

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-152  
Series of 2006

\_\_\_\_\_  
Series of 2006

A RESOLUTION REAFFIRMING AND ADOPTING STANDARDS OF CONDUCT AND ETHICS CONCERNING CITY OFFICIALS, EMPLOYEES AND INDEPENDENT CONTRACTORS

WHEREAS, on November 7, 2006, the voters approved Amendment 41 on the statewide general election ballot; and

WHEREAS, Amendment 41 adopts a new Article XXIX of the Colorado Constitution entitled "Ethics in Government"; which article deals in detail with receipt of gifts and things of value by, and lobbying and ethical principles applicable to public officials; and

WHEREAS, by its terms, Amendment 41 applies to local government officials and employees, including those of the City; and

WHEREAS, Section 7 of Amendment 41 provides that home rule municipalities may act by charter, ordinance or resolution to adopt regulations on the subjects covered by Amendment 41, which regulations may be more or less stringent than those contained in Amendment 41; and

WHEREAS, the City's Home Rule Charter at Section 4.7 presently addresses conflicts of interest related to voting procedure by the City Council; and

WHEREAS, the City Council wishes to act by resolution, as permitted by Amendment 41, to adopt regulations addressing the matters covered by Amendment 41; and

WHEREAS, the City Council is of the opinion that C.R.S. § 24-18-104, as such statute presently exists on the effective date of this Resolution, contains appropriate restrictions on the matters covered by Amendment 41; and

WHEREAS, the City Council finds that it is in the best interests of the public officers and employees of the City that such requirements be confirmed as applicable within the City rather than the requirements contained in Amendment 41, all as permitted by Amendment 41 itself.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1.     **Applicability of C.R.S. § 24-18-104.** Pursuant to the Authority vested in it by Article XXIX, Section 7 of the Colorado Constitution, and Article XX, Section 6 of the Colorado Constitution, the City Council hereby adopts the regulations contained in C.R.S. § 24-18-104, as such statute presently exists as of the date of this Resolution, as a binding regulation applicable to all employees and independent contractors within the City, as more fully described in said statute, to the extent that said statute does not cover the matters contained within and/or is not in conflict with the Charter and ordinances of the City of Northglenn. In the event that a matter is covered by and/or there is a conflict between the City's Charter and ordinances and said statute, the City's Charter and ordinances shall control. A true and correct copy of C.R.S. § 24-18-104 that is in effect on the date of this Resolution is attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. Complaints: Enforcement: Penalty. The City Council shall have exclusive authority for enforcement of this Resolution. All complaints hereunder shall be filed with the City Council within one (1) year after the date of the alleged violation. The City Council shall take such action and impose such penalty, if any, thereon as it deems appropriate. Final action by the City Council shall be final action by the City on the matter.

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

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2006.

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KATHLEEN M. NOVAK  
Mayor

ATTEST:

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DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney

## EXHIBIT A

### 24-18-104. Rules of conduct for all public officers, members of the general assembly, local government officials, and employees.

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official, or an employee shall not:

(a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or

(b) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

(I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or

(II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

(2) An economic benefit tantamount to a gift 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.

(3) The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this section:

(a) Campaign contributions and contributions in kind reported as required by section 1-45-108, C.R.S.;

(b) An occasional nonpecuniary gift, insignificant in value;

(c) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;

(d) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such public officer, member of the general assembly, local government official, or employee is scheduled to participate;

(e) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such public officer, member of the general assembly, local government official, or employee which is not extraordinary when viewed in light of the position

held by such public officer, member of the general assembly, local government official, or employee;

(f) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;

(g) Payment for speeches, appearances, or publications reported pursuant to section 24-6-203;

(h) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly or by reason of service in other public office.

(4) 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, and do not relieve an incumbent in or elected candidate to public office from reporting an item described in subsection (3) of this section, if such reporting provisions apply.

**Source: L. 88:** p. 901, § 1. **L. 92:** (3)(g) and (3)(h) amended, p. 874, § 103, effective January 1, 1993. **L. 94:** (3) amended and (4) added, p. 1827, § 4, effective January 1, 1995.