



**Sort of Right and  
Kind of Wrong?**

**Let's Talk About  
Ethics**

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# Agenda

- **Why talk about ethics?**
- **Format: Share Information/Small Group Discussion**
- **Review of Criminal Statutes**
- **Review of Conflicts of Interest**
- **Review of Independent Ethics Commission**



This presentation does not give legal advice – please be sure to consult your attorney

You are  
the  
experts

How often have you been asked whether something is a conflict of interest?

Whether someone violated the ethics code?

What the right thing is to do?



# Criminal Statutes

**Misuse of Official Information (F5)**

**Compensation for Past Official Behavior (F4)**

**Bribery (F3)**

**Official Misconduct (First Degree, M1; Second Degree, Petty Offense)**



# Criminal Statutes

**Failing to  
Disclose a  
Conflict of  
Interest(M2)**

**Attempt to  
Influence a  
Public Servant  
(F4)**

**Soliciting  
Unlawful  
Compensation  
(M1)**

**Trading in  
Public Office  
(M1)**

# Discussion in Small Groups

- Where do favors for friends or developers cross the line into criminal attempts to influence?
- Sometimes information from executive sessions becomes shared. When does that cross the line and become a misuse of public information?
- When do campaign contributions by persons who will have business before city council and knowingly donate and even have conversations with a council candidate cross the line?
- When does an elected or appointed official cross the line in agreeing to vote a certain way or not vote a certain way in order to benefit themselves later or to benefit an acquaintance knowing there will be some benefit later?



# Conflict of Interest



Personal financial benefit

# Fiduciary Duty



**Rules of Conduct for All Public Officers, Local Government Officials and Employees**

**C.R.S. § 24-18-104**

**Public Trust**

**C.R.S. § 24-18-103**

**Rules of Conduct for Members of Boards and Commissions**

**C.R.S. § 24-18-108.5**

**Ethical Principles for Public Officers, Local Government Officials, and Employees**

**C.R.S. § 24-18-105**



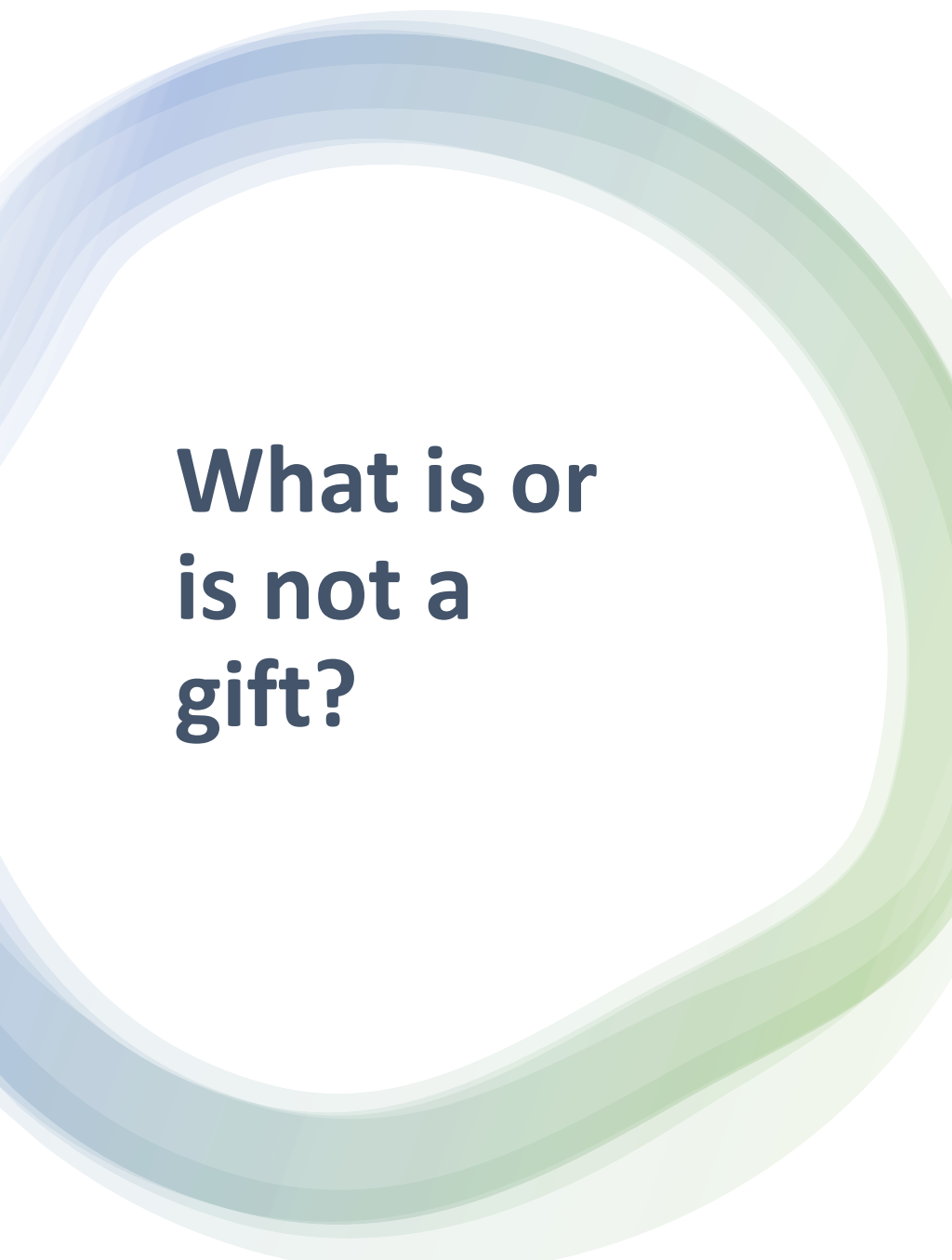
# Conflicts of Interest

Accepting goods or services for one's own personal benefit while the vendor is providing goods and services to the municipality without adequate consideration

Performing an official act (vote, decision, recommendation, approval) that directly and substantially provides an economic benefit to the business or other undertaking in which a council member or employee has a substantial financial interest or is engaged to consult or represent

Local government officials shall not accept a gift of substantial value or economic benefit which would tend to improperly influence a reasonable person in their position from faithfully discharging their public duties

Members of boards and commissions breach their fiduciary duty if they perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.



# What is or is not a gift?

A loan at a rate of interest substantially lower than the commercial rate for similar loans

Anything of value without lawful consideration in exchange

Not an occasional gift valued at less than \$75

Not campaign contributions

# Discussion in Small Groups

- What would you do?
- How would you advise in these scenarios?
- Is this a conflict of interest?
- What disclosure would be required?

# Article XXIX Colorado Constitution

Public officers, local government officials must carry out their duties for the benefit of the people of the state

Avoid conduct that is in violation of the public trust or creates impression that such trust is being violated

Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust.

# Gift ban

No local government official or employee shall accept or receive any money...without receiving lawful consideration of equal or greater value in return.

No local government employee or official's spouse or dependent child may directly or indirectly receive or solicit a gift or thing of value with a fair market value over \$75 in a calendar year.

Unsolicited item of trivial value less than \$75 or unsolicited token or award in the form of a plaque or trophy

Reimbursement of reasonable travel expenses from nonprofit or government entity is not a gift.

Admission to and cost of food at a reception by an organization where the recipient appears to speak.

A gift from an individual who is a relative or personal friend on a special occasion



# Independent Ethics Commission

Commission may conduct investigations, hold a public hearing, and assess penalties for violations

Any person may file a written complaint

Any municipality may adopt ordinances or charter provisions that are more stringent, and this article shall not apply to home rule municipalities.

What is your process to receive, investigate, and review complaints?

# Discussion in Small Groups

- What would you do?
- How would you advise in these scenarios?
- Is this a conflict of interest?
- How does your local ethics code differ from the IEC decisions?



# Summary

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Talk about it.  
Talk to each other.  
Ask for legal advice.

## **Thank you!**