

ARAPAHOE COUNTY CODE OF ETHICS

Ethics Hotline: 303.738.7995

ARTICLE I – PURPOSE AND AUTHORITY

The Board of County Commissioners of Arapahoe County, Colorado believes that the residents of this County are entitled to have an ethical, open, and accountable local government. The purpose of this Code of Ethics is to provide guidance to the officials and employees of Arapahoe County whenever questions of ethical conflict arise to ensure that Arapahoe County government operates in a manner consistent with appropriate ethical principles and values. This Code of Ethics is also intended to establish a system for reporting possible ethical concerns so that any ethical violation, whether intentional or not, may be discovered and addressed appropriately.

This Code of Ethics is intended to be adopted in accordance with the applicable provisions of the Colorado Constitution, Colorado statutes, and internal Arapahoe County policies, and shall supersede and replace the prior Code of Ethics adopted by the Board of County Commissioners on December 13, 2016. This Code of Ethics is not intended to supersede specific provisions of law or other County policies regarding ethical conduct. A determination, recommendation, or action taken under this Code of Ethics will not conclude or prevent action by the Colorado Independent Ethics Commission or the District Attorney’s Office, as may be appropriate. This Code of Ethics is not intended to limit the ability of county officials and employees from seeking advice from the County Attorney’s Office, and county officials and employees are encouraged to do so whenever there is a question as to the applicability of this Code of Ethics, or an ethics law or regulation.

ARTICLE II – APPLICABILITY

This Code of Ethics is applicable to the officials and employees of Arapahoe County. “Employee” shall mean all members of the Arapahoe County workforce, including but not limited to full-time, part-time, and temporary employees, and volunteers. “Official” shall mean a person in an elected or appointed position in Arapahoe County, including members of county boards, committees, and commissions.

ARTICLE III – GENERAL PRINCIPLES AND VALUES

Integrity in government requires that decision-makers be independent, impartial, and accountable to those they serve. To that end, all officials and employees are expected to adhere to the following general principles of ethics while performing their job duties for and on behalf of Arapahoe County and its residents:

1. As public servants, Arapahoe County officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of Arapahoe County, and shall carry out their duties for the benefit of the people of Arapahoe County.
2. Residents of Arapahoe County expect and deserve their public servants to act with

courtesy, impartiality, honesty, and openness in the performance of their duties.

3. Officials and employees must perform their duties with the best interests of Arapahoe County in mind, and not for personal interest or for the interest of family, friends, or business and political associates.
4. Government decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence.
5. To gain and retain public confidence in government operations, officials and employees must avoid even the appearance of impropriety.

ARTICLE IV – COMPLIANCE WITH ETHICS LAWS

In addition, all County officials and employees are expected to adhere to all applicable ethics statutes and regulations, including, but not limited to, Article XXIX of the Colorado Constitution (Amendment 41, Ethics in Government); Title 24, Article 18 of the Colorado Revised Statutes (Standards of Conduct); and Title 18, Article 8 of the Colorado Revised Statutes (Offenses—Governmental Operations). County officials and employees are also to comply with County guidelines and policies, including Chapter 1.8 (Ethics and Professional Conduct) of the Arapahoe County Department of Finance Purchasing Policies.

Summaries of the most commonly applicable provisions of the above-referenced state ethics regulations which County officials and employees are required to adhere to, are as follows:

1. Gift Ban: No official or employee, either directly or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than sixty-five dollars (\$65) in any calendar year (this is the amount as of February 2019 - the exact dollar amount is periodically adjusted by the Colorado Independent Ethics Commission), without the person receiving lawful consideration of equal or greater value in return from the official or employee who solicited, accepted or received the gift or other thing of value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions to the gift ban include campaign contributions, gifts from relatives or personal friends, and payments and reimbursements from certain non-profits for reasonable expenses associated with attendance at a convention or fact-finding mission or trip. Colorado Constitution Article XXIX, Section 3(2); C.R.S. § 24-18-104(1)(b) and (3).
2. Rules Regarding Conflicts of Interest:
 - a. No official or employee shall solicit, accept, or agree to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another, or for having otherwise exercised discretion in his/her favor. C.R.S. § 18-8-303(a). In addition, no official or

employee shall solicit, accept or agree to accept any pecuniary benefit from another in exchange for appointing or nominating another as a candidate for public office. C.R.S. § 18-8-305(b).

- b. No official or employee shall 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. For purposes of this section, “be interested in” does not include holding a minority interest in a corporation. It can include being an owner, an employee or prospective employee, a debtor, or an officer or director, of a contracting party. “Contract” does not include contracts awarded to the lowest responsible bidder based on competitive bidding procedures. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-201(1); C.R.S. § 24-18-102(4).
 - c. An official or employee shall not perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which s/he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent. An “official action” means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority. Colorado Constitution Article XXIX, Section 1(1)(d); C.R.S. § 24-18-108.5(2); C.R.S. § 24-18-109(2)(b).
 - d. An official or employee shall not engage in a substantial financial transaction for his/her private business purposes with a person whom s/he inspects or supervises in the course of his/her official duties. C.R.S. § 24-18-109(2)(a).
 - e. An official or employee shall not accept goods or services for his/her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee serves, under a contract or other means by which the person receives payment or other compensation from the local government, unless the totality of the circumstances attendant to the acceptance of the goods or services indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the official or employee does not receive any substantial benefit resulting from his/her official or governmental status that is unavailable to members of the public generally. C.R.S. § 24-18-104(2)(b); C.R.S. § 24-18-109(2)(c).
 - f. An official or employee who has a personal or private interest in any manner proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon, and shall refrain from attempting to influence the decisions of the other members of the governing board. An official or employee may nonetheless vote if his/her participation is necessary to obtain a quorum or otherwise enable the body to act and if s/he complies with the disclosure procedures under C.R.S. § 24-18-110. C.R.S. § 24-18-109(3).
3. Rules Regarding Confidential Information: An official or employee shall not disclose or use confidential information acquired in the course of his/her official duties in order to

further substantially his/her personal financial interests. C.R.S. § 24-18-104(1)(a); C.R.S. § 18-8-402.

4. Rules Regarding Required Disclosures: An official or employee who exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction, must give seventy-two (72) hours advance written notice to the secretary of state and to the governing body of the government which employs the official or employee of the existence of any known “potential conflicting interest.” A “potential conflicting interest” exists when the official or employee is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction. C.R.S. §18-8-308.
5. Rules Regarding Subsequent Employment: A former employee may not, within six months following the termination of his/her employment, contract with or be employed by an employer who contracts with a state agency or any local government involving matters with which s/he was directly involved during his/her employment. C.R.S. § 24-18-201.

The actual language of the above constitutional and statutory ethics provisions are attached to this Code of Ethics for reference purposes. Also attached are provisions of other statutes which, although not mandatory, are intended by the legislature as ethical guidelines.

ARTICLE V - ETHICS COMPLAINTS

Ethics Hotline: 303.738.7995

1. Process for Making a Complaint

If an official, employee or resident of Arapahoe County believes that an official or employee of Arapahoe County has, or may have, committed a violation of this Code of Ethics or any applicable ethics constitutional provision, statute or regulation, a complaint can be made by contacting the above-referenced ethics hotline telephone number and leaving a voice mail. Complaints can be made anonymously if so desired. Alternatively, a complaint may be made by submitting a letter or e-mail to the Arapahoe County Attorney, unless the complaint involves the County Attorney or a member of the County Attorney’s Office, in which case such complaint may be made by submitting a letter or e-mail to the Director of the Human Resources Department.

2. Process for the Investigation of Complaints

When a complaint regarding a potential violation of this Code of Ethics is received, the County Attorney, or the Director of the Human Resources Department in the case of a complaint involving the County Attorney or someone in the County Attorney’s Office, shall take such action deemed reasonable to investigate any complaint. Such action may include, but is not limited to, the following:

- a. Reviewing the information in the complaint and relevant documents.

- b. Interviewing persons with knowledge of the substance of the complaint.
- c. Researching applicable law and regulations.
- d. Convening an internal committee to assist in the investigation and review of the complaint, subject to approval by the Board of County Commissioners.
- e. Hiring an outside person or firm to investigate and/or evaluate the complaint, subject to approval by the Board of County Commissioners.

3. Post-Investigation Action

Once the complaint has been investigated, the County Attorney, or the Director of the Human Resources Department in the case of a complaint involving the County Attorney or a person in the County Attorney's Office, shall determine the appropriate initial action to take in response to the complaint, which may include, but is not limited to, the following:

- a. Determine that there has been no apparent violation and close the complaint. If the name of the complainant is known, the decision to close shall be communicated to the complainant.
- b. In the case of a violation or potential violation by an employee, notify the supervisor of the employee and discuss appropriate remedial/disciplinary action to be taken by the supervisor.
- c. In the case of a violation or potential violation by an official or a department director, discuss appropriate action with the Board of County Commissioners. Such action may include, but not be limited to, a letter of censure for an elected official, or remedial/disciplinary action for a department director.
- d. In the case of a serious violation or potential violation that cannot otherwise be remediated, referral to the Colorado Independent Ethics Commission, the Colorado Attorney General, or the District Attorney.