

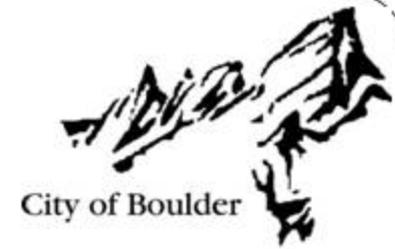
Code of Conduct Changes

November 18, 2014

Tom Carr

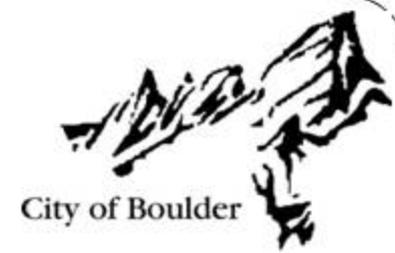
City Attorney

Proposed Code of Conduct Changes



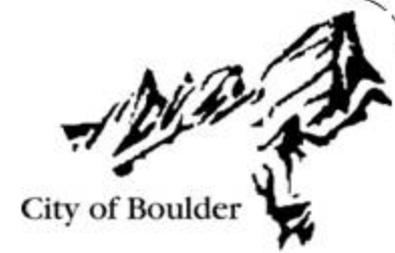
- Goals:
 - Simplify and make more transparent the Code of Conduct
 - Decriminalize all but the most serious violations
 - Establish higher expectations for conduct

Highlights



- Section 2-7-4(b)(5) removes the requirement that only governments or governmentally-related organizations can pay for travel.
- Section 2-7-7 clarifies council member appearance before boards and commissions.
- Section 2-7-8 replaces “appearance of impropriety” with expectations, including 10 affirmative duties and 18 prohibited behaviors.

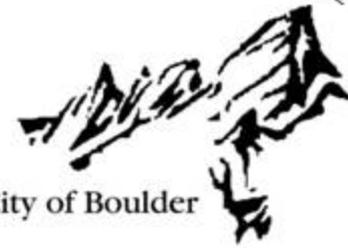
Highlights



- Section 2-7-11 limits criminal sanctions to bribery, profiteering and other similar behavior.
- Section 2-7-12 eliminates section providing immunity based on a City Attorney opinion.
- Section 2-7-14 provides 24 examples of behavior that would violate the code.

Changes on Second Reading

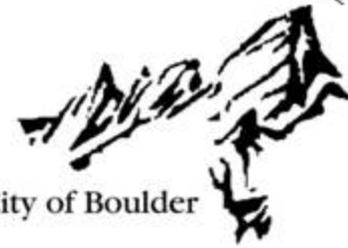
City of Boulder



- Include discounts as gifts.
- Require Council to be informed before a member takes paid travel.
- Allow non-government organization to pay for city travel.
- Limit future employment ban to four years after an official action.
- Remove the prohibition on being a party to litigation against the city.
- Clarify the meaning of direct and indirect benefits.
- Eliminate the prior approval of solicitation of employment.
- Eliminate the example relating to rudeness.
- Clarify the private right to sue.
- Eliminate the example referring to buying an expensive dinner.
- Eliminate the “open to the public” requirement for events.
- Allow board members to use their title in endorsements.

Conflict of Interest

City of Boulder



Current

2-7-2 Conflicts of Interest

Prohibited

(b) Disclosure Required: Each public official or public employee shall disclose any conflict of interest and disqualify him or herself from participating in the relevant action . . .

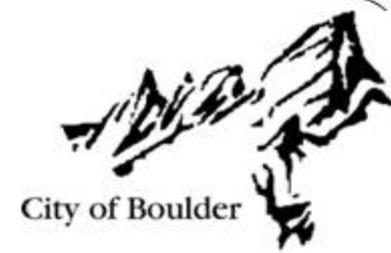
Proposed

2-7-8(e) A public official or public employee shall:

(7) Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the city.

(8) Disclose any benefit he or she will receive from any matter requiring the exercise of discretion by the officer or employee.

Conflict of Interest



Current

2-7-2 Conflicts of Interest

Prohibited:

(a) Conflicts Prohibited: No public official or public employee shall make or participate in the making of any official action in which he or she knows or should have known that he or she would have a conflict of interest.

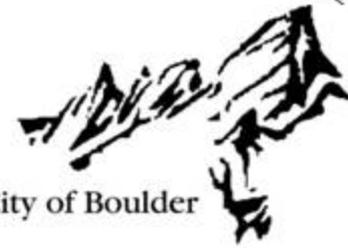
Proposed

2-7-8(f) A public official or public employee shall not:

(5) Exercise authority or discretion in any matter in which he or she will benefit as a result of that exercise of authority or discretion.

Current Definitions

City of Boulder



"Conflict of interest" shall mean any situation in which a city council member, an appointee to a city board, commission, task force or similar body, or a city employee:

- (a) Has a substantial interest in any transaction with the City;
- (b) Has a relative with a substantial interest in any transaction with the City;
- (c) Has a substantial interest as an affiliate of a firm with a substantial interest in any transaction with the City;
- (d) Has a substantial interest as an affiliate of a firm appearing on behalf of or employed by a person with a substantial interest in any transaction with the City;
- (e) Is an officer of an organization that has taken an official position on any transaction with the City, unless service on the board of the organization is required by city code, rule or contract;
- (f) Is on the board of directors of an organization that is substantially affected by a transaction with the City, unless service on the board of the organization is required by city code, rule or contract;
- (g) Is affiliated with a law, accounting, planning, or other professional firm that has substantial interest in any transaction with the City; or
- (h) Is required to receive official notice of a quasi-judicial action from the City.

Current Definitions

City of Boulder



"Substantial interest" means a situation, including, without limitation, a financial stake in the outcome of a decision in which, considering all of the circumstances, would tend to influence the decision of a reasonable person faced with making the same decision.

"Transaction" means a contract of any kind; any sale or lease of any interest in land, material, supplies, or services; or any granting of a development right, any planning, zoning or land use or review process that may precede granting of a development right, license, permit, or application. A transaction does not include any decision which is legislative in nature that affects the entire membership of a class or a significant segment of the community in the same manner as the affected official or employee.

Proposed Definitions

City of Boulder



“Benefit” shall mean anything of value accruing to an official or employee. A benefit shall not include any situation in which the official or employee has only a remote interest. An official or employee is deemed to have received a benefit if any of the following receive a benefit:

- (1) A Family Member;
- (2) Any person or business entity with whom a contractual relationship exists with the official or employee;
- (3) Any business entity in which the official or employee is an officer or director; or
- (4) Any business entity in which the official or employee has a stock, legal ownership, or beneficial ownership of at least five (5) percent of the total stock or total legal and beneficial ownership, or which is controlled or owned directly or indirectly by the official or employee.

Issue

City of Boulder



2-7-4(b)(8). The following shall not be considered gifts for purposes of this section, and it shall not be a violation of this chapter for a person to accept the same:

A single unsolicited ticket given to a council member and valued at not in excess of \$150.00 in each calendar year to attend a sporting event, concert or other event provided by a governmental entity or nonprofit organization, if the event is sponsored by the governmental entity or nonprofit organization, and the purpose