

Town of Lake City Board of Trustees (Elected/Appointed Officials) Policy, Procedures and Code of Conduct

OVERVIEW AND PURPOSE

The Town of Lake City, a Colorado statutory town, is committed to the principles of good governance and endorses the following code of ethics and conduct to provide guidance for its elected and appointed officials, including advisory boards and other volunteers (hereafter referred to collectively as "public servants") to perform their duties in a way that best serves public interest and honors public trust.

This document is guided by what the Town of Lake City Board of Trustees believe to be the core values of good governance - **Fiscal Responsibility, Professionalism, Accountability, Integrity, Transparency, Respect, and Service.**

ROLES & RESPONSIBILITIES

The Town of Lake City operates under a Board of Trustees-Town Administrator (Manager) form of government. The Board of Trustees is composed of six Trustees and one Mayor. The role of the Board is to set policies and planning, while the Town Manager carries out those policies and plans at the pleasure of the Board. The Town Manager is the sole employee of the Board of Trustees and is responsible for staff management and day-today operations; the Board of Trustees is responsible for legislative functions such as interacting with the public and working to reach consensus on policy making and planning.

PRINCIPLES OF GOOD GOVERNANCE

The Town of Lake City is committed to adhering to the principles of good governance to better serve its constituents. The following good governance checklist should be used when making decisions:

- 1) Am I being accountable to the community and the public?
- 2) Will my decision/statement/action violate the trust, rights or goodwill of others?
- 3) What are my ulterior motives and the spirit behind my actions?
- 4) If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- 5) How would my conduct be evaluated by people whose integrity and character I respect?
- 6) Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- 7) Is my conduct fair? Just? Morally right?
- 8) If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- 9) Does my conduct give others reason to trust or distrust me?
- 10) Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- 11) Can I take legitimate pride in the way I conduct myself and the example I set?
- 12) Do I listen and understand the views of others?
- 13) Do I question and confront different points of view in a constructive manner?
- 14) Do I work to resolve differences and come to mutual agreement?
- 15) Do I support others and show respect for their ideas?

Public servants should endeavor to align their behavior, actions, and decisions with these principles of good governance.

CONFLICTS OF INTEREST

As a general rule, Trustees have a fiduciary duty to the people who reside in the Town of Lake City. A Trustee who has a personal or private pecuniary (monetary) interest in any issue proposed or pending before the Town of Lake City, or has a spouse or family member who has a pecuniary (monetary) interest in any issue proposed or pending before the Town of Lake City, must disclose the fact to the board and recuse him or herself from any discussion or vote on the issue. However, absent a pecuniary (monetary) interest, simply hearing an issue while serving on another board does not create a conflict of interest that requires recusal.

In the case of a spouse or family member serving on a board, which may create a conflict for the Trustee, voluntary disclosure on the record is suggested. The Trustee should take care not to discuss any matters with their spouse or family members that may come before the Town.

The Trustee should always be mindful of appearing neutral. When an issue comes before the Town and a Trustee has heard the issue while serving on another board, the Trustee should voluntarily disclose their previous involvement with the issue and make an affirmative statement that the Trustee will not consider any matters outside of the Board of Trustee meeting when voting on an issue. This voluntary disclosure acts as a defense to later allegations of impropriety.

The only time a Trustee should recuse him or herself for a conflict arising from serving on another board is if the matter before the Town is quasi-judicial, such as rezoning. A quasi-judicial decision is one which a court may review. In these cases, the Trustee should recuse, since he or she received information on the application outside the Board of Trustee hearing. In this case, recusal would be based upon ex-parte communication, bias or prejudice.

Board Members shall comply with applicable current state law, concerning conflict of interest and disclosure requirements, including but not limited to C.R.S. 24-18-10 et seq., C.R.S. 31-4-404, C.R.S. 24-18-201, C.R.S. 18-4-301, C.R.S. 18-4-401, and C.R.S. 18-8-308.

No Board Member may vote on any matter before his or her Board if the Board Member has a conflict of interest. If a conflict is not clear, the member may disclose the nature of the conflict of interest to the Board prior to abstaining from voting. If the member requests the remaining members to determine whether a conflict of interest exists, the remaining members shall determine by vote of a majority whether a conflict of interest exists.

When a Board Member is precluded from voting on a matter because of a conflict of interest, then the Board Member shall physically remove him or herself from the meeting room and shall refrain from attempting to influence the decisions of other members of the board. After the Board has completed consideration of the matter, the board member may return and resume his or her duties as a member of the Board.

No Board Member shall vote on any question concerning his or her own conduct.

The same policy and procedure applies to all other elected and appointed Town of Lake City public servants as it relates to their individual boards.

DECORUM AND ORDER

All members of the Board of Trustees shall observe proper decorum at meetings and other official public gatherings when acting in the official capacity as a member or members of the Board of Trustees. All members shall avoid the use of abusive or profane language at meetings and when addressing the Board. In the event that abusive or profane language is used or an individual member of the Board of Trustees

otherwise disrupts a Board meeting or violates these rules, the presiding officer shall, or any member may, call the violator to order, in which case the violator shall be quieted, unless permitted to explain.

INAPPROPRIATE CONDUCT

Certain types of misconduct may result in disciplinary action. Such matters include but are not limited to: material falsification of records, repeated and unexplained tardiness or absences from meetings (absences because of vacations, illness, and personal or family obligations will not be considered inappropriate conduct), and repeated failure to follow established chain-of-command procedure where interaction with Town staff is concerned. When acting in their official capacity as members of the Board of Trustees, all board members must go through the Town Manager, the board's one employee, with all town staff communications involving town administration and operations.

Other examples of inappropriate conduct are: soliciting for personal or political gain; collection of money for personal gain or to settle personal debts; circulating petitions or distributing printed material on Town premises at any time, unless approval has been obtained from the Board of Trustees; fighting or attempting to fight on Town property; conviction of a crime; offensive conduct or language toward the public, fellow officials or town staff; misrepresentation of facts both during meetings and during public interaction; negligence in the care or handling of Town property; conduct or omissions unbecoming an incumbent of the particular position held; misuse of official capacity; misuse of town email accounts, computers, letterheads, stationery and other Town of Lake City property for purposes other than Town of Lake City official business; sexual harassment; and other actions that imply harassment. This list provides some examples and is not exhaustive. Other actions may warrant disciplinary action depending on the circumstances involved.

CONFIDENTIAL INFORMATION

No Board of Trustees member shall disclose confidential information acquired during the course of his/her duties; nor shall he/she use such information, or permit others to use it, in furtherance of a private interest.

GIFTS

Members of the Board of Trustees shall not solicit or accept, directly or indirectly, any gift of substantial value, (a) which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties; or (b) which he/she knows, or which a reasonable person in his/her position should know under the circumstances, is primarily for the purpose of rewarding him/her for official action he/she has taken. An occasional non-monetary gift, insignificant in value, is not considered a gift of substantial value.

GENERAL ETHICS – TOWN OPERATIONS

Nepotism - Except as otherwise required by law, no elected or appointed public servant should participate in any decision to appoint, hire, promote, discipline or discharge a member of their immediate family, should disclose such relationship, and recuse or remove him or herself appropriately.

Use of Town Property for Personal Purposes - Use of Town Property for Personal Purposes is considered a violation of this Code of Ethics and Conduct. While it is understood that occasionally a phone call or copy must be made, Town resources, including utilities, facilities, and equipment, should not be used for personal business.

Staff Interaction – Other than the Town Manager, who is the sole employee of the Board of Trustees, members should not make direct requests of Town staff except when in the capacity of a private citizen requiring services. Any requests concerning Town personnel and services made as a Trustee or the

Mayor should be made through the Town Manager.

COMMUNICATIONS

In Private Encounters:

- 1) Continue respectful behavior. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- 2) Be aware of the insecurity of written notes, voicemail messages, and e-mail. Technology presents the risk of quick public dissemination of communications far beyond the intended recipient. Written notes, voicemail messages and e-mail should be treated as potentially public communication.
- 3) Even private conversations can have a public presence.
- 4) Public servants are always on display - their actions, mannerisms, language, and interactions in nonofficial settings are under scrutiny. They should always conduct themselves in a way that reflects positively.

Between Staff & Elected Officials:

- 1) Exemplary governance depends on the cooperative and supportive efforts of elected officials, who set policy, and Town staff, who implement and administer policy. Every effort should be made to be cooperative and show mutual respect for the contributions made by each public servant.
- 2) Treat all public servants as professionals - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- 3) Job Disruption - Board members should not disrupt Town staff while they are in meetings, on the phone, or performing their job functions to have individual needs met. Questions and/or requests should be directed to the Town Manager.
- 4) Never publicly criticize an individual employee. Board members should never express concerns about the performance of a Town employee in public, to the employee directly, or to the employee's department head. Comments pertaining to staff performance should only be made to the Town Manager through private correspondence or conversation.
- 5) Do not act outside the scope of your authority. Board members should not attempt to influence Town staff on the making of appointments, the awarding of contracts, the selection of consultants, processing applications, or the granting of Town licenses and permits. Unsolicited attendance at staff meetings is discouraged. Correspondingly, Town staff should not attempt to sway Board members other than providing official recommendations to the entire governing body, especially for quasi-judicial matters such as liquor license hearings or land use hearings.
- 6) Honor the established structure. Elected officials should not be involved with administrative matters. Staff members should not circumvent their supervisor or the established structure by appealing to an elected official for a raise or other consideration that should be between the staff member and their supervisor.
- 7) Limit requests for staff support. Requests for additional staff support, even in high priority or emergency situations, should be made to the Town Manager, who is responsible for allocating Town resources in order to maintain a professional, well-run and fiscally responsible town government.
- 8) Do not solicit political support from staff. Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace.

Between Boards & Commissions:

- 1) Familiarize yourself with the bylaws, policies, and structure of the Town of Lake City and its governing and advisory entities. Act in a manner respectful of those structures.
- 2) Make an effort to communicate as one voice between boards & commissions. Take the time and make the effort to reach consensus and avoid confusing official recommendations with personal opinion or ex-parte information once a compromise has been reached.

3) Always be consistent when directing advisory boards and commissions, whether individual members or the entity.

With the Media:

1) Make no promises on behalf of the Town of Lake City.

2) Board of Trustee members will frequently be asked to explain a Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer individuals to Town staff for further information. It is inappropriate to overtly or implicitly promise Board action, or to promise that Town staff will do something specific (fix a pothole, handle an undocumented code violation, plant flowers everywhere, etc.).

3) Staff should inform the media of official public actions, refer media to the public record, and refrain from providing personal opinions. Always refer the media to the Town Manager for information on particular topics, rather than providing second-hand knowledge. The Town Manager will either provide the information or direct the media person to the appropriate source.

4) Do not speak, write, or otherwise communicate for the Town of Lake City without proper authorization.

5) Unless you are expressly permitted to do so by Board of Trustee action prior to your communication, do not speak for the Town of Lake City in an official capacity. Always disclose your communications as an individual and not representative of the Town of Lake City.

6) It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory or personal comments about other public servants, or their opinions and actions.

DISCIPLINARY ACTION PROCESS AND/OR REMOVAL FROM OFFICE OF AN ELECTED OR APPOINTED OFFICIAL

Barring violations of Lake City Board of Trustees Policy, Procedures and Code of Conduct that because of their serious nature require immediate action to remove an elected or appointed official, the Board of Trustees may choose implementation of the following steps:

- 1) Reprimand/Warning
- 2) Censure
- 3) Sanction

At its discretion, the Board of Trustees may remove any elected or appointed Town official in compliance with Colorado law. Removal may occur only upon an affirmative vote of at least four members of the Board and only for good cause shown by preponderance of the evidence presented at a hearing conducted after notice of the alleged grounds for removal has been issued to the affected official. The alleged grounds may be raised in a written complaint by a member of the Board or by any citizen of the Town. However, at or before the time that a hearing is set for a full consideration of the complaint, a majority of any quorum of the Board must first find that there is a reasonable foundation for the complaint. Upon such finding by the Board, but no sooner than ten (10) days after filing of the complaint, the matter shall be placed on the agenda of a regular or special meeting of the Board for full hearing. If, upon completion of such hearing, there is no adequate vote for removal of the affected official, that official shall not be subject to any subsequent removal hearing on the same charge(s). All testimony taken at a removal hearing shall be given under oath.

Good cause for disciplinary action and/or removal shall be determined on the basis of preponderance of the evidence presented and may be found against any official who has:

- 1) Intentionally disclosed protected, confidential government/personnel information obtained during executive sessions or in the course of Board of Trustee duties;
- 2) Knowingly violated the conflict of interest provisions of this policy/code of conduct or Colorado law;
- 3) Continuously and willfully violated ordinances of the Town of Lake City, including failure to go through the Town Manager and misusing Board of Trustee status to instruct town staff to perform certain actions;

- 4) Knowingly misused public resources and equipment;
- 5) Been convicted of a felony or crime of moral turpitude during the current term of office, or within five years of being elected, which conviction was not known to the voters at the time the member was elected to office;
- 6) Continuously and willfully violated staff interaction procedures.
- 7) Willfully neglected the official's duty as an elected official;
- 8) Ceased to reside in the Town Limits for more than forty-five (45) days, except when county residency is deemed acceptable by the Board under certain circumstances.

DEFINITIONS

Appearance of impropriety refers to actions or decisions that may not technically fall under conflict of interest guidelines, but tend to undermine the public trust in the Town of Lake City's governing practices.

Censure is an official written statement approved by the Board of Trustees as an official sanction that identifies the Code of Ethics and Conduct violation or violations and expresses disapproval.

Public servant refers to any elected or appointed official of the Town of Lake City, as well as employees and volunteers, including, but not limited to Board of Trustee members, Planning & Zoning Commissioners and adhoc committee member, the Lake City Historic Preservation Commission, part time employees, recreation instructors and volunteers, and temporary employees.

Sanction is an action taken by the Board of Trustees if an individual member of the Board of Trustees or an advisory board member is in violation of this Code of Ethics and Conduct. Sanctions can include reprimand, formal censure, and removal from boards and commissions (in compliance with state law).

Reprimand is a verbal statement in a meeting which addresses a Code of Ethics and Conduct violation and includes the section of this code in question.