



City of Pueblo Boards and Commissions Manual



Prepared by
Office of the Mayor

Revised
November 2022

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GUIDELINES FOR BOARD AND COMMISSION MEMBERS

WELCOME

Welcome to the City of Pueblo! Your selection as an active member of a Mayor-appointed board or commission will provide you with a valuable opportunity for genuine public service, and we thank you for your contribution. The specific duties of each board and commission vary widely, you should become familiar with your board or commission's rules and procedures. These guidelines will assist you in maximizing your contribution to our community.

REPRESENTATION OF A BOARD OR COMMISSION

As an individual member of a board or commission, you must not represent your personal views or recommendations as those of the board or commission unless the majority of the body has officially voted to approve such action. Board or commission members making recommendations or expressing views which have not been approved by a majority of the board should indicate they are expressing individual opinions and are not speaking on behalf of the board or the City. In some circumstances, such as membership on a quasi-judicial board, you should not express individual opinions outside the hearing.

Public statements should contain no promises that may be construed to be binding on a board or commission, staff, City of Pueblo, the Mayor, or the City Council. When making a public statement, members should remind listeners that board actions are recommendations (unless otherwise provided by law) and that final action will be taken by the City Council and/or the Mayor. Remember that your actions and statements as a board or commission member assume special significance, and if not responsibly discharged, could result in a situation detrimental to the City's best interests.

Although board and commission members may be selected, in part, on the basis of representing specific interest groups, each member should represent the overall public good and not that of an exclusive group or interest.

RELATIONSHIP WITH OTHER MEMBERS

On many occasions, the success or failure of the efforts of a board or commission is dependent upon the degree of cooperation evident among the individual members of the body. We encourage you to keep the following points in mind in your interactions with other members:

- Show respect for another's viewpoint.
- Allow others adequate time to present their views fully before making comments.
- Be open and honest.
- Welcome new members and help them become acquainted with their duties.
- Strive to minimize political action among members.

CHARGE: A Checklist for Effectiveness

C – Charter

Am I familiar with . . .

- The Charter of the City of Pueblo in general?
- The specific function of my board or commission as outlined in the Agreement, Resolution, or Ordinance that it was created by?
- What my fellow board members and I expect to achieve for the community?
- The name of the staff liaison assigned to my board or commission?

H – Hierarchy

Do I understand . . .

- How my board or commission's work affects the community?
- The scope of authority of my board or commission?
- The role of my board's staff liaison?
- The role of my board or commission chairperson?
- My role as a board or commission member?

A – Accountability

Do I understand . . .

- My board or commission's liability and my own liability as an individual member?
- What constitutes a conflict of interest?
- Exactly how the law requires that a conflict of interest be handled?
- My board's accountability to the public?

R – Responsibility

Do I . . .

- Attend all board and commission meetings?
- Prepare for the meetings by studying the agenda and supplemental materials ahead of time?
- Complete the tasks I have volunteered to take on?
- Know what responsibilities each of us, as individual board members, has to our board colleagues?

G – Goals

Do I know . . .

- My board or commission's goals for the next term?
- What tasks must be completed to reach each of our goals?
- Deadlines for the tasks for which I am responsible?

E – Evaluation

Have I . . .

- Discussed with other members and staff what our board or commission can do to improve our performance?

CODE OF ETHICS

Upon appointment, all newly appointed members of boards and commissions are provided with a copy of Title I, Chapter 9 from the Pueblo Municipal Code referencing the Code of Ethics for all board and commission members. Board and commission members should be familiar with these guidelines. A copy of the Code of Ethics is attached as Appendix I.

INTRODUCTION TO CITY GOVERNMENT

CITY COUNCIL

The Pueblo City Council is composed of four district Council members and three Council members elected at-large, who are elected on a nonpartisan basis for four-year terms. The President of City Council is chosen from among the entire Council and serves a term of one year.

The City Council serves as the community's legislative body, and is responsible for approving City ordinances and resolutions, and appropriating funds to conduct City business. By provision of the City Charter, City Council members are specifically prohibited from giving direction to any of the City staff members.

MAYOR

The City of Pueblo operates within a Mayor-Council form of government. The Mayor is the Chief Executive Officer of the City and is responsible for the overall management of City operations.

Among other powers, the Mayor has the authority to...

- a) Enforce the laws and ordinances of the City;
- b) Appoint, suspend, and remove heads or directors of all bureaus, departments, and city employees;
- c) Exercise supervision and control over all executive and administrative departments and agencies created by the City Charter or by the City Council;
- d) Prepare the Budget annually and submit it to the Council and be responsible for its administration after adoption;
- e) Prepare a written State of the City report annually;
- f) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council for adoption as he or she may deem necessary or expedient;
- g) Enforce all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utility franchise and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same;
- h) Appoint the Deputy Mayor subject to Council confirmation;
- i) Appoint the members of City boards and commissions pursuant to Charter Section 2-5;
- j) Recommend to the Council such measures and ordinances as he or she may deem necessary or expedient, and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable; and

- k) Participate in discussions of the Council in an advisory capacity, and have the right to attend and be heard at any regular, special, open or closed session meeting of the Council, but not have the right to vote at such meetings.

GENERAL INFORMATION

GENERAL PROVISIONS

Details about boards and commissions may be found in Article 2, Section 2-5 of the City Charter and in Title II, Chapter 1, Article I of the Municipal Code. The Mayor, with the approval of City Council, may establish appointive boards and commissions to advise the City on various issues and perform such functions as the Council or Mayor may designate. The agreement, ordinance, or resolution establishing each board or commission prescribes the powers, duties, and operating procedures of the board or commission; and establishes the terms of office of the board or commission members, including initial overlapping terms.

Applications for any Mayor-appointed board, commission, or advisory committee must be submitted to the Office of the Mayor on or before the published deadline. Applications received after the published deadline will not be considered; however, will be kept on file for the next available position on that board, commission, or advisory committee.

All board and commission members are subject to removal by the Mayor. Any vacancy during the unexpired term of any member is filled by the Mayor, subject to Council confirmation, for the remainder of the term. Each board and commission shall choose its own chairperson from among its members. The Mayor may change any or all of the powers, duties, and procedures of any board or commission and may abolish any board or commission which is not required by the Charter or law.

MEMBERSHIP TERM LIMITS

The following limitations and requirements are applied to board and commission membership:

- There are term limits for board or commission members appointed by the Mayor. Generally, service on a board or commission is limited to 2 consecutive terms. (Resolution No. 13614, 2-13-17)
- Certain boards and commissions require that members reside within the Incorporated City of Pueblo, as specified in the agreement, ordinance, or resolution that created the committee, or in the boards or commission's bylaws.

STAFF LIAISON ROLE

Staff support is available to boards and commissions through the various staff members assigned as liaisons to help each group. A board's and commission's staff liaison is responsible for the following:

- Prepare the agenda and review it with the chairperson prior to distribution.
- Distribute the agenda packet.
- Ensure that a copy of the meeting notice is posted on the Official Bulletin Board at least twenty-four hours prior to the meeting. The meeting notice may be e-mailed to the City Clerk's Assistant, who will then post the notice (Office of the City Clerk).

- Ensure the recording and distribution of meeting minutes. The length and content of minutes will vary with the needs and legal requirements of each board and shall include minimum requirements listed under “Meeting Responsibilities” in this Manual.
- Handle coordination regarding meeting scheduling, setup, and public notification.
- Ensure new members are oriented to the board, including procedures and projects.
- If the board or commission desires to adopt bylaws, work with members and the City Attorney’s Office to write bylaws and send a copy to the City Clerk after formal adoption by the board.
- Ensure the election of officers is held each year and inform the Boards and Commissions Coordinator of the results of each election.
- Provide information to the board or commission regarding policy changes and distribute updated information to all members.
- Advise the Boards and Commission Coordinator (the Mayor’s Office) of the following:
 - Attendance problems
 - Resignations
 - Meeting schedule/location changes
 - Name/address/phone number changes for board or commission members
 - Staff/name/title/phone number changes for staff liaisons

It should be noted that staff liaisons are **not** authorized to:

- Override a decision of the City Council or Mayor.
- Serve as a resource for projects outside of a board’s or commission’s mission and goals.
- Serve as a communications link between the City Council or Mayor and board or commission members.

In order to initiate and dedicate staff time to policy investigation, consideration of an ordinance or other significant projects:

- The request must be supported by a majority of the entire board or commission.
- If a majority agrees, the board should first contact the Mayor and staff liaison.
- The staff liaison will work with the board to seek direction from the Mayor and City Attorney on the appropriateness of the request and will provide direction on whether staff should proceed.
- From time to time, staff liaisons may prepare memorandums to the Mayor at the request of the board or commission. These communications are sent directly to the Mayor. It is the responsibility of the Mayor to respond directly to the board or commission if the Mayor so chooses. The staff liaison is not responsible for monitoring or ensuring a response from the Mayor.

ATTENDANCE POLICY

Upon application for and acceptance of appointment, board and commission members demonstrate their intention and ability to attend meetings. If a member experiences recurring attendance problems, the chairperson of the board or commission shall contact the member and remind them of the attendance policy.

All members of boards and commissions serve at the pleasure of the Mayor. The Mayor may remove any member at any time for non-attendance at board or commission meetings. As a

general rule of thumb, members will be referred for dismissal if they fail to attend three consecutive meetings, however, the Mayor may choose to remove members for any reason that amounts to good cause.

In the event that a vacancy occurs by reason of absence without excuse, the staff liaison shall notify the Boards and Commissions Coordinator and the Mayor shall prepare a letter notifying the board or commission member that he or she has been removed from the board or commission, and the Boards and Commissions Coordinator will prepare a resolution removing the board or commission member.

VACANCIES

When the terms of incumbent board or commission members are due to expire, the Boards and Commissions Coordinator will contact incumbent board or commission members to see if they are interested in being considered for reappointment.

The Boards and Commissions Coordinator will then send an advertisement to be published in the Public Notices section of the *Pueblo Chieftain*, seeking individuals to apply for the vacancies. An announcement on the Mayor's webpage will also be posted.

Once the deadline for applications has expired, the Boards and Commissions Coordinator will prepare a list of applicants for the Mayor's consideration. The Mayor will then select the applicant(s) to be appointed and inform the Boards and Commissions Coordinator. The Boards and Commissions Coordinator will then prepare a resolution to be sent to the City Council for confirmation. Once confirmed by the City Council, applicants will officially be on the board or commission. If the City Council does not confirm the applicant(s) they will not be appointed to serve on the board or commission.

Applications for any Mayor-appointed board, commission or advisory committee must be submitted to the Office of the City Clerk on or before the published deadline. Applications received after the published deadline will not be considered; however, will be kept on file for the next available position on that board, commission, or advisory committee.

Staff liaisons are responsible for notifying the Boards and Commissions Coordinator when a member resigns. The staff liaison should request a letter of resignation from the board or commission member, to be forwarded to the Boards and Commissions Coordinator, who will then begin the process to fill the vacancy.

The Mayor, subject to Council confirmation, will appoint replacements by official resolution as needed. The Boards and Commissions Coordinator will notify the staff liaison of appointments.

ELECTION OF OFFICERS

The election of officers should be held each year. The staff liaison should notify the Boards and Commissions Coordinator of the names of the elected officers.

ORIENTATION AND TRAINING

The City of Pueblo's insurance carrier, CIRSA (Colorado Intergovernmental Risk Sharing Agency), provides training with regard to liability issues of board and commission members. **All members**

of City boards and commissions are required to complete the training within six (6) months of appointment. CIRSA training information is available in Appendix II. Additionally, staff liaisons should provide new board members with pertinent materials which will assist new members in becoming fully functioning members of the board/commission. Established board and commission members are encouraged to share their experience and knowledge with new members.

BUDGET

Generally, budgets are not established for boards and commissions. However, if funds are necessary for the routine business of boards and commissions, they shall be included in the departmental budget for the department that provides staff support to a board or commission.

BYLAWS

The Municipal Code provides that all boards and commissions may adopt bylaws which are consistent with the Charter, the Code or other policies that may be established by the City. A copy of the bylaws must be filed with the City Clerk for the use of the City immediately after adoption by the board or commission, and they may be subject to the approval of the City Council and/or the Mayor.

MEETING RESPONSIBILITIES

CONDUCT OF MEETINGS

It is important that boards and commissions conduct their meetings in a manner that is procedurally correct. The Colorado Municipal League has published a handbook entitled "Boards and Commissions Handbook." This publication contains excellent materials for the conduct of meetings. It is recommended that boards and commissions follow the procedures for the conduct of meetings as established in the Colorado Municipal League publication, and that *Robert's Rules of Order, Newly Revised*, be followed as recommended by the Colorado Municipal League publication, provided, however, that the chairpersons of City boards and commissions shall be permitted to participate in the debate of matters presented to such boards and commissions and shall also be permitted to vote on all motions made by members of such boards and commissions, to the same extent and with the same effect as other members. These rules of procedure may also be further modified by each board or commission, upon majority vote, if the board or commission believes that such modification would enable it to better meet its responsibilities under the Code or Charter and to fulfill its functions. Additionally, in those instances where *Robert's Rules of Order* may be inconsistent with the provisions of the City Charter or Code of Ordinances of the City, the Charter and Code of Ordinances shall take precedence.

OPEN MEETINGS

The Municipal Code and Colorado Law specifically require that all meetings of a board or commission, and all meetings of any committee of a board or commission, shall be open to the public at all times, except when the board or commission is meeting in a validly convened executive session.

The term "meeting" is defined as a gathering of a quorum or three or more members, whichever is fewer, of any board or commission, or any committee of such board or commission, at which

any public business is discussed or at which any formal action may be taken. It is important to remember that the open meeting requirements apply to more than just in-person gatherings. They also apply to telephone conference calls, electronic “chat room” conferences, or any other means of communication where conference-like communication can occur. However, the term “meeting” does not include a chance meeting or social gathering at which the discussion of public business is not the central purpose.

NOTICE REQUIREMENT

Full and timely notice to the public must be given prior to the holding of any meeting of a board or commission (or committee of a board or commission) at which a majority or quorum is in attendance or is expected to be in attendance or at which formal action could be taken.

Notices of meetings must be posted on the Official Bulletin Board no less than twenty-four hours prior to the meeting. The Official Bulletin Board is located on the first floor of City Hall, #1 City Hall Place, Pueblo, Colorado. The staff liaison is responsible for ensuring posting of notices of meetings or e-mailing notices of meetings to the City Clerk’s Office, who will then post the notices.

QUORUM REQUIREMENTS

In order for a board or commission to conduct any business or take any formal action, it is necessary that a quorum of the membership be present at the meeting. A quorum is defined as the minimum number of members of a group necessary to conduct the business of that group, which is sometimes the majority of the total number of members specified by the Municipal Code to comprise the board or commission. This quorum requirement does not change even if a position on the board or commission is vacant and the Mayor has not appointed a replacement. In the event that a quorum is not present for a meeting, those present can adjourn the meeting to a later date and time, unless otherwise provided in the board or commission bylaws or Municipal Code.

MINUTES

Minutes shall be taken at any meeting of a board or commission at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur. The minutes must be open to public inspection and a copy maintained with the staff liaison.

While the minutes should be as accurate as possible, the recording secretary is not required to record every remark made at the meeting. The recording secretary should not make the minutes a verbatim transcript.

The minutes should include a description of each item being discussed. Listing questions and answers during discussion of each item is not necessary; however, comments that summarize board member positions on each item should be included as support for each board member’s vote on each issue. (NOTE: It is important that the minutes reflect the reasons for dissenting votes.) The exact wording of any motion made should be included in the minutes, and the maker and second of the motion should be noted. If the motion is approved or defeated unanimously, such should be noted. If the vote on a motion is split, the record should reflect those voting in favor of the motion and those voting against the motion. (NOTE: Special matters such as annexation and zoning hearings may require considerably more detail. Items being forwarded for City Council consideration should also include more detail.)

Approval of Minutes:

- Any additions, deletions, or corrections to the minutes should be presented by board and staff members.
- A motion should be made and seconded to approve the minutes of the last meeting as amended.
- The approved minutes should be signed by the chairperson and secretary of the board or commission.

ADJOURNMENT

Recording adjournment of a meeting in the minutes is advisable, since it indicates whether the meeting was finally adjourned, or adjourned to another time prior to the next regular meeting. The adjournment should specify the time when the meeting was adjourned to a later date and hour.

EXECUTIVE SESSIONS

The holding of an executive session is the only time that a meeting of a board or commission may lawfully be conducted privately. Because of the strong interest in maintaining an open and public government, the Municipal Code and the courts have strictly limited the use of executive sessions to certain prescribed situations.

For most boards and commissions, the use of executive sessions is a rare event and board and commission members are encouraged to obtain advice in advance from the City Attorney's Office if they contemplate requesting such a session.

The Municipal Code provides that any board or commission, upon the affirmative vote of 2/3 of the quorum present, may go into executive session for considering such matters as would be permissible for consideration by the City Council in executive session, insofar as such matters may be pertinent to the purposes for which the board or commission has been established. The permissible purposes are generally as follows:

- To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a);
- For a conference with the City Attorney for receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
- For discussion of a matter required to be kept confidential by federal or state law, rule, or regulation under C.R.S. Section 24-6-402(4)(c);
- For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d);
- For determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);
- For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of the City Council or any elected official; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;
- For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g);

A motion to go into an executive session must contain a statement as to the topic for the executive session. The statement as to the topic for the executive session must provide as much detail as possible without compromising the purpose for which the executive session is to be held. However, it is not necessary or advisable to identify a confidential component of the topic, such as the specific individual or specific property that the executive session will concern. Additionally, the motion to go into an executive session must specifically cite the provision of the Colorado Revised Statutes that authorizes the board or commission to meet in executive session. An example of a valid motion to go into an executive session is as follows:

“I move to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) specifically to instruct Pueblo Economic Development Corporation relating to job creating capital improvement projects; and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property; and meeting with the City Attorney to receive legal advice regarding potential litigation and the manner in which the board’s action may be affected by existing law.”

In order to convene an executive session, it is necessary that the motion to do so be made at an open and validly convened regular or special meeting of the board or commission. The motion must be approved by not less than two-thirds (2/3) of the quorum present at the meeting. The minutes of the regular or special meeting must specifically reflect the motion, the topic of the proposed executive session, the specific citation of the Municipal Code authorizing the executive session, and the vote upon the motion.

An audio recording must be made of all discussions that occur in an executive session, except those discussions that constitute a privileged attorney-client communication. In that attorney-client situation, a recording need not be made so long as the attorney is present at the executive session and the audio recording of the executive session discussion reflects the fact that no further record was kept of the discussion based on the opinion of said attorney that the discussion constitutes a privileged attorney-client communication. The board or commission may choose to record the privileged attorney-client communication portion of the executive session so there is no question about the propriety of going “off the record.”

The audio tape of an executive session must be maintained for not less than 90 days, after which the tape may be destroyed pursuant to the City’s document retention policy. It is important to realize that any person may file an application with the District Court challenging the lawfulness of an executive session. In such a circumstance, the District Court Judge would review the audio tape to determine whether or not the requirements of the Colorado Revised Statutes were met. If the above described legal requirements were not met, the Court will make public that portion of the executive session that either strayed from the appropriate topic or where formal action was taken.

During an executive session, the board or commission cannot make final policy decisions, adopt resolutions, or take other formal action. If a board or commission does attempt to take formal or final action in an executive session, such action would be void and of no effect. Information received by board and commission members in an executive session should be kept confidential by the members. A member could become criminally liable for misuse of official information if a member used confidential information for his or her personal pecuniary gain or aided another in achieving a pecuniary benefit. Disclosure of confidential information could also result in the loss of liability protection under the Colorado Governmental Immunity Act for the individual making

the disclosure and removal from membership on the board or commission. Only the body can waive the executive session privilege, individual members may not.

CONFLICT OF INTEREST GUIDELINES

INTRODUCTION

The members of City boards and commissions are subject to certain rules of ethical conduct established by the City Charter and Code. The following summary highlights the primary areas of concern addressed by these rules. When in doubt, a board or commission member should consult with the City Attorney for clarification of any applicable regulations. Ultimately, each member is responsible for his or her own compliance with all applicable laws and regulations.

CONFLICTS OF INTEREST

A board or commission member should refrain from voting on or attempting to influence any decision in which he or she has a financial or personal conflict of interest. Generally, a board or commission member has a financial interest in a decision when the decision entails some foreseeable, measurable financial benefit or detriment to the individual member or relative. Even if a member does not have a financial interest in a decision or recommendation, a personal interest may also create a conflict of interest. The test for a personal interest is whether, in the judgement of a reasonably prudent person, the board or commission member would realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. In applying this test in a business context, a board or commission member should check with the City Attorney before participating in any decision which directly and substantially affects a business in which he or she either has a substantial financial interest or is engaged as a consultant or representative. Or, if a decision of the City might directly and substantially affect a particular business to its economic detriment, and a board or commission member has a substantial financial interest in a competing firm, the member should also exercise caution in deciding whether to participate in the decision.

CONTRACTS WITH THE CITY

No City official or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City, unless it be by competitive bidding or not exceeding the sum of one hundred dollars (\$100.00) in any calendar year; in cases of emergency necessary to protect the public health, safety, and welfare, competitive bidding may be waived. Members of boards or commissions shall be permitted to provide technical or professional services to the City where such services are exempt from the requirements of competitive bidding. (PMC §1-9-7(b)).

DISCLOSURE OF CONFIDENCES

Board and commission members sometimes receive confidential information from City staff. Such information should not be used for the private benefit of the board or commission member or any other individual. Additionally, disclosure of the information is prohibited if a reasonable person would consider that the disclosure would injure the financial interests of the City.

GIFTS AND FAVORS

The acceptance of gifts is generally prohibited; especially when the acceptance of the gift or favor is from persons doing business with the City and if the gift or favor might reasonably be construed as compensation for an official decision or as something that would tend to impair the board or commission member's independence of judgment in the performance of his or her official duties. The following specific items are excluded from the definition of prohibited gifts or favors and may be accepted:

- Non-pecuniary awards for public service.
- Reimbursement for expenditure of attending job-related conferences or other meetings.
- Invitations to social functions or meetings which are not extraordinary when viewed in the light of the position held by the board or commission member.
- Perishable or nonpermanent value items such as meals, lodging, travel expenses, or tickets to sporting, recreation, educational or cultural events.
- Salary from outside employment.

CHECKLIST

The following questions are suggested when examining a potential conflict of interest or question of ethical conduct. If the answer to the question is "yes," the board or commission member should avoid participating in the decision of engaging in the proposed transaction:

- **Sales to the City:** Will I or my relative receive some foreseeable, measurable financial benefit? Am I involved in the procurement or supervision?
- **Financial Interest in a Decision:** Will I or my relative receive some foreseeable, measurable financial benefit?
- **Personal Interests:** Would a reasonably prudent person believe that I or my relative will realize or experience some direct and substantial benefit or detriment from this decision that is different in kind from that experienced by the general public? Will the business that either of us represents directly and substantially benefit? Will a competing firm be directly and substantially harmed?
- **Gifts or Favors:** Is this gift or favor being offered to me because of a decision I have made or am about to make? Would a reasonably prudent person think that this gift or favor would impair my independence of judgment? (Before deciding to accept a gift, it should fit under one of the exemptions in the Code.)
- **Confidences:** Am I about to use or disclose a confidence which, in the judgment of a reasonably prudent person, would injure the financial interests of the City? Will I be using it for private gain, either for myself or for another person?

ACTIVE BOARDS AND COMMISSIONS OF THE CITY OF PUEBLO APPOINTED BY THE MAYOR

The following are active boards and commissions for the City of Pueblo:

BOARDS OF APPEALS

▪ **Building Board of Appeals** Composed of five members, a professional engineer registered in Colorado who specializes in the field of structural design, an architect registered in Colorado, two (2) general contractors (one of whom shall be classified as unlimited), and a licensed journeyman in the building trades industry or a person experienced in performing work under the Building Code.

Meetings are held on the 4th Thursday of the month, 4:00 p.m. (as called)

Regional Building Department, 830 N. Main Street – Contact: 543-0002

▪ **Electrical Board of Appeals** Composed of six members, a professional engineer registered in Colorado who specializes as an electrical engineer, two (2) Colorado licensed electrical contractors, two (2) Colorado licensed journeyman electricians and an electrical engineer or journeyman electrician who is an employee of an electric utility company doing business in the City or County of Pueblo.

Meetings are held on the 2nd Thursday of the month, 4:00 p.m. (as called)

Regional Building Department, 830 N. Main Street – Contact: 543-0002

▪ **Mechanical Board of Appeals** Composed of five members, a professional engineer registered in Colorado who specializes as a mechanical engineer, two (2) contractors licensed under the adopted Mechanical Code or licensed gas installation contractors, and two (2) licensed journeyman gas fitters or sheet metal workers or persons experienced in performing work under the Mechanical Code.

Meetings are held on the 1st Tuesday of the month, 4:00 p.m. (as called)

Regional Building Department, 830 N. Main Street – Contact: 543-0002

▪ **Plumbing Board of Appeals** Composed of five members, a professional engineer registered in Colorado who specializes as a mechanical engineer, two (2) Colorado licensed plumbing contractors, and two (2) Colorado licensed journeyman plumbers.

Meetings are held on the 2nd Tuesday of the month, 4:00 p.m. (as called)

Regional Building Department, 830 N. Main Street – Contact: 543-0002

BOARD OF ELECTIONS

Section 17-7 of the Charter provides for a Board of Elections, consisting of the City Clerk and two members appointed by the Council. The Election Board recommends to Council for approval such rules and regulations as necessary for the conduct of elections, and provides for ballots and sample ballots, appointment, removal, compensation, terms of judges of elections, absentee voting, determination of the winner in case of tie vote, canvass of returns, and issuance of appropriate certificates.

Meetings are held as called in the City Clerk's Office. Contact Person: Brenda Armijo – 553-2669

BOARD OF HEALTH

In order to fulfill the mission of the Pueblo Department of Public Health and Environment, the Board of Health provides financial direction and policy guidelines to the department to obtain the highest standard of public health protection and safety for the community.

Meetings are held on the 4th Wednesday of each month, 12:00 noon

Pueblo Department of Public Health and Environment, 101 W. 9th Street, 3rd Floor Conference Rm C,

Contact: Ramona Chisman-Ewing – 583-4513

COMMUNITY SERVICES ADVISORY COMMISSION (CSAC)

The Community Services Advisory Commission studies the needs of the community in the areas of health and human services, recreation, arts and culture, environmental conservation, and economic development; reviews and analyzes proposals that are submitted to the Pueblo County and City of Pueblo Partnership during the annual Request for Proposal (RFP) process, including conducting interviews and performing site visits of agencies submitting proposals; makes final recommendations to the City and County officials for funding consideration on an annual basis, or as needed, in an emergency situation; and works on other issues and projects as assigned to them by the Public Officials.

Meetings vary, check website

Historic Court House, 215 W 10th Street, Room 305, Pueblo, CO 81003

Contact: Dona Skaggs – 583-4414

EL CENTRO DEL QUINTO SOL RECREATION CENTER BOARD OF DIRECTORS

The El Centro Del Quinto Sol Recreation Center Board of Directors serves in an advisory capacity providing recommendations to the Parks and Recreation Department and City Council on issues related to planning and operation of the El Centro Del Quinto Sol Recreation Center (“El Centro”) including its programs, services, and facilities.

Meetings are held quarterly on the first Tuesday of the Month: January, April, July, October

El Centro del Quinto Sol Center, 609 Erie Avenue - Contact: Mike Sexton – 553-2804

FIRE BOARD OF APPEALS

Experience or training qualifies members of the Fire Board of Appeals, to make decisions on safety matters. Any person aggrieved by a ruling, decision, interpretation, or order of the Fire Chief, Deputy Fire Chief in charge of Fire Prevention, or the Fire Department, has the right to appeal to this Board. Board members then have the authority to affirm, modify, or reverse said appealed ruling, interpretation, order, or decision. Members adopt reasonable rules and regulations for conducting proceedings and render all decisions and findings in writing to the Fire Chief with a duplicate copy to the appellant and may recommend to City Council such new legislation as deemed necessary.

Meetings are held on the 2nd Thursday of the month, 4:00 p.m. (as called)

and/or within 20 days of an appeal

Fire Station 4, 2201 Lake Ave – Contact: Barb Huber – 553-2825

FOUNTAIN CREEK WATERSHED FLOOD CONTROL & GREENWAY DISTRICT

The Fountain Creek Watershed Flood Control & Greenway District Governing Board first seeks approval of special legislation to establish the Watershed District, and second, at the appropriate time, to place a funding measure on the ballot to provide for long term funding of the Watershed District in order to

manage, administer, and fund the capital improvements and maintenance projects necessary to improve

drainage, mitigate flooding, sedimentation, and erosion, address water quality issues, and develop public recreational opportunities including parks and trails in the Watershed.

Meetings are held (as called) – Contact: Jeff Chostner – 583-6537

HISTORIC ARKANSAS RIVERWALK OF PUEBLO (HARP) AUTHORITY BOARD OF DIRECTORS

The Historic Arkansas Riverwalk of Pueblo (HARP) Authority Board was created and organized as a separate legal entity, whose function, purpose, and obligation is to promote, manage, supervise, operate, develop, and maintain the Historic Arkansas Riverwalk Project.

Meetings are held on the 2nd Wednesday of each month, 3:30 p.m.

HARP Foundation Conference Room, 125 Riverwalk Place – Lynn Clark, Executive Director Contact: Michelle Francis, Development Manager – 595-0242

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission advises and assists owners of landmarks and elements within historic districts on physical, technical, and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places, Colorado Register of Historic Properties, and designation as landmarks of historic districts, reviews applications for designation of landmarks or historic districts, issues or denies certificates of appropriateness, demolition permits, or certificates of economic hardship affecting designated landmarks or elements within a designated historic district, prepares and maintains a register of landmarks and historic districts.

Meetings are held on the 2nd Wednesday of each month, 1:30 pm

City Council Chambers, 1 City Hall Place 3rd floor – Contact: Alan Lamberg – 553-2241

HONOR FARM ENTERPRISE CITIZENS ADVISORY BOARD

The Honor Farm Enterprise Citizens Advisory Board investigates, evaluates, and recommends programs to the Department of Parks and Recreation for the Honor Farm Enterprise, including the Pueblo Motorsports Park, and makes periodic reports with respect to its activities to the City Council.

Meetings are held on the 1st Thursday of each month, 6:00 p.m.

City Park, 800 Goodnight Ave. - Contact: Steven Meier – 553-2783

HOUSING AUTHORITY OF THE CITY OF PUEBLO BOARD OF DIRECTORS

The Board of Directors of the City of Pueblo Housing Authority advises the City Council on matters pertaining to affordable housing issues of concern to the City and assists with low-income rent and safe affordable housing.

Meetings are held on the 3rd Thursday of each month, 12:15 p.m. (as called)

201 South Victoria Avenue – Frank D. Pacheco, Interim Executive Director – Contact Luanne Beard, Executive Assistant– 584-7629

LIQUOR AND BEER LICENSING BOARD

The Pueblo Liquor and Beer Licensing Board serves as the licensing authority for the sale of alcohol beverages and for the issuance of cabaret licenses. The Board prescribes the terms, conditions, and provisions necessary to protect citizens' economic and social welfare, health, peace, and morality. In order to enforce liquor regulations, the Board has the power to suspend or revoke the licenses it issues.

Meetings are held on the 1st and 3rd Wednesday of each month, 6:00 p.m.

City Council Chambers, 1 City Hall Place 3rd floor – Contact: Belinda Kimball – 553-2628

MEDICAL AND RETAIL MARIJUANA LICENSING AUTHORITY

The Authority as provided in the PMC shall: issue or deny marijuana licenses and renewals of the same within the City; conduct hearings, grant or deny motions, make findings and orders, administer oaths, and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which it is authorized to conduct; to impose sanctions on any license issued by the Authority on its own motion or on complaint by the City for any violation by the licensee after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard; issue approvals and disapprovals; adopt rules and policies for filing applications and requests; and adopt application forms and submission requirements; adopt rules, procedures and policies for its own proceedings; control the mode, manner, and order of all proceedings and hearings.

Meetings are held on the 3rd Thursday of each month, 6:00 p.m.

City Council Chambers, 1 City Hall Place 3rd floor – Contact: Cindy Capritta – 553-2602

PLANNING AND ZONING COMMISSION

The City Planning and Zoning Commission (P&Z) prepares and submits to the Council for its approval a master plan for the physical development of the City. All plats of proposed annexations, subdivisions, special area plans, rezonings, vacations, and master plans presented to City Council for approval are submitted to the City Planning and Zoning Commission, which then makes recommendations to the Council with respect thereto. The P&Z Commission prepares and recommends to Council a comprehensive zoning ordinance or proposes amendments or revisions thereto. The Commission hears applications for amendments, modifications or revisions of zoning ordinances, and forwards such applications to the Council with its recommendations thereon. The recommendations of the Commission are not binding on the Council, which may approve or disapprove the Commission's findings. Members of the Planning and Zoning Commission must be qualified electors, residents of the City of Pueblo at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the city administration.

Meetings are held on the 2nd Wednesday of each month, 3:30 p.m.

City Council Chambers, 1 City Hall Place 3rd floor – Contact: Beritt Odom – 553-2339

PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES

The Pueblo City-County Library District Board of Trustees holds and administers library properties and funds; formulates policies and guides the direction of the library affairs, relates the library to the community's needs and determines and adopts written policies to govern the operation, use and program of the library. The Board of Trustees endorses expenditures; formulates and approves the annual budget; presents the library's program to the community; hires the director and delegates the operation and management of the library to him/her; and attends monthly board meetings and any regular or ad hoc committee meetings.

Meetings are held on the 4th Thursday of each month, 5:30 p.m.

Rawlings Library, 100 E. Abriendo Avenue – Contact: Jon Walker – 562-5625 or Rose Jubert - 562-5633

PUEBLO CONSERVANCY DISTRICT

The Pueblo Conservancy District was formed per the Conservancy Law of Colorado (Title 37, Article 1, CRS) to reduce flood risk, conserve or develop water resources, or participate in the development of parks or recreational facilities. The Pueblo Conservancy District may spend district revenues, including from its construction and maintenance funds, for the following purposes, in the following order of priority: First for the maintenance, repair, replacement, or improvement of the district's existing flood control levees;

Second, for flood mitigation projects located in whole or part within the district, whether capital or otherwise, in the affected watershed upstream of the district's existing flood control levees; and Third, for flood mitigation projects located in whole or part within the district, whether capital or otherwise, in the affected watershed downstream of the district's existing flood control levees.

Meetings are held 4th Wednesday of each month (as called).

Southwest Heritage Museum, 201 West B Street– Contact: Rich Kidd – 544-5239

PUEBLO DEPOT ACTIVITY DEVELOPMENT AUTHORITY/BOARD OF DIRECTORS

The Pueblo Depot Activity Development Authority Board of Directors provides policy guidance regarding the reuse of the Pueblo Chemical Depot. The Board also binds the Authority in contractual and other legal obligations. The Authority is an economic development organization responsible for the reuse of the Pueblo Chemical Depot, including creating jobs, returning the property to the tax roll, and integrating the Depot's buildings and land into the community's economic development resources.

Meetings are held as called, 12:00 p.m.

701 Court Street – Contact: Russell DeSalvo, President, CEO or Laura Heberly, Executive Assistant – 947-3770

PUEBLO ECONOMIC DEVELOPMENT CORPORATION (PEDCO)

The Pueblo Economic Development Corporation (PEDCO) advises the City Council on matters pertaining to the economic health and sustainability of the city, including, but not limited to:

- events and trends occurring outside the Pueblo community that may affect the local economy,
- immediate and long-term threats to the local economy, and
- possible partnerships with other public and private entities.

Meetings are held on the 2nd Thursday of each month, 3:30 p.m.

PEDCO Board Room – 301 N. Main Street – Contact: Andrew Lang – 544-2000

PUEBLO HUMAN RELATIONS COMMISSION

The Pueblo Human Relations Commission serves as an instrumentality through which the City and the County of Pueblo may officially encourage and bring about mutual understanding and respect for all persons of any race, creed, color, disability, gender, sexual orientation, or national origin throughout Pueblo County, and help give effect to equal rights for all persons as assured by the federal and state constitutions and laws.

Meetings are held the 1st Tuesday of each month, 5:30 p.m.

Lamb Branch Library Contact: 582-4503 or pueblohrc15@gmail.com

PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE

The functions of the Committee are to investigate, evaluate, promote, and recommend programs for commercial airlines and general aviation services at Pueblo Memorial Airport; create a community awareness program as to the availability of and use of air service at Pueblo Memorial Airport and make periodic reports with respect to its activities to the City Council and the Board of County Commissioners of Pueblo County, Colorado.

Meetings are held on the 3rd Tuesday of each month, 2:30 p.m. (as called)

Airport Conference Room – Contact: Jayme Ridell – 553-2741

PUEBLO MUNICIPAL GOLF COURSE ENTERPRISE ADVISORY COMMITTEE

The functions of the Committee are to make recommendations to the Parks and Recreation Department on issues related to planning, operation and development of the Municipal Golf Course Enterprise (Elmwood and Walking Stick Golf Courses) including its programs, services, and facilities.

Meetings are held on the 1st Thursday of every month, 12:00 p.m. alternating between Elmwood and Walking Stick Golf Course Restaurants – Contact Mike Sexton – 553-2804

PUEBLO REGIONAL BUILDING COMMISSION

The Pueblo Regional Building Commission is composed of nine members. The City of Pueblo makes three appointments, as does Pueblo County, with both the City and County agreeing on one “combined” appointment. One City Council member and one County Commissioner also serve on the Commission. Members provide general supervision of administration and policy direction for the Pueblo Regional Building Department, appoint the Building Official, submit an annual Department budget to the City and County, make monthly reports of activities to the City and County, and carry out other functions and responsibilities as required by agreement between the City and the County.

Meetings are held on the 3rd Wednesday of each month, 7:00 a.m.

Pueblo Regional Building Department, 830 N Main St., – Contact: Jeanette Kelley – 543-0002

PUEBLO STREETScape ADVISORY COMMITTEE

The Pueblo Streetscape Advisory Committee investigates, evaluates, promotes and recommends projects with respect to streetscape projects throughout the City of Pueblo; creates a community awareness program as to the availability and use of grant and general fund monies; volunteerism to maintain sustainable streetscapes; makes periodic reports with respect to streetscape projects to the City Council and assists in implementing Resolution No. 11060, adopted by City Council on July 9, 2007, promoting the use of western landscaping within the Pueblo community.

Meetings are held on the 1st Tuesday of each month, 3:00 p.m.

Planning & Zoning Conference Room, 211 E. D Street – Contact: Kelly Grisham – 553-2254

SANGRE DE CRISTO ARTS & CONFERENCE CENTER BOARD OF TRUSTEES

The Sangre De Cristo Arts & Conference Center Board of Trustees meets at least quarter-annually, and that group elects an Executive Board which meets once a month to manage the affairs of the Center. Members must be, or become within 30 days of appointment to the Board, members in good standing of the Sangre de Cristo Arts and Conference Center.

Meetings are held on the 4th Wednesday of each month, 4:00 p.m.

Sangre de Cristo Arts & Conference Center, 3rd Floor Board Room – Contact: Kathy Berg – 295-7230

URBAN RENEWAL AUTHORITY OF THE CITY OF PUEBLO

The Urban Renewal Authority of the City of Pueblo is a separate public body politic and corporate and is authorized to exercise broad governmental powers in planning and implementing redevelopment projects. Its powers include the authority to acquire, rehabilitate, administer, and sell or lease property. When necessary, the Authority may exercise the right of eminent domain to facilitate acquisition of property and has the power to issue obligations or incur other debt for financing the cost of its redevelopment activities and operations. The Authority can cause pavements, sidewalks, and other public facilities to be built and installed. The Authority can further prepare for use as a building site any real property which it owns or acquires.

Meetings are held on the 2nd Tuesday of each, 11:50 am.

Pueblo Convention Center 320 Central Main – Contact: Jerry Pacheco or Andrea De La Garza – 542-2577

ZONING BOARD OF APPEALS

The Zoning Board of Appeals has the power to hear and determine appeals from refusal of building permits; make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent; and authorize variances from the strict applications of regulations in such situations and subject to such limitations as may be set by ordinance. The findings and decisions of the Board shall be final, subject only to the reversal by the District Court. Members must be qualified electors, residents of the City for at least one year immediately prior to the date of their appointment, and hold no other office or position in City Administration.

Meetings are held on the 4th Tuesday of each, 7:00 p.m.

City Council Chambers, 1 City Hall Place 3rd floor – Contact: Chelsea Stromberg – 553-2262

Appendix I. Code of Ethics

Sec. 1-9-1. - Legislative declaration.

The City Council recognizes the importance of the participation of the citizens of the City in all levels of government in the City. The City Council further recognizes that, when citizens of the City obtain public office, conflicts may arise between the public duty of such a citizen and his or her private interest. The City Council hereby declares that the prescription of uniform standards of conduct for City officials and employees consistent with those applicable to local governments adopted by the Colorado legislature is beneficial to the citizens of the City. The provisions of this Chapter recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

- (1) Mission Statement. A mission of the City of Pueblo is to assure that the public has confidence in the integrity of all aspects of City government and the public servants that exercise discretionary powers.
- (2) Framework and Purpose of Code of Ethics.
 - a. Framework. This code of ethics should evoke a commitment to maintain high ethical standards. The following provisions form the framework of the essential principles of Pueblo public service conduct and ethics:
 1. Public Interest. Treat public service as a public trust, only using the power and resources of public service to advance public interest and not to attain personal or private benefit.
 2. Objective Judgment. Employ independent, objective judgment in performing duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
 3. Accountability. Assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold public servants accountable.
 4. Democratic Leadership. Honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
 5. Respectability. Safeguard public confidence in the integrity of government by being honest, fair, caring and respectful, and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public servants.
 - b. Purpose of Code of Ethics. The purpose of the code of ethics is to:
 1. State principles of conduct and ethics which are to be applied in public service;
 2. Help motivate public servants to pursue productive conduct and ethical ideals which exceed minimum standards;
 3. Provide a process by which public servants may identify and resolve conduct and ethical issues;

4. Identify minimum standards of ethical conduct for public servants;
5. Inform the public of the minimum standards to which their public servants are expected to adhere;
6. Promote public confidence in the integrity of public servants;
7. Encourage members of the public to serve Pueblo and its public by seeking public office or employment and to take pride in participating in the governmental process;
8. Establish penalties, when appropriate, for public servants who violate the public trust; and
9. Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of the code of ethics.

Sec. 1-9-2. - Definitions.

As used in this Chapter, unless the context otherwise requires:

- (1) *Boards and commissions* means all boards and commissions appointed by the City Council.
- (2) *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.
- (3) *City official* means an elected or appointed official of the City, including the Mayor, Deputy Mayor, a department director and appointed members of boards and commissions, but excluding an employee of the City.
- (4) *Compensation* means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or herself or another.
- (5) *Domestic partner* means an unmarried adult, unrelated by blood, with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (6) *Employee* means any temporary or permanent employee of the City but excluding a City official and excluding employees of the Board of Water Works of Pueblo, Colorado.
- (7) *Family* means domestic partner and any person related by blood, marriage (in-law), step or adoption, in any of the following degrees: parent, spouse, children, brothers, sisters, nephews, nieces, aunts, uncles, first cousins, grandparents and grandchildren. A divorce or separation between spouses shall not be deemed to terminate the relationships described herein.
- (8) *Financial interest* means a substantial interest held by an individual which is:
 - a. An ownership interest in a business;
 - b. A creditor interest in an insolvent business;
 - c. An employment or a prospective employment for which negotiations have begun;

- d. An ownership interest in real or personal property;
 - e. A loan or any other debtor interest; or
 - f. A directorship or official ship in a business.
- (9) *Official act* or *official action* means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Sec. 1-9-3. - Public trust; breach of fiduciary duty.

- (a) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of City officials and employees. A City official or employee shall carry out his or her duties and services in a competent, unbiased, open and honest manner for the benefit of the people of the City and shall maintain the highest standards of personal and professional conduct, decorum and integrity.
- (b) A City official or employee whose conduct departs from his or her fiduciary duty is liable to the people of the City as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his or her trust. The City Attorney may bring appropriate judicial proceedings on behalf of the people of the City. Any moneys collected in such actions shall be paid to the general fund of the City. Judicial proceedings pursuant to this Section shall be in addition to any criminal action which may be brought against such City official or employee.

Sec. 1-9-4. - Rules of conduct for all City officials and employees.

- (a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust. A City official or an employee shall not:
 - (1) 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; or
 - (2) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:
 - a. Which would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties; or
 - b. Which he or she knows or which 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.
- (b) 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.
- (c) 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:

- (1) Campaign contributions and contributions in kind reported as required by Section 5-2-1;
 - (2) An occasional nonpecuniary gift, insignificant in value;
 - (3) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
 - (4) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such City official or employee is scheduled to participate;
 - (5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such City official or employee which is not extraordinary when viewed in light of the position held by such City official or employee;
 - (6) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events;
 - (7) Payment for speeches, appearances or publications reported pursuant to Section 24-6-203, C.R.S.;
 - (8) Compensation 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.
- (d) The provisions of this Section are distinct from and in addition to the reporting requirements of Section 5-2-1 of this Code and Section 24-6-203, C.R.S. and do not relieve an incumbent in or elected candidate to public office of the City from reporting an item described in Subsection (c) above, if such reporting provisions apply.

Sec. 1-9-5. - Ethical principles.

- (a) The principles in this Section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in the City.
- (b) A City official or an employee should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency, official or employee over which he or she has substantive authority.
- (c) A City official or an employee should not, within six (6) months following the termination of his or her office or employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during his or her term of employment. These matters include rules, other than rules of general application, which he or she actively helped to formulate and applications, claims or contested cases in the consideration of which he or she was an active participant.
- (d) A City official or an employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.

Sec. 1-9-6. - Disclosure of information.

No City official or employee shall disclose any information or records that are not available to the public, which were acquired in the course of public office duties, except in the performance of public office duties or as required by law or court order. Records or discussions of an executive session of City Council or a board or commission shall not be disclosed except pursuant to Section 24-6-402(2)(d.5)(II)(D), C.R.S.

Sec. 1-9-7. - Personal interest rules of conduct for City officials and employees.

- (a) Proof beyond a reasonable doubt of commission of any act enumerated in this Section is proof that the actor has breached his or her fiduciary duty and the public trust.
- (b) A City official or employee shall not:
 - (1) Engage in a substantial financial transaction for his or her private business purposes with a person whom he or she inspects or supervises in the course of his or her official duties; or
 - (2) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he or she or his or her family either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.
- (c) A member of the City Council who or whose family has a personal or private interest in any matter proposed or pending before the City Council shall disclose such interest to the City Council and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the City Council in voting on the matter.
- (d) It shall not be a breach of fiduciary duty and the public trust, nor a violation of any provision of this Chapter, for a City official or employee to:
 - (1) Use City facilities or equipment to communicate or correspond with a member's constituents, family members or business associates;
 - (2) Accept or receive a benefit as an indirect consequence of transacting City business; or
 - (3) Take direct official action on the following matters even if the person or a relative employed by the City would benefit:
 - a. The City's annual budget or an amendment to the annual budget; or
 - b. Establishing the pay or fringe benefit plans of City officials, employees or officers. Notwithstanding this Subparagraph b., City Council members' pay shall be established pursuant to Section 2-1 of the Charter.

Sec. 1-9-8. - Penalty.

Any individual who is found to have violated any provision of this code of ethics shall be liable to the City for double the amount of financial equivalent of any benefits obtained by such actions. The manner of recovery and any additional penalties may be as provided by law. City employees and non-elected City officials who violate this code of ethics are also subject to appropriate disciplinary action, up to and including termination of employment.

Sec. 1-9-9. - Powers of the City Attorney.

The City Attorney may issue advisory opinions to persons subject to the provisions of this Chapter concerning issues relating to the requesting person's conduct and the provisions of this Chapter with such deletions as are necessary to protect the identity of the requesting party or the party about whom the opinion is written. The requesting person may also request an advisory opinion from the Secretary of State pursuant to Section 24-18-111, C.R.S.

Sec. 1-9-10. - Interests in contracts.

City officials or employees shall not be interested in any contract made by them in their official capacity or by any body, agency or board of which they are members or employees. A former employee may not, within six (6) months following the termination of his or her employment, contract or be employed by an employer who contracts with the City involving matters with which he or she was directly involved during his or her employment. For purposes of this Section, the term:

- (1) Be interested in does not include holding a minority interest in a corporation.
- (2) Contract does not include:
 - a. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 - b. Merchandise sold to the highest bidder at public auctions;
 - c. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 - d. A contract with respect to which any City official or employee has disclosed a personal interest and has not voted thereon. Any such disclosure shall be made to the City Council.

Sec. 1-9-11. - Interest in sales or purchases.

- (a) City officials shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.
- (b) Notwithstanding anything contained in this Chapter to the contrary, no City official or employee of the City shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City, except it be by competitive bidding or not exceeding the sum of one hundred dollars (\$100.00) in any calendar year; in cases of emergency necessary to protect the public health, safety and welfare, competitive bidding may be waived. Members of boards or commissions shall be permitted to provide technical or professional services to the City where such services are exempt from the requirements of competitive bidding.

Sec. 1-9-12. - Voidable contracts.

Every contract made in violation of any of the provisions of Section 1-9-10 or 1-9-11 shall be voidable at the instance of any party to the contract except the City official interested therein.

Sec. 1-9-13. - Applicability.

This Chapter shall apply to all elected and appointed officials of the City, all employees of the City and all City boards and commissions. This Chapter is intended to conform, as nearly as may

be, to Article 18, Title 24, C.R.S. To the end that the interpretation of this Chapter shall be uniform with the interpretation of such state law, the content of each section has, as near as practicable, been kept consistent with such state law applicable to local government officials, employees and boards and commissions. However, all matters referred to herein are expressly and specifically declared to be local and municipal matters under Article XX of the Constitution of the State, and in the event of conflict between this Chapter and Article 18, Title 24, C.R.S., this Chapter shall govern and control.

Secs. 1-9-14—1-9-19. - Reserved.

Article II - Nepotism and Fraternization

Sec. 1-9-20. - Definitions.

As used in this Article, unless the context otherwise requires:

- (1) *Direct line of supervision* shall mean the immediate supervisor of an employee and the immediate supervisor of the employee's immediate supervisor.
- (2) *Personal relationship* means dating or any other intimate relationship beyond mere friendship and excluding domestic partner or spouse.
- (3) *Relative* means domestic partner and any person related by blood, marriage (in-law), step or adoption, in any of the following degrees: parent, spouse, children, brothers, sisters, nephews, nieces, aunts, uncles, first cousins, grandparents and grandchildren. A divorce or separation between spouses shall not be deemed to terminate the relationships described herein.
- (4) *Subordinate* means an employee who is subject to the authority of a supervisor.
- (5) *Supervisor* means a City official who has authority to undertake or recommend tangible employment decisions affecting an employee or who has authority to direct, in part or whole, the employee's work activities.

Sec. 1-9-21. - Restrictions.

- (a) City officials are prohibited from occupying a position in the direct line of supervision with respect to any employee who is a relative. The City shall attempt to take steps to mitigate or avoid such violations whenever reasonably possible. If circumstances require that a City official temporarily occupy a position in direct line of supervision of a relative, reasonable efforts shall be made to refer matters involving the involved employee to an uninvolved supervisor.
- (b) A City official is prohibited from engaging in or maintaining a personal relationship with any subordinate employee of the City official.
- (c) City officials are prohibited from participating in appointments, promotions, or other hiring decisions with respect to any employee who is a relative or with whom they are involved in a personal relationship.

Sec. 1-9-22. - City official responsibility.

Upon entering into any personal relationship that the City official knows or reasonably should know could create a violation of this Article II, the City official shall promptly notify his or her uninvolved, immediate supervisor.

Sec. 1-9-23. - Exemption.

City officials shall be exempt from the prohibition set forth in Subsection 1-9-31(a) with respect to any relative who is an employee of the City as of the effective date of Subsection 1-9-21(a). The scope of this exemption will be limited to the positions held by the City official and the City official's relative(s) on said effective date and shall not apply to any change in such positions.

Sec. 1-9-24. - Waiver.

When there is a change in the individuals constituting the relatives of a City official which would result in a violation of Subsection 1-9-21(a), the City official may request a waiver of the prohibition set forth in Subsection 1-9-21(a). Such request shall be submitted to and may be granted by the Mayor where the City official establishes:

- (1) A waiver will be in the best interest of the City; and
- (2) The City official can and will abstain from participating in any employment decision affecting the relative or appropriate measures can be implemented to reasonably mitigate any conflict of interest.

Secs. 1-9-25—1-9-29. - Reserved.

Article III - Complaint Procedure

Sec. 1-9-30. - Complaints against City officials and employees.

- (a) Any person may file a verified written complaint with the Mayor charging a failure to comply with a provision of this code of ethics by a City employee (other than a Municipal Judge or an elected City official) and non-elected City officials. The Mayor shall investigate or direct a department head of the City to investigate such a complaint. Nothing in this subsection shall limit City Council's ability to investigate pursuant to Section 3-5 of the Charter of the City of Pueblo.
- (b) Any person may file a verified written complaint with the President of the City Council charging a failure to comply with a provision of this code of ethics by the Mayor, a Municipal Judge or elected City officials. The President of the City Council shall investigate such a complaint. If the complaint is against the President of the City Council, the complaint shall be filed with and investigated by the Vice-President of the City Council. If an ethics complaint is filed against a member of the City Council, that member shall be prohibited from investigating or voting to take action on the complaint.
- (c) Complaints which fail to state a claim of a violation of this code of ethics shall be dismissed.
- (d) Any complaint against a City employee and any action taken with respect thereto (including, but not limited to, documents placed in the City employee's personnel file) shall remain confidential, unless confidentiality is waived by the City employee.

Appendix II. CIRSA: Ethics Training for Boards and Commissions

As a member of a Board or Commission, it is important to know and adhere to best practices and lead by example. The City of Pueblo's insurance carrier, CIRSA (Colorado Intergovernmental Risk Sharing Agency), provides training with regard to liability issues of board and commission members. **All members of City boards and commissions are required to complete the training within six (6) months of appointment.** A notification will be sent to the Boards and Commissions Coordinator when you access this webinar.

The webinar is just under 30 minutes, please allow yourself time to watch without distractions. Boards and Commissions members may access the webinar here:

Ethics Training for Boards and Commissions
(no login needed)

www.pueblo.us/EthicsTraining