

RESOLUTION NO. 11-29

INTRODUCED BY:

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
RESTATING AND RATIFYING A CODE OF CONDUCT**

WHEREAS, the City Council of the City of Castle Pines previously adopted, via Resolution Nos. 09-97 and 10-05, a code of conduct (“Code of Conduct”) and a code of ethics (“Code of Ethics”) to guide the elected and appointed officials (including employees and contractors) of the City of Castle Pines in the conduct of their duties and responsibilities; and

WHEREAS, the City Council desires to adopt the Code of Ethics as a legislative enactment of the City in order to ensure compliance among all elected and appointed officials as well as City employees and contractors; and

WHEREAS, with the adoption of the Code of Ethics via ordinance, the City Council desires to retain and restate the Code of Conduct as a City policy enacted by resolution.

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

Section 1. The City Council hereby restates and ratifies the City of Castle Pines Code of Conduct, to read in full as follows:

CODE OF CONDUCT

**ARTICLE I.
GENERAL**

Section 1. Intent.

The intent of this Code of Conduct for the City of Castle Pines 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 in the best interest of the public, on the merit.

Section 2. Declaration of Purpose.

A. Framework.

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

The purposes of this Code of Conduct are to:

1. State principles of conduct 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 standards of 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.

Section 3. Definitions.

The following definitions apply to the Code of Conduct:

- 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. “Employee” means any person holding any paid position of employment with the City.
- C. “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.
- D. “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;
 7. Members of any Board or Commission.
- E. “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.
- F. “Volunteer” means any person who is appointed or authorized to act on behalf of the City in any manner without compensation.

Section 4. 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 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. All decisions of hiring of employees, letting of contracts for services, or other commercial dealings shall be based on objective criteria without any partisan preference.
- 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, 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.
- 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.

ARTICLE II. CODE OF CONDUCT

Section 1. Intent.

The City of Castle Pines 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.

Section 2. 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 an excused absence prior to such 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.

Section 3. 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 Council 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:

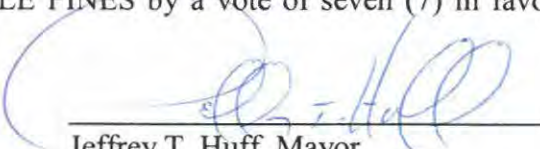
1. Private Warning (verbal or written);
2. Remedial or educational training on the subject of the violation intended to avoid or prevent future violations payable by the City but subject to reimbursement by the Public Servant through reduction or withholding of compensation (if any);
3. Public Warning (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.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the City Council.

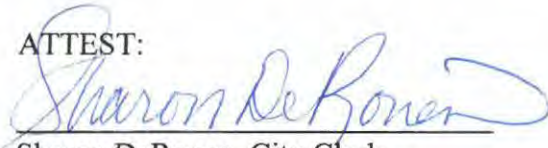
Section 3. Severability. If any portion of this Resolution is found to be void or ineffective, it shall be deemed severed from this Resolution and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of seven (7) in favor and none (0) against this 10th day of May, 2011.



Jeffrey T. Huff, Mayor

ATTEST:



Sharon DeRouen, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney