

**CITY OF LONE TREE
RESOLUTION NO. 06-28**

**A RESOLUTION REGARDING STANDARDS OF CONDUCT BY CITY OF LONE
TREE OFFICERS, EMPLOYEES, AND CONSULTANTS.**

WHEREAS, the conduct of City of Lone Tree officers, employees, and consultants is a key factor in maintaining the respect and confidence of the City's residents; and

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

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

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

WHEREAS, to ensure proper conduct and to preserve the public confidence, City officers, employees, and consultants should have the benefit of specific standards to guide their conduct and a penalty mechanism to enforce those standards; and

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

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LONE TREE, COLORADO:**

Section 1. Definitions. As used in this Resolution:

- A. "City officer" means any member of the City Council, Planning Commission, Board of Adjustment or any other board, commission, or committee established by the City.
- B. "consultant" means any individual person or entity hired as an independent contractor by the City to perform services temporarily or permanently for the City pursuant to a written agreement, which services are performed on a frequent and regular, as opposed to a periodic, basis, and which services are typical of those performed by in-house municipal departments such as, but not limited to, administration, legal, engineering, public works, financial, land use, building, code enforcement, and police.

- C. “employee” means a person hired by, and placed on the payroll of, the City to perform labor or services temporarily or permanently for the City.
- D. “professional lobbyist” means any individual person who engages himself or herself, or is engaged by any other person, for pay or for any consideration for lobbying (advocating an interest or position to a City officer, employee or consultant), except that “professional lobbyist” shall not mean a volunteer lobbyist, any City officer, employee, or consultant acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

Section 2. Use of Confidential Information. A City officer, employee or consultant shall not disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests.

Section 3. Gift Ban.

A. A City officer, employee or consultant shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value that 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 duties to the public or to other City officers, employees or consultants, or that he or she knows or that a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him or her for official action he or she has taken or may take.

B. An economic benefit tantamount to a gift of substantial value shall include without limitation a loan at a rate of interest that is substantially lower than the commercial rate then currently prevalent for similar loans, and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.

C. A gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value shall not include:

- (1) campaign contributions and contributions in kind reported as required by section 1-45-108, Colorado Revised Statutes (C.R.S.);
- (2) an unsolicited, occasional non-pecuniary gift that is insignificant in value;
- (3) an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (4) unsolicited informational material, publications, or subscriptions related to the recipient’s performance of official duties;

- (5) payment of, or reimbursement for, admission for attendance at a convention or other meeting at which the City officer, employee, or consultant is scheduled to participate;
- (6) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting where such reimbursement is not extraordinary in light of the position held by the participating City officer, employee or consultant;
- (7) Anything given by an individual who is a relative or personal friend of the recipient;
- (8) Items of perishable or non-permanent value, including but not limited to meals, lodging, travel expenses, or tickets to sporting, recreational, or cultural events;
- (9) Payment for a speech, appearance, or publication reported pursuant to section 24-6-203, C.R.S.; and
- (10) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the City Council or by reason of service in other public office.
- (11) Anything given as part of an inter-office gift exchange.

D. The provisions of this Resolution are distinct from and in addition to the reporting requirements of section 1-45-108, C.R.S. and section 24-6-203, C.R.S., and do not relieve an incumbent in, or elected candidate to, the City Council from reporting an item described in subsection 3.C. above if such reporting provisions apply.

E. Notwithstanding any provisions herein to the contrary, and except for campaign contributions as defined by law, no professional lobbyist, personally or on behalf of any other person or entity, shall knowingly offer, give, or arrange to give, to any City officer, employee, or consultant, or to a member of such person's immediate family, any gift or thing of value of any kind or nature, or knowingly pay for any meal, beverage, or other item to be consumed by such City officer, employee, or consultant, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such lobbyist's business or in connection with a personal or social event. However, a professional lobbyist shall not be prohibited from offering or giving to a City officer, employee, or consultant who is a member of his or her immediately family any such gift, thing of value, meal or beverage or other item.

Section 4. Standard of Proof. To the extent permitted by law, proof beyond a reasonable doubt shall be required to establish a violation of the provisions of this Resolution.

Section 5. Enforcement and Penalty. Enforcement of the provisions of this Resolution shall be pursuant to applicable State law. The penalty for a finding of violation of the provisions of this Resolution shall be as provided by applicable State law.

APPROVED AND ADOPTED THIS 5TH DAY OF DECEMBER, 2006.

CITY OF LONE TREE



John R. O'Boyle, Jr., Mayor

ATTEST:



Jack W.L. Hidahl, City Clerk

(S E A L)