

**RESOLUTION NO. 2017-04  
CITY OF CREEDE, A COLORADO TOWN**

**ADOPTING A CODE OF ETHICS AND CONDUCT**

**WHEREAS**, the City of Creede, A Colorado Town (hereinafter the "City"), is committed to the principles of good governance; and

**WHEREAS**, the City endorses the following code of ethics and conduct to provide guidance for staff, elected officials, and appointed officials including advisory boards and other volunteers (hereafter referred to collectively as "public servants") to perform their duties in a way that best serves public interest and honors public trust.

**WHEREAS**, the City recognizes the value of adopting a code of ethics and conduct to provide ethical guidance to public servants in the course of their duties which is reflective of the values of the City; and

**WHEREAS**, local adoption of the City of Creede, A Colorado Town Code of Ethics and Conduct will benefit the City, its residents and taxpayers by establishing these guidelines.

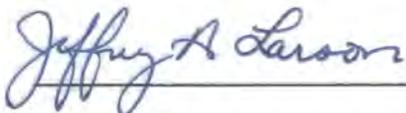
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CITY OF CREEDE as follows:**

**Section 1.** That the City of Creede, A Colorado Town Code of Ethics and Conduct is hereby adopted as it is presented in Exhibit A and as it may be revised and amended by the Board of Trustees from time to time in the future.

**Section 2.** That the City of Creede, A Colorado Town Ethics Quicksheet is hereby adopted as it is presented in Exhibit B and as it may be revised and amended by the Board of Trustees from time to time in the future.

**APPROVED AND ADOPTED this 2<sup>nd</sup> day of May, 2017 by the Board of Trustees of the City of Creede, A Colorado Town:**

**Attest:**

  
\_\_\_\_\_

**Jeffrey Larson**

**Mayor**

  
\_\_\_\_\_

**Randi Snead**



# City of Creede



Est. 1892

## Code of Ethics and Conduct

Adopted 2017

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## OVERVIEW AND PURPOSE

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

This document is guided by the core values of the government of the City of Creede, A Colorado Town:

- ✓ Fiscal Responsibility
- ✓ Professionalism
- ✓ Accountability
  - ✓ Integrity
- ✓ Transparency
  - ✓ Respect
  - ✓ Service

## ROLES & RESPONSIBILITIES

The City of Creede operates under the statutory council-manager form of government and recognizes the importance of maintaining a transparent and well-defined structure. The Board of Trustees is composed of six Trustees and one Mayor. Their role under the council-manager form of government is to set policies and planning, while the City Manager carries out those policies and plans at the pleasure of the Board of Trustees. The City Manager is responsible for staff management and day-to-day operations; the Board of Trustees is responsible for legislative functions such as interacting with the public and working to reach consensus on policy making and planning.

## PRINCIPLES OF GOOD GOVERNANCE

The City of Creede, A Colorado Town is committed to adhering to the principles of good governance in order to best serve our constituents. In consideration of the core values of the City of Creede, the following good governance checklist should be used when making decisions:

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

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

## CONFLICTS OF INTEREST

Creede public servants shall disclose at the earliest stage possible any personal or private interest in any purchase or award of contract proposed before official or advisory boards of the City of Creede, may not vote thereon unless allowed to do so under Colorado law, and shall refrain from attempting to influence the other members of the board in voting on the matter.

Any public servant who may gain financially from any purchase or award of a contract shall recuse himself from discussions and selection process pertaining to the matter. External obligations, financial interests, and activities of each public servant must be conducted so there is no real or perceived conflict or interference with the individual's

primary obligation and commitment to the City of Creede. Creede public servants should not acquire or hold an interest, directly or indirectly, in any business or undertaking that may be economically benefited by action over which they have substantial authority. Board Members shall comply with applicable state law, concerning conflict of interest and disclosure requirements, including without limitation C.R.S. 24-18-10 et seq., C.R.S. 31-4-404, C.R.S. 24-18-201, C.R.S. 18-4-301, C.R.S. 18-4-401, and C.R.S. 18-8-308.

If a Board Member has questions or concerns about a potential conflict of interest, he or she should consult the City Manager (outside of a Board of Trustees meeting) requesting that the City Manager consult with the City Attorney, or consult the City Attorney during a meeting.

When participation in action or decision-making as a public servant does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not “look” or “feel” right, that public servant may be exhibiting the appearance of impropriety. For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public servants should step aside even though no technical conflict exists if the issue arises.

No board member may vote on any matter before the board if the board member has a conflict of interest as defined above. If a conflict isn't clear, the member may disclose the nature of the conflict of interest to the board prior to abstaining from voting. If the member requests the remaining members to determine whether the member has a conflict of interest, the remaining members shall determine, by motion adopted by the affirmative vote of a majority of the remaining members, whether a conflict of interest exists.

When a board member is precluded from voting on a matter because of a conflict of interest, then the board member shall physically remove himself or herself from the council dais, or in some cases, from the board room in which it is meeting, and shall refrain from attempting to influence the decisions of the other members of the board of which the person is a member. After the board has completed consideration of the matter, the board member may return and resume his or her duties as a member of the board.

As soon as a board member determines that he or she has a conflict of interest on any matter before the board, then he or she shall immediately refrain from attempting to

influence the decision of the other members of the board of which he or she is a member.

No board member shall vote on any question concerning the member's own conduct.

#### CONFIDENTIALITY

Public servants of the City of Creede will often be privy to sensitive, private, or confidential matters, in formal and informal settings. Respect the letter and intent of the open meetings law, but also keep private and confidential matters to yourself.

No public servant may disclose to third parties any confidential information, unless authorized to do so by a 2/3 vote of the applicable board. Public servants shall comply with applicable state law, concerning the prohibition of the use of confidential information for person benefit, including without limitation C.R.S. 24-18-104.

#### GIFTS

Public servants of the City of Creede shall not accept gifts of substantial value or of substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in a public position to depart from the faithful and impartial discharge of the Public Servant's public duties, of which the Public Servant knows, or which a reasonable person should know, is primarily for the purpose of rewarding an Official Action the Public Servant has taken or could take. Public servants shall comply with applicable state law, concerning the prohibition of the receipt of gifts of substantial value, including without limitation C.R.S. 24-18-104.

#### GENERAL ETHICS GUIDELINES

##### NEPOTISM

Except as otherwise required by law, no public servant should participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any appointed or elected position at the City of Creede. Public servants of the City of Creede are expected to disclose the relationship and recuse or remove him or herself appropriately.

##### USE OF CITY PROPERTY FOR PERSONAL USE

Excessive use of City Property is considered a violation of this Code of Ethics and Conduct. While it is understood that occasionally personal life may interfere with work and a phone call or a copy must be made, city resources should not, as a general rule, be used for personal business.

## CODE OF CONDUCT

### WITH ONE ANOTHER

Governing bodies are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

### IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- ✓ Be welcoming to speakers
- ✓ Speaking in public can be uncomfortable. Some issues and decisions can be personal or emotional. Intense situations can be either mitigated or exacerbated by the treatment the speaker receives from public servants. Be courteous, kind, supportive, attentive, and do not interrupt. Be fair and equitable in allocating public hearing time to individual speakers.
- ✓ Ask for clarification, but avoid debate and argument with the public
- ✓ Honor the role of the Mayor in maintaining order. It is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
- ✓ Practice civility, professionalism and decorum in discussions and debate
- ✓ Conflict, difficulty reaching consensus, and disagreement a matter of course for a governmental organization; however, belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments will not be tolerated.
- ✓ Creede public servants should honor efforts by the Mayor to focus discussion

on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- ✓ Demonstrate effective problem-solving approaches
- ✓ Public discourse is an opportunity to display how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- ✓ Be respectful of others' time. Everyone in attendance to a public meeting has made a commitment to attend meetings and partake in discussions. Their time is valuable. Therefore, it is important that public servants are punctual and that meetings start on time. It is also important that comments are productive and relevant so that adequate time may be spent on scheduled issues.
- ✓ Abstain responsibly. Abstain (and furthermore, recuse) when you have any financial interest or other conflict of interest according to state law. Abstain from matters for which you do not have necessary information, such as the approval of minutes. While you cannot be compelled to vote on any given matter, keep in mind that it's your duty to vote on critical public matters even if the decision is difficult or uncomfortable. By failing to vote, you allow others to make the decision. Whether you vote or not, you're still in some way responsible for the decision that's made.

## IN PRIVATE ENCOUNTERS

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

endeavor to conduct themselves in a way which would not reflect poorly on the City of Creede's values when in public.

## BETWEEN STAFF & ELECTED OFFICIALS

Exemplary governance in Creede depends on the cooperative and symbiotic efforts of elected officials, who set policy, and City staff, who implement and administer policy. Every effort should be made to be cooperative and show mutual respect for the contributions made by each public servant for the good of the community.

- ✓ Treat all public servants as professionals - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- ✓ Job Disruption - Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Questions of City staff and/or requests for additional background information should be directed to the City Manager or department heads.
- ✓ Never publicly criticize an individual employee - Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- ✓ Do not act outside the scope of your authority - Council members should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. Unsolicited attendance to staff meetings is discouraged. Correspondingly, City staff should not attempt to sway council members outside of official recommendations to the entire governing board, especially for quasi-judicial matters such as liquor license hearings or land use hearings.
- ✓ Honor the established structure. Elected officials should not be involved with administrative matters. Staff members should not circumvent their supervisor or the established structure by appealing to an elected official for a raise or other consideration that should be between the staff member and their supervisor.
- ✓ Limit requests for staff support - Requests for additional staff support - even in

high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- ✓ Do not solicit political support from staff - Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

#### BETWEEN BOARDS & COMMISSIONS

- ✓ Familiarize yourself with the bylaws, policies, and structure of the City of Creede and its governing entities and advisory entities. Act in a manner which honors those structures.
- ✓ Make an effort to communicate as one voice between boards & commissions. Take the time and effort to reach consensus, and avoid confusing official recommendations with personal opinion or ex-parte information once a compromise has been reached.
- ✓ Do not direct staff individually or as an entity in a way that is inconsistent with established structures.

#### WITH THE MEDIA

- ✓ Make no promises on behalf of the City of Creede
- ✓ Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).
- ✓ Staff should inform the media of official public actions, refer media to the public record, and refrain from providing personal opinions. If appropriate, always refer the media to the "point person" on any particular topic, such as a project lead or a department head rather than providing second-hand knowledge.
- ✓ Do not speak, write, or otherwise communicate for the City of Creede without proper authorization.

- ✓ Unless you are expressly permitted to do so by Board of Trustee action prior to your communication, do not speak for the City of Creede in an explicit or even implied manner. Always disclose your communications as individual and not representative of the City of Creede as a whole.
- ✓ It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory or personal comments about other public servants, or their opinions and actions.

## ENFORCEMENT/SANCTIONS

This Code of Ethics and Conduct is meant to be self-enforcing. Public servants should be familiar with its contents and cause group ethics & conduct trainings to be held on an as-needed basis.

If a member of the staff or a volunteer for the City of Creede is in violation of this Code of Ethics and Conduct, their actions should be referred to the City Manager, and the employee/volunteer will be subject to City disciplinary procedures.

If a member of the Board of Trustees or an advisory board of the City of Creede is in violation of this Code of Ethics and Conduct, they may be reprimanded or formally censured by the Board of Trustees. Serious infractions could lead to sanctions as determined by the Board of Trustees. Those sanctions may include but are not limited to: reprimand, formal censure, and removal from boards and commissions (in compliance with state law). In the event that a violation escalates into a situation in which the board wishes to pursue a sanction, an independent attorney may be consulted to avoid a conflict of interest with the City Attorney.

## DEFINITIONS

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

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

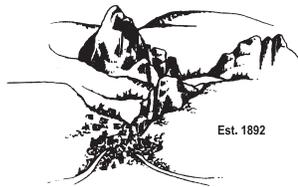
**Gifts of Substantial Value** are defined in 24-18-104 (2)(a) through 24-18-104 (2)(j) and include, but are not limited to gifts in excess of value of \$53.00 and gifts which could be perceived as a reward for an official action taken.

**Public servant** refers to any elected or appointed official of the City of Creede as well as employees and volunteers, including, but not limited to Board of Trustee members, Planning & Zoning Commissioners, Parks & Recreation Advisory Board Members, Virginia Christensen Advisory Board Members, part time employees, recreation instructors and volunteers, and temporary employees.

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

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

# City of Creede



## PUBLIC SERVANT QUICKGUIDE

### CODE OF ETHICS AND STANDARDS

#### QUICKGUIDE: CONFLICT OF INTEREST

(PERSONAL/PRIVATE INTEREST  
IN ACTION ITEM BEFORE BOT)

1. DISCLOSE. If there is a question, ask the BOT to make the determination.
2. ABSTAIN. Do not vote on matters in which you have a conflict of interest, or even an appearance of impropriety.
3. In some cases, RECUSE. Either remove yourself from the dais or from the room entirely.  
(See 24-18-110, C.R.S. for statutory disclosure requirements)

#### QUICKGUIDE: CONFIDENTIALITY

1. Never use confidential information obtained in the course of your duties as a public servant for personal gain.
2. Practice discretion. Keep official and unofficial sensitive information obtained in the course of your duties to yourself.

#### QUICKGUIDE: GIFTS

1. Do not accept gifts which could be perceived as a reward or incentive for an official action in your capacity as a public servant.
2. Do not accept gifts of substantial value including gifts with a value of over \$53.00 and as otherwise defined in 24-18-110, C.R.S.

## CREEDE CORE VALUES

- ✓ Fiscal Responsibility
- ✓ Professionalism
- ✓ Accountability
- ✓ Integrity
- ✓ Transparency
- ✓ Respect
- ✓ Service

#### QUICKGUIDE: CONDUCT

In your daily interactions as a public servant, conduct yourself in a way that reflects the core values of the City of Creede. In interactions with each other, the public, the media, and in general, practice common civility, professionalism, and decorum. Do not speak for the City of Creede as a whole without proper authorization. Engage in debate thoughtfully and refrain from personal attacks. Abstain responsibly. Act with respect to the established structure. Don't denigrate fellow public servants in official or unofficial settings. Be kind, honest, and respectful.

## AM I PRACTICING GOOD GOVERNANCE?

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