

POLICY TYPE: Governance

**POLICY TITLE:
Standard of Conduct**

POLICY 2.11

**STANDARD OF CONDUCT
FOR PITKIN COUNTY PUBLIC OFFICIALS
ADOPTED BY ORDINANCE 28-02
AMENDED BY ORDINANCE 002-2005
AMENDED BY ORDINANCE 044-2005**

Applicability - The standards contained herein apply to the following:

- A. Board Members, which include:
 - 1. Members elected to the Board of County Commissioners
 - 2. Members appointed to Volunteer Citizen Boards by the Board of County Commissioners
- B. Section Leaders appointed by the County Manager
- C. The County Manager, the Open Space and Trails Director, and the County Attorney
- D. County Hearing Officers

The term "Public Officials," when used in this document, refers to Section Leaders appointed by the County Manager, Board Members, the County Manager, the Open Space and Trails Director, the County Attorney, and County Hearing Officers.

Preamble

The citizens of Pitkin County are entitled to fair, ethical and accountable local government that earns the public's confidence in the integrity of Public Officials. In keeping with Pitkin County's commitment to the public trust, the effective functioning of democratic government therefore requires that:

- Public Officials respect the laws and policies affecting the operations of government;
- Public Officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The primary responsibility of the members of the Board of County Commissioners is to establish the overall policies for the County and to exercise the powers, duties, and functions of the County in compliance with applicable law and the Home Rule Charter, through action at regular and special meetings and other job-related duties and functions.

The primary responsibility of the members of the various Citizen Boards is to exercise the duties and responsibilities vested in each board through formal action of that Citizen Board at regular and special meetings.

The primary responsibility of County Section Leaders is to develop, communicate, and implement organizational policies, to recommend public and budgetary policies to the Board of County Commissioners and to implement policies of the Board of County Commissioners.

The primary responsibility of County Hearing Officers is to provide contract services to the County to conduct judicial or quasi-judicial proceedings on various County matters.

All Public Officials must understand, respect, and value the job, the organization, the employees, the citizens, and the common public interest.

To this end, the Pitkin County Board of County Commissioners has adopted a Standard of Conduct for Public Officials to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Public Officials will work for the common good of all the people of Pitkin County, and will assure fair and equal treatment of all persons, claims and transactions coming before Pitkin County Boards.

2. Conduct of Public Officials

The professional conduct of Public Officials must be of the highest standard. Public Officials shall be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

Public Officials shall comply with the laws of the United States, the State of Colorado and Pitkin County in the performance of their public duties. These laws include, but are not limited to: The United States and Colorado constitutions; the Pitkin County Home Rule Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government; and County ordinances and policies.

3. Respect for Process

Public Officials shall perform their duties in accordance with the processes and rules of order established by the County Commissioners governing the deliberation of public policy issues,

with meaningful involvement of the public, and through implementation of policy decisions of the Board of County Commissioners by staff.

4. Conduct of Public Meetings

Public Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. Public Officials shall base their decisions on the merits and substance of the matter before them.

5. Communication

Public Officials shall publicly endeavor to share all relevant information regarding a matter under consideration that they may have received from sources outside the public decision-making process. Board Members and County Hearing Officers involved in quasi-judicial land use decisions or other judicial or quasi-judicial decisions shall disclose any such communications at the public hearing or public meeting. After an application has been submitted to the County, Board Members and County Hearing Officers shall not intentionally engage in communications with interested parties regarding issues upon which they must make a judicial or quasi-judicial decision at a public meeting or public hearing. Judicial or quasi-judicial decisions are those for which there is a specific applicant (or appellant) requesting a decision from the Board Members or Hearing Officer, based upon specific facts to be considered at the hearing or meeting and made a part of the record.

6. Conflict of Interest

Conflicts of interest can occur both from private interests and from institutional interests.

A. Private Conflicts of Interest: The following public officials are subject to the conflict of interest provisions in the Pitkin County Home Rule Charter: County Commissioners, County Manager, Assistant County Manager, Community Development Director, County Attorneys and the Open Space and Trails Director.

For other Section Leaders not subject to the Home Rule Charter provisions and for Volunteer Citizen Board members and County Hearing Officers the following conflict of interest policy shall apply.

A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This policy is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.

No Section Leader, Citizen Board Member, or County Hearing Officer shall vote or otherwise participate in a decision making process which affects any property, asset, or entity in which he/she has a known significant financial interest or in which any member of his/her family has a known significant financial interest. Family is defined as spouse, parent, brother, sister, grandparent, child, grandchild, step-child, step-parent, step-grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any individual who is a part of the Section Leader's,

Citizen Board Member's, or County Hearing Officer's immediate household. Any Section Leader or Citizen Board Member otherwise barred from participating in a discussion pursuant to this section may, if requested by his/her respective Board or the County Manager, give information about the issue in which he/she or his/her family has a financial interest. A County Hearing Officer may not hear a matter in which he/she or his/her family has a financial interest.

This prohibition, and the prohibition on institutional conflicts in paragraph 6B, shall not prevent Section Leaders from performing their work for the County, so long as any financial or *institutional* interest held by a Section Leader is not in conflict with the common public interest, and is disclosed to the County Manager or, in the case of the County Manager, to the Board of County Commissioners. The County Manager has the discretion to direct a Section Leader to refrain from participation when a conflict exists.

If an issue arises in which a Volunteer Board Member believes he/she may have a either a private or an institutional conflict of interest, he/she must disclose that potential conflict of interest to his/her respective board and the County Attorney for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation as a Board Member in the decision-making process or voting on that issue. A Board Member may vote on an issue notwithstanding the conflict only if his/her participation is necessary to obtain a quorum or otherwise enable the board to act.

If an issue arises in which a Section Leader believes he/she may have a conflict of interest, he/she must disclose that potential conflict of interest to the County Manager for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in the decision-making process or voting on that issue.

If an issue arises in which a County Hearing Officer believes he/she may have a conflict of interest, he/she must disclose that potential conflict of interest to the County Attorney for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will be disqualified from acting as Hearing Officer on that matter.

B. Institutional Conflicts of Interest. An institutional conflict of interest occurs when a Public Official is a member of a board, group, or organization that is requesting action from the Public Official or the Board of County Commissioners of Pitkin County or volunteer citizen board of which the Public Official is a member, and the action requested provides a benefit to the board, group, or organization that is different from the common public interest. No Public Official shall vote or otherwise participate in a decision making process requested by a board, group, or organization of which he or she is a member when an institutional conflict of interest exists.

The process for handling these institutional conflicts are the same as expressed in this Standard of Conduct for handling private conflicts. Institutional conflicts of those Public Officials subject to the Home Rule Charter provisions on conflicts are governed by the Home Rule Charter process.

7. Gifts and Favors

Public Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Acceptance of nominal gifts in keeping with special occasions, meals and refreshments in the ordinary course of business, or social courtesies, which promote good public relations and encourage participation in community events, is permitted.

8. Confidential Information

Public officials have a duty and obligation to promote what should be public and a duty and obligation to protect what should be confidential. Public Officials shall respect that certain information concerning the property, personnel or affairs of the County is confidential. They shall neither disclose confidential information, nor use such information to advance their personal, financial or other private interests without prior authorization from their respective boards.

9. Use of Public Resources

Public Officials shall not use public resources not available to the public in general, such as County staff time, equipment, supplies or facilities, for personal gain.

10. Representation of Private Interests

In keeping with their role as stewards of the public interest, Board Members shall not appear before their own boards or before the Commissioners on behalf of the private interests of third parties on matters related to the areas of service of their boards.

11. Advocacy

Board Members shall represent the official policies or positions of their Board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Board members shall explicitly state they do not represent their body or Pitkin County, nor will they allow the inference that they do.

12. Policy Role of Public Officials

Public Officials shall respect and adhere to the Board-Manager structure of Pitkin County government as outlined by the Home Rule Charter. In this structure, the Board of County Commissioners determines the policies of the County with the advice, information and analysis provided by the public, boards and commissions, and County staff.

13. Independence of Boards and Hearing Officers

Because of the value of the independent advice of Volunteer Citizen Boards and County Hearing Officers to the public decision-making process, members of Board of County Commissioners

shall refrain from using their position to unduly influence the deliberations or outcomes of appointed board or hearing officer proceedings.

14. Positive Work Place Environment

Public Officials shall support a positive and constructive work place environment for County employees and for citizens and businesses dealing with the County. Any single Board Member should not give direction to staff, but after a decision of the majority of the Board present at a meeting, the request can then be forwarded to the County Manager, or to the applicable staff liaison for Citizen Boards, to give staff direction. However, individual board members may seek information directly from staff, which will then be distributed to all board members. If a Board Member has a request that is of a magnitude that disrupts the normal workflow of a County employee, the request shall go through the County Manager. This section shall not be construed to prohibit the County Manager or staff liaisons from obtaining direction from Board Members in emergency situations when a meeting cannot be held before some action is necessary.

15. Bylaws

All Volunteer Citizen Boards shall adopt bylaws. These bylaws must be approved by resolution of the Board of County Commissioners.

16. Absenteeism

Members of the Board of County Commissioners shall make every effort to attend all scheduled meetings. If they are unable to attend any meeting they shall advise the County Manager.

Each Volunteer Citizen Board shall recommend its own absenteeism policy and include this policy in its bylaws. All Citizen Board members shall comply with their respective Board's absenteeism policy.

17. Implementation

The Pitkin County Standard of Conduct is intended to be self-enforcing and shall be included in the regular orientations for new board members, and newly elected and appointed officials and Section Leaders. In addition, the Standard of Conduct shall be reviewed by the Board of County Commissioners to consider recommendations and to update it as necessary.

18. Compliance and Enforcement

The Pitkin County Standard of Conduct expresses standards of ethical conduct expected for members of the Pitkin County Commissioners, Volunteer Citizen Boards and Section Leaders. Public Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity and effective functioning of government.

Any Board Member may notify the Board of County Commissioners, through the County Attorney, when actions that appear to be in violation of the Standard of Conduct are brought to their attention. The County Attorney shall bring any alleged violation to the full Board of County Commissioners. The Board of County Commissioners may impose sanctions, up to and including removal of members of Volunteer Citizen Boards and County Hearing Officers, for violation of this Standard of Conduct.

The Board of County Commissioners may impose sanctions on Commissioners whose conduct does not comply with the County's ethical standards, such as reprimand, public or private censure, loss of seniority or committee assignment, or budget restriction. The imposition of sanctions on any Board Member requires the unanimous approval of the full Board of County commissioners, except for any Commissioner who is the subject of the proposed sanction.

Unless prohibited by law, deliberations and consideration of sanctions, if any, shall be conducted at a public meeting.

County staff subject to this Standard of Conduct may be subject to disciplinary action by his/her supervisor, up to and including termination of employment for violation of this Standard of Conduct.

Except as provided in the Home Rule Charter, a violation of this Standard of Conduct shall not be considered a basis for challenging the validity of a County Commissioner, Volunteer Citizen Board, or County Hearing Officer decision, and shall not create any legal rights for a private citizen.

This section on sanctions does not supersede the provisions of the Home Rule Charter, and in the event of any conflicts between this Standard of Conduct and the Home Rule Charter, the Home Rule Charter prevails.