

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 79-06 as Amended by Resolution No. 46-13

A RESOLUTION ESTABLISHING ETHICAL STANDARDS FOR MEMBERS OF THE CITY'S BOARDS, COMMISSIONS AND SIMILAR GROUPS AND REPEALING RESOLUTION NO. 84-02

Recitals.

- A. The members of City boards, committees, commissions and similar entities are typically appointed by the City Council.
- B. The mission of such entities is to in some way support the City and its citizens.
- C. The actions and pronouncements of the members of such entities may be viewed as being the act or pronouncement of the City.
- D. Adherence to high ethical standards by members of the City Council and its appointed entities increases public confidence and trust in City government.
- E. It is the intent of the City of Grand Junction that its boards, committees, commissions and similar entities act with a high level of ethical conduct so as to instill confidence that persons in positions of any level of public responsibility are acting for the benefit of the public and not out of self-interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. Definitions. The following definitions apply to this resolution:

Advisory as used herein shall mean a body with advisory powers and duties only.

The following entities are examples of primarily "advisory":

- Commission on Arts and Culture
- Parks and Recreation Advisory Board
- Urban Trails Committee
- Riverfront Commission
- Visitor & Convention Bureau Board of Directors
- Other *Ad Hoc* Committees

Advisory groups shall also include those entities that normally act through a City employee or other City group(s).

Authoritative as used herein shall refer to boards, commissions, committees, groups and similar entities which have one or more of the following powers, duties or opportunities:

- spend money
- adopt a budget
- buy or sell property

- act for or bind the City
- sue and be sued,
- hire/fire and supervise employee(s),
- make land use decisions, including zoning and /or variances,
- issue and regulate City licenses, including the power to suspend or revoke a right or privilege to do business within the City,
- make or recommend decisions affecting criminal defendants in Municipal Court.

The following entities are by virtue of their powers and functions “authoritative” entities:

- Building Code Board of Appeals
- Colorado State Leasing Authority
- Downtown Grand Junction Business Improvement District
- Grand Junction Downtown Development Authority
- Grand Junction Forestry Board
- Grand Junction Housing Authority
- Grand Junction Planning Commission
- Grand Junction Regional Airport Authority (for the three City appointees)
- Grand Junction Zoning Board of Appeals
- Historic Preservation Board
- Horizon Drive Association Business Improvement District
- Parks Improvement Advisory Board (for the City’s appointee)
- Public Finance Corporation
- Riverview Technology Corporation
- Ridges Architectural Control Committee

Business associate(s) as used herein shall mean a person who is (1) an owner of ten percent (10%) or more of a firm, corporation, limited liability company, partnership or other legal entity; and/or (2) an officer or director of a corporation; a manager or general manager of a member of a limited liability company; a partner of a partnership or a similar position of authority in another entity.

Disclosure or *disclose* shall mean to provide all pertinent information in writing to each member of the respective board or groups, and to send a copy to the Mayor and to the City Attorney.

Family member means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, grandchildren, brother, sister, and domestic partner, and shall include any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support. A “domestic partner” is an unmarried adult, unrelated by blood, with whom an unmarried member has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.

Member(s) as used herein shall mean any person(s) appointed to a board, commission, committee or similar group or entity by the City Council or by one or more City officials.

2. The rules established by this resolution supplement state and other applicable law, including but not limited to pertinent provisions of Article 18 of Title 24 of the Colorado Revised Statutes and §101 of the City Charter.

3. Members are encouraged to seek advisory opinions from the City Attorney regarding ethics questions. The City Attorney will respond to requests for ethics opinions within a time and in a form which is reasonable under the circumstances. The City Attorney will deliver a copy of all disclosures and/or inquiries along with any advisory opinion that is made available to the public to the City Clerk who will keep a public record of all such disclosures. Board members are encouraged to use these advisory opinions as information resources.

4. Authoritative entities are subject to higher scrutiny than advisory entities because of their decision-making functions. Members of authoritative entities should strive to avoid not only actual impropriety, but situations which create the appearance of impropriety. Members of authoritative entities shall observe the following rules:

- (a) With regard to the board or group on which the member serves, it is not allowed for the member or family member or business associate of the member to contract with or have a business relationship with such member's board or group.
- (b) It is not allowed for a member to act or be involved in a decision or situation in which it could be reasonably perceived that the member's personal or financial interests could influence the decision-making.
- (c) Regarding the board or group on which a member serves, a member shall not act, influence or be involved in a decision or situation in which a family member or business associate is involved.
- (d) Regarding the board or group on which the member serves, it is not allowed for a family member or business associate to do business with the board or group.
- (e) Each member must disclose any conflict or situation which creates an appearance of impropriety (including the potential of either) as soon as possible.
- (f) If a conflict exists, the member must remove him or herself from further involvement in the decision or the process.
- (g) If the situation creates an appearance of impropriety, the member may remove him/herself or may seek the guidance of the other members of the board or group.
- (h) If either a conflict or the appearance thereof reasonably exists, the member may not attempt influence any decision-maker.

5. Advisory boards and members are not subject to the rules that apply to Authoritative boards or groups, except that a member of an advisory board or group must as soon as possible disclose any conflict or situation which creates the appearance of impropriety (including the potential of either), and such member must abstain from participation in and/or from exercising influence regarding the matter.

6. No conflict or impropriety exists for any member if the matter does not involve the board or group on which the member serves.

Resolution No. 84-02 is hereby repealed and replaced by this policy.

PASSED and ADOPTED on the 5th day of July, 2006 and subsequently amended on July 3, 2013.

Certified by:

Stephanie Tuin, City Clerk