

ORDINANCE NO. 22-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AMENDING ARTICLE 8 OF CHAPTER 2 OF THE MUNICIPAL CODE OF CASTLE PINES RELATING TO THE CODE OF ETHICS

WHEREAS, pursuant to Section 2.12 of the City of Castle Pines (the "City") Home Rule Charter, the City Council shall adopt an ordinance governing the disclosure of conflicts of interest, recusals from voting, and other standards or codes of conduct or ethics; and

WHEREAS, the current Code of Ethics does not explicitly refer to disclosure of conflicts of interest or recusals from voting, as required by Section 2.12 of the Home Rule Charter;

WHEREAS, the City Council wishes to update the Code of Ethics to include provisions on disclosure of conflicts of interest and recusals from voting; and

WHEREAS, the City Council additionally desires to update the Code of Ethics to allow for additional exceptions from the gift ban that are allowed under state law; and

WHEREAS, the City Council finds that these changes are necessary for the protection of health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. Section 2-8-30 of the Castle Pines Municipal Code is hereby amended as follows with deletions shown in ~~strike through~~ and additions shown in underline text:

Sec. 2-8-30. – Mandatory Standards of Ethical Conduct.

It is a violation of the Code of Ethics for any public servant to:

* * *

(2) Gifts of Substantial Value. Accept a gift of substantial value or of substantial economic benefit tantamount to a gift of substantial value 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, or 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. 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:

* * *

(j) Unsolicited informational material, publications, or subscriptions related to the performance of official duties on the part of the public servant;

(k) A gift given on a special occasion by an individual who is a relative or personal friend of the public servant; and

(l) A component of compensation paid, or other incentive given to the public servant in the normal course of employment; and

* * *

Section 2. Article 8 of Chapter 2 of the Castle Pines Municipal Code is hereby amended with the addition of a new Section 2-8-35, entitled "Disclosure, Reporting, and Recusal" to read as follows:

Sec. 2-8-35. – Disclosure, Reporting, and Recusal.

(1) Disclosure. Disclosure of a prohibited financial interest shall be made when it is first reasonably known to the public servant and prior to taking any official action. A City Officer with the responsibility of taking official action shall disclose any financial interest that affects or would lead a reasonable person to infer that it affects the City Officer's official action during the meeting at which the official action is pending before any discussion, vote, or decision is made. If a City Officer fails to disclose a financial interest to the Council or Board or Commission on which he or she sits, the remaining members of the applicable Board or Commission or City Council shall determine by majority vote whether said interest in fact constitutes a financial interest. A City Employee shall disclose in writing any prohibited financial interest to the City Manager.

(2) Recusal. A City Officer with a financial interest in a matter shall:

(a) Recuse himself or herself from voting or taking official action on such matter;

(b) Not participate in any discussion or communication regarding such matter;

(c) Leave the meeting room during consideration of such official action; and

(d) Refrain from influencing other members.

If the participation of the member is necessary for a quorum, the member may participate in accordance with the provisions set forth in Section 24-18-109(3)(b), C.R.S., as amended.

(3) Secretary of State Disclosure. If a public servant intends to take any official action in connection with a City contract, purchase, payment, or other financial

transaction in which the public servant has a financial interest, that public servant shall disclose such conflict of interest to the Secretary of State's office and to City Council through the City Clerk at least seventy-two (72) hours in advance of taking such action.

(4) Reporting of gifts. The City Council shall comply with the reporting requirements of Section 24-6-203, C.R.S., as amended, relating to acceptance of gifts and honoraria, and may seek assistance from the City Clerk or City Attorney in maintaining such compliance.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

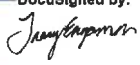
Section 4. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code.

[Remainder of page left intentionally blank.]

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 24th day of May, 2022.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of June, 2022.

DocuSigned by:

18362126604646A...
Tracy Engerman, Mayor

ATTEST:



Approved as to form:

DocuSigned by:
Tobi Duffey
AD03A3B02032400...
Tobi Duffey, CMC, City Clerk

DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on May 24, 2022; published by title only in the Douglas County News-Press, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on June 14, 2022”; and finally passed and adopted by the City Council on June 14, 2022, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on May 25, 2022.

ATTEST:

DocuSigned by:
Tobi Duffey
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Tobi Duffey, CMC, City Clerk