct and Code of Ethics, may indicate disrespect for the law and may contribute to the public's disrespect for Public Servants. The Council may, by resolution or ordinance adopt policies which inform Public Servants of the circumstances under which violations of federal, state and City laws will be deemed violations of the Code of Conduct and Code of Ethics.
- D. State Statutory Requirements. All Public Servants shall comply with all applicable provisions of the Colorado Revised Statutes regarding ethics, including Sections 24-18-101, et seq., and 31-4-404, C.R.S., notwithstanding the requirements of this Code of Conduct and Code of Ethics.

V. Code of Conduct.

The City of Castle Pines North Code of Conduct represents a reasonable policy for guiding the conduct of Public Servants, and defining acceptable conduct in dealing with each other and people outside City government. The City Council believes the Code of Conduct should be adhered to by all Public Servants to provide a productive, effective and respectful atmosphere.

A. Code of Conduct for Public Servants.

In conducting the City's business, Public Servants should:

1. Be prepared for each meeting; listen and interact respectfully;
2. Focus on the issue being discussed;
3. Respectfully agree to disagree without getting personal; language and decorum of Public Servants should be kept on a professional level;
4. Seek common ground before disagreements and differences;
5. Personal attacks against other Public Officials or citizens whether in writing or speech that is inflammatory or defames any person or their person is prohibited;
6. Once a decision is made, move on to the next issue;
7. Listen respectfully to opinions of others before offering a counterpoint; avoid making judgments;
8. Assume best intention of others and remain on message;
9. Speak to each other, not to the audience;

10. Speak for yourself, not for others, and base your comments and decisions on your best judgment;
11. Attend all meetings, unless given excused absence prior to meeting;
12. No Public Servant shall violate the duty of confidentiality by disclosure to any person, including but not limited to spouses, friends, or residents, of any confidential information not addressed in open meetings of the Council; and
13. Interact with all persons in a respectful and fair manner at all times. Do not criticize citizens for their requests or views.

B. Consequences for Violation of Code of Conduct. Any Public Servant who violates the Code of Conduct is subject to disciplinary action. Disciplinary action against a Public Servant for violation of the Code of Conduct shall be taken only upon approval by a vote of a majority of the City Council members in office. The City reserves the right to take any of the following steps for violation of the Code of Conduct by a Public Servant, after consideration of the seriousness, duration, and/or repeated nature of the violation:

1. Private Warning (verbal or written);
2. Remedial or educational training on the subject of the violation intended to avoid or prevent future violations payable by the City but subject to reimbursement by the Public Servant through reduction or withholding of compensation (if any);
3. Public Warning (verbal or written);
4. Removal from any appointed position or policy liaison role;
5. Public censure, to include a letter of apology and/or a written resolution of City Council of apology to be sent to affected persons.

VI. Code of Ethics:

Mandatory Standards of Ethical Conduct. The following requirements shall constitute the Castle Pines North Code of Ethics, establishing reasonable standards for the ethical conduct of Public Servants. Failure to abide by these standards shall be deemed a violation of the Code of Ethics and shall subject the Public Servant to an investigation by the Board of Ethics and discipline. Violations may also constitute a violation of state law. It is a violation of the Code of Ethics for any Public Servant to:

A. Confidential Information. Disclose or use confidential information acquired in the course of official duties that is not generally available to the public to further the Public Servant's personal financial interests, or disclose any confidential information, including any information obtained in a City Council Executive Session, unless approved by majority vote of City Council members in office, or waive any confidence or privilege of the City Council or any Board or Commission without approval of the City Council, Board or Commission.

- B. Gifts of Substantial Value. Accept Gifts of Substantial Value or of Substantial Economic Benefit Tantamount to a Gift of Substantial Value of fifty dollars (\$50.00) or more which would tend to improperly influence a reasonable person in a public position to depart from the faithful and impartial discharge of the Public Servant's public duties, of which the Public Servant knows, or which a reasonable person should know, is primarily for the purpose of rewarding an official action the Public Servant has taken or could take.
- C. Engaging in Financial Transactions. Engage in a substantial financial transaction for the Public Servant's private business purposes with a person the Public Servant inspects or supervises in the course of the Public Servant's official duties.
- D. Benefiting Business Interests. Perform an Official Act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the Public Servant either has an Interest or is engaged as counsel, consultant, representative or agent.
- E. Personal Interest. Vote on or attempt to influence the other members of the City Council, a Board or Commission on which the Public Servant sits regarding any proposed or pending matter in which the Public Servant has an Interest. A member of the City Council or a Board or Commission may vote on such matter notwithstanding this prohibition if his or her participation is necessary to obtain a quorum and allow the Council, Board or Commission to vote and if he or she complies with the disclosure requirements of Section 24-18-110, C.R.S.
- F. Crimes. Be convicted of or plead guilty to any felony, or a misdemeanor (excluding traffic infractions less than 6 points) which involves fraud, theft or similar breach of the public trust.
- G. Discrimination. Be found guilty of violating or plead guilty to any federal, state or City laws prohibiting discrimination.
- H. Sexual Harassment. Be found guilty of violating or plead guilty to any federal, state or City laws prohibiting sexual harassment.
- I. Retaliation. Be found guilty of violating or plead guilty to any federal, state or City laws prohibiting retaliation, including retaliation against whistleblowers or those filing claims against the City.
- J. Outside Employment or Service. Engage in or accept any employment or service, other than employment by the City, if such employment or service reasonably would tend to impair the Public Servant's independence of judgment in the performance of the Public Servant's duties. This restriction is in addition to any other restrictions on outside employment applicable to a Public Servant and is not intended to authorize outside employment by any Public Servant if otherwise prohibited.

- K. Employee Board or Commission Service. Except in an advisory role, serve as a member of a City Board or Commission, except that a member of a Board or Commission may not serve as a member of a second Board or Commission.
- L. Personal Benefit. Use his or her own time or efforts or request or direct the use of another Public Servant's time or efforts for personal or private purposes while such time is being compensated by the City or intended for general public benefit.
- M. Vehicles and Equipment. Request, direct, or permit the personal or private use of any City vehicle or City equipment except in the same manner and under the same circumstances applicable to any person who is not a Public Servant, unless such use will also substantially benefit the City.
- N. Special Consideration. Request, or grant to any person, any special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need.
- O. Appearance Before Council, Boards or Commissions. Appear before the City Council or any Board or Commission on which or over which the Public Servant sits or has supervisory responsibilities, except in the Public Servant's representation of the City.
- P. Vote Trading. Offer or promise to give his or her vote or influence in favor of or against any proposed Official Action in consideration or upon condition that any other Public Servant will promise or assent to give his or her vote or influence in favor of or against any other proposed Official Action.
- Q. Appearance by Former Public Servants. At any time within one year after termination or service from the City, appear on behalf of the Interest of any person or entity, before the Council or any Board or Commission, or Public Servant of the City, in relation to any matter concerning which the former Public Servant performed an Official Act or had supervisory responsibility. During such period before a former Public Servant represents any person or entity in a matter not involving an Interest or in relation to a matter over which the former Public Servant did not perform an Official Act or have supervisory responsibility, the former Public Servant shall disclose his or her prior relationship to the City.
- R. Nepotism.
 - 1. Hiring. Be directly responsible for the hiring, appointment, retention, or supervision of, or influence or attempt to influence the hiring, appointment, supervision, or retention by the City of, any Relative of the Public Servant.
 - 2. Terms of Engagement. Influence or attempt to influence the compensation, benefits, or other terms and conditions of engagement by or service to the City applicable to any Relative of the Public Servant.

3. Employment Procedures. Engage, hire or appoint a Relative of a Public Servant as a Public Servant unless the City's personnel procedures applicable to such employment or appointment have been followed.
- S. Similar Conduct. Other similar conduct which threatens the public confidence in the integrity of government including but not limited to illegal conduct, conduct which puts self interest before public interest, willful or persistent failure to perform his or her duties, or any other conduct involving dereliction of duties.

VII. Enforcement of the Code of Ethics.

- A. Ethics Complaints. The Board of Ethics shall accept from any individual, either personally or on behalf of an organization or governmental body, a Verified Complaint in writing, signed by someone with personal knowledge of the facts giving rise to the complaint, which states the name of any person alleged to have committed a violation of the Code of Ethics and which sets forth the particulars thereof. The Board of Ethics shall forward to the accused within ten days a copy of the complaint and a general statement of the applicable provisions with respect to such Verified Complaint. If the Board of Ethics determines that the Verified Complaint does not allege facts sufficient to constitute a violation of the Code of Ethics, it shall dismiss the complaint in writing and notify the complainant and the accused. If the Board of Ethics determines that the Verified Complaint was brought for harassment purposes, it shall so state in its written dismissal.
- B. Ethics Investigation. Following the receipt of a Verified Complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis to believe that a violation of the Code of Ethics has been committed or that an investigation of a possible violation is warranted, the Board of Ethics may cause an investigation to be made of the circumstances concerning the possible violation. The Board may also initiate an ethics investigation upon its own initiative or the request of any Public Servant who has been alleged to have committed unethical conduct by sources unwilling to file a Verified Complaint. An ethics investigation shall be conducted by an impartial investigator engaged by majority vote of the Board. Before invoking its investigatory powers, the Board of Ethics shall approve a motion, which shall state the nature and purpose of the investigation, the actions or activities to be investigated, and the persons who are the subject of the investigation. The Board of Ethics shall, within five days, serve a copy of the motion on the accused together with a notice informing the person that he or she is the subject of the investigation and a general statement of the applicable provisions whose violation are being investigated. If the Board of Ethics, during the course of an investigation, finds probable cause to believe that a violation of the Code of Ethics has occurred, it may:
 1. Board of Ethics Complaint. If no Verified Complaint has been filed, make upon its own motion a Verified Complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of the Code of Ethics and shall set forth the particulars thereof. The Board of Ethics shall forward to the accused within ten days a copy of the complaint, a general statement of the applicable provisions with respect

to such Verified Complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

2. Amendment of Complaint. If a Verified Complaint has been filed and the Board of Ethics finds probable cause to believe that a violation, other than one contained in the complaint, has occurred, amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the Board of Ethics, a copy of the amendment shall be sent to the person complained against within forty-eight hours.
- C. Service. Service of any notice or other document pursuant to the Code of Ethics is complete upon mailing certified mail to the person's last known address, or upon personal service.
- D. Dismissal or Hearing. Upon completion of the investigation, the Board of Ethics shall dismiss the complaint if it determines there was no violation of the Code of Ethics. If the Board of Ethics determines, based on the investigative report, that a violation may have occurred, it shall, by motion, set a date, time and place at which a hearing shall be held to hear and determine the complaint. The investigative report and notice of the hearing shall be served on the accused not less than thirty days prior to the hearing.
- E. Hearing. The Mayor or Mayor Pro Tem shall preside over the hearing on the ethics complaint and shall determine all procedural issues. The person appointed by the Board of Ethics to conduct the investigation shall present the case against the accused. The accused may be represented pro se, or by any person of accused's choice. The hearing shall be conducted so as to provide fundamental fairness, although strict rules of procedure and evidence need not be followed. All witnesses shall be subject to cross-examination. Documentary evidence that can be reasonably authenticated shall be admitted for consideration. The ethics violation shall be proven by a preponderance of the evidence as determined by two-thirds of all members comprising the Board of Ethics. Upon finding the accused violated the Code of Ethics, the Board of Ethics may continue the hearing to discuss, and in its discretion to receive additional evidence, regarding the appropriate penalty.
- F. Findings. At the conclusion of the hearing regarding the alleged Code of Ethics violation, the Board of Ethics shall dismiss the charges or find that the accused violated this Code of Ethics. The Board of Ethics shall serve on the accused a written findings and order within thirty days of conclusion of the hearing.
- G. Penalties. Upon finding that a Public Servant has violated the Code of Ethics, the Board of Ethics shall order oral or written reprimand, a public censure, suspension, removal, or such penalty as deemed just and appropriate, depending on the seriousness of the violation and any mitigating circumstances.