

ORDINANCE NO. 1857

AN ORDINANCE AMENDING SECTION 2-70-040 OF CHAPTER 2-70, ETHICS CODE, OF THE BROOMFIELD MUNICIPAL CODE REGARDING ELECTED OFFICIALS AND APPOINTEES TO CITY BOARDS, AUTHORITIES AND COMMISSIONS AND AMENDING SECTION 2-14-280, CONDUCT, OF THE BROOMFIELD MUNICIPAL CODE REGARDING CONDUCT FOR EMPLOYEES

WHEREAS, the conduct of the officials and employees of the City and County of Broomfield (the "City") is a key factor in maintaining the respect and confidence of the City's residents; and

WHEREAS, City officials and employees recognize that they carry out their duties for the benefit of the City's residents and visitors; and

WHEREAS, City officials and employees must avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated; and

WHEREAS, any effort to realize personal financial gain through City office or employment other than compensation provided by law is a violation of that trust; and

WHEREAS, to ensure proper conduct and to preserve the public confidence, City officials and employees should have the benefit of specific standards to guide their conduct; and

WHEREAS, the City's existing Code of Conduct and Ethics Code, adopted pursuant to the City's Home Rule Charter, address the matter of using public office for private gain; and

WHEREAS, current State law and policy have also provided helpful and effective standards to guide the conduct of City officials and employees and the City Council wishes to codify those standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. Section 2-70-040 of the Broomfield Municipal Code, Appearance of impropriety, is hereby amended as follows:

2-70-040 ~~Appearance of impropriety.~~ **Ban on use of official position for private gain.**

(A) No elected official or appointee shall use his or her official position for private gain or for the private gain of any person with whom the elected official or appointee has a business relationship, or otherwise engage in any activity that creates an appearance of impropriety.

(B) **A City official or appointee shall not disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests.**

(C) A City official or appointee shall not accept a gift of substantial value that would tend to influence a reasonable person to depart from the faithful and impartial discharge of his or her duties or that a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him or her for official action he or she has taken or may take. A “gift of substantial value” also includes any action that conveys a substantial economic benefit.

(D) A gift of substantial value shall include without limitation a loan at a rate of interest that is 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.

(E) A gift of substantial value shall not include:

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

(2) an unsolicited, occasional non-pecuniary gift that is insignificant in value;

(3) an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(4) unsolicited informational material, publications, or subscriptions related to the recipient’s performance of official duties;

(5) payment of, or reimbursement for, admission for attendance at a convention or other meeting at which the City officer, employee, or consultant is scheduled to participate;

(6) reimbursement for or acceptance of an opportunity to participate in a social function or meeting where such reimbursement is not extraordinary in light of the position held by the participating City officer, employee or consultant;

(7) anything given by an individual who is a relative or personal friend of the recipient;

(8) items of perishable or non-permanent value, including but not limited to meals, lodging, travel expenses, or tickets to sporting, recreational, or cultural events;

(9) payment for a speech, appearance, or publication reported pursuant to section 24-6-203, C.R.S.; and

(10) payment of salary from employment, including other government employment, in addition to that earned from being a member of the City Council or by reason of service in other public office.

(F) The provisions of this Ordinance are distinct from and in addition to the reporting requirements of section 1-45-108, C.R.S. and section 24-6-203, C.R.S., and do not relieve an incumbent in, or elected candidate to, the City Council from reporting an item described in subsection E above if such reporting provisions apply.

Section 2. Section 2-14-280 of the Broomfield Municipal Code, Conduct, is hereby amended as follows:

2-14-280 Conduct.

(A) *General.* City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the city. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting city business. **For purposes of this section, “employees” shall include the city and county manager, assistant and deputy managers, the city & county attorney, assistant and deputy attorneys, and department heads as defined in Chapter 2-60.**

(B) *Activities.* Certain activities, by virtue of their relationship to city service or to the unique characteristics of municipal activity, must be regulated or restricted. Violation of these regulations and restrictions shall be cause for corrective or disciplinary action. These regulations and restrictions are:

(1) Receipt of gifts. A city employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any item of monetary value from any person who has or is seeking to obtain business with the city, or from any person within or outside city employment whose interests may be affected by the employee's performance or nonperformance of official duties. Items in the category of advertising novelties that are widely distributed may be retained by the recipient. The prohibition of this section is not intended to apply to the purchase of a meal in a setting where the people are discussing city business, unless otherwise prohibited by departmental policies.

(2) Outside employment. If the city manager determines that any employee's outside employment interferes with performance of duties or results in a conflict of interest, he or she may order it terminated. A full-time employee must obtain prior written approval of the department head and the city manager for outside employment.

(3) Privileged information. City employees who are involved with plans, programs, or information of significant public interest may not use this privileged information for personal gain nor to benefit family, friends, or acquaintances. If an employee has an outside interest, which could be affected by any city plan or activity, this situation must be reported to the employee's supervisor and department head immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released.

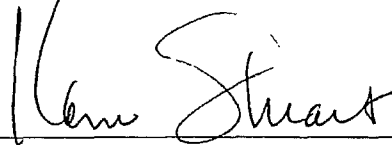
(4) Political activity. Employees are free, on their own time and away from any office of the city, to participate in all federal, state, county, and municipal campaigns and to openly express their views and support for candidates. Employees shall refrain from any political activities which give the appearance that they are endorsed by the city or which interfere with the performance of their normal duties. Any employee whose position is funded by a federal program or monies shall be subject to the provisions of 5 U.S.C. § 1501, *et seq.*, as amended, commonly known as the Hatch Act. Employees may seek Broomfield municipal office, provided that they resign their position with the city at the time of ~~undertaking any campaign activities~~ **taking office**.

Section 3. This ordinance shall be effective seven days after publication following final passage.

INTRODUCED AND APPROVED after first reading on February 13, 2007, and ordered published in full.

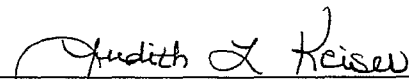
INTRODUCED A SECOND TIME and approved on March 20, 2007, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO



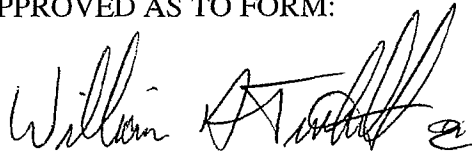
Mayor

ATTEST:



Deputy City Clerk, Acting

APPROVED AS TO FORM:



City & County Attorney

First Publication:
Second Publication

February 21, 2007
March 28, 2007