

AGENDA ITEM SUMMARY

Ethics Review Board

July 29, 2019

STAFF

John Duval, Deputy City Attorney
Ryan Malarky, Assistant City Attorney

SUBJECT

Consideration by the Ethics Review Board under City Code Section 2-569(d)(1) of whether a Complaint filed by Christine Pardee making various allegations regarding the conduct of Mayor Wade Troxell (the "Complaint") warrants a formal investigation.

EXECUTIVE SUMMARY

The purpose of this item is for the Ethics Review Board to complete the initial screening of the Complaint under City Code Section 2-569(d)(1), as described below.

STAFF RECOMMENDATION

Staff recommends that the Board consider the Complaint and determine whether a formal investigation of it is warranted.

BACKGROUND / DISCUSSION

Under City Code Section 2-569(d)(1)(a), any person who believes a Councilmember has violated any provision of state law or the City Charter or Code pertaining to ethical conduct may file a complaint with the City Clerk. After notice to the complaining party and the subject of the complaint, the Ethics Review Board must, within 10 working days after the filing of the complaint, meet to consider the complaint and, after consultation with the City Attorney, decide whether the complaint warrants a formal investigation. In making such determination, the Board must consider: (1) whether the allegations in the complaint, if true, would constitute a violation of state or local ethical rules; (2) the reliability and sufficiency of any facts asserted in support of the allegations; and (3) any other facts or circumstances that the Board may consider relevant. A copy of Section 2-569 is provided as an attachment to this Agenda Item Summary.

The Complaint:

The Board will consider the Complaint lodged by email on Wednesday, July 17, 2019, by Christine Pardee, a Fort Collins resident and former City Planning and Zoning Board member, against Mayor Wade Troxell. The emailed Complaint is provided in its entirety as an attachment to this Agenda Item Summary. The following are excerpts from the Complaint expressing Ms. Pardee's introductory statement of concern:

Mayor Troxell has intentionally interfered with the proper exercise of duty and performance of the City's Planning and Zoning Board to the extent that his interaction has created a chilling effect on the Board's ability to conduct fair, unbiased decision making over items that come

before them. Additionally, Mayor Troxell has chosen a course of action that has discriminated against citizens to the extent they have been denied due process which should be afforded to all citizens that come before the City Council.

As a result of the Mayor's modus operandi adopting a "do as I say and not as I do" discriminatory approach to legal decision making, he has denied citizens the full right of due process during quasi-judicial hearings and has further exposed the City of Fort Collins to additional and costly legal action.

Elected officials should carry out their duties for the benefit of all people of the City of Fort Collins equally, not solely to benefit industries or individuals.

Mayor Troxell has intentionally impaired and obstructed the ability of the Planning and Zoning Board's [sic] to function as an independent, impartial, unbiased board as a result of inappropriate communication to that board, requesting "emergency meetings" with the Board's leadership to discuss "concerning meetings" and an unprecedented attendance and participation in a recent Work Session which discussion item of the Sunshine House at Bucking Horse major amendment was the only item Mayor Troxell maintained his presence for. Once that discussion was over, he left.

The Complaint provides argument and description about several events and concerns; it states five allegations of violation related to these events and concerns. Those allegations are as follows:

1. **Discrimination** – The Mayor “attempted to, and was successful, stifling the ability of the appellant/s to fully present and refute information relevant to their appeal” by limiting them to discussing only the Land Use Code during their presentation at the July 2 Council hearing on the appeal of the Sunshine House at Bucking Horse land use approval.
2. **Denial of Due Process** – The Mayor’s “Do as I say and not as I do” discriminatory approach to legal decision making has denied citizens the full right of the process during quasi-judicial hearings.”
3. **Obstruction of Government Operations – Section 18-8-102 of the Colorado Revised Statutes (“C.R.S.”)** – The Mayor “intentionally impaired and obstructed the ability of the Planning and Zoning Board’s to function as an independent, impartial unbiased board” as a result of his request for a meeting with the Board chair and the Complainant, and his comments to the Board at the Board’s April work session and his presence during discussion of the Sunshine House project at that work session.
4. **Obstruction of Government Operations – City Code Section 13.20(3) (corrected to Section 13-20(3))** – The Mayor violated Section 13-20(3) (from the City’s Human Relations provisions of the City Code) as a result of his request for a meeting with the Board chair and the Complainant, and his comments to the Board at the Board’s April work session and specifically his presence during discussion of the Sunshine House project at that work session.
5. **Violation of the First Amendment of the U.S. Constitution – Suppression of Free Speech** – “Mayor Troxell has consistently attempted to, and has been successful, suppressing free speech of both Board and Commission members, specifically the Planning and Zoning Board and citizens that come before him, most recently appellants.”

City Ethics Provisions:

Generally, the ethics provisions established by the City include City Charter Article IV, Section 9, and City Code Section 2-568. These are each attached to this Agenda Item Summary for reference by the Board.

State Ethics Provisions:

In addition, various state laws are commonly considered ethics laws. These include:

1. Colorado Constitution, Article XXIX (Amendment 41)
 - a. The language of Article XXIX of the Colorado constitution provides that home rule municipalities that have adopted local ethics provisions addressing the topics in that provision are exempt from its application.
2. C.R.S. 24-18-101, et seq. – Code of Ethics
 - a. As applicable to local governments, the prohibitions are related to financial or personal gain such as gifts and using confidential information for your own benefit.
3. C.R.S. 24-18-201, et seq. – Proscribed Acts Related to Contracts and Claims
 - a. Concerns a public official's interests in government contracts or claims that financially benefit the public official
4. C.R.S. 18-8-302 through 18-8-308 (collectively, bribery and corrupt influences) –criminal prohibitions against various acts related to compensation to, or personal pecuniary benefit of, public officials as it related to their official activities.
5. C.R.S. 18-8-402 through 18-8-409 (collectively, abuse of public office) criminal prohibitions against misuse of official information, undertaking official oppression, and official misconduct.
 - a. These don't appear to apply to the facts alleged, and regardless, they are outside the purview of the ERB and are enforceable only by the District Attorney.

The Board Determination:

The Board is required under the Code to evaluate the Complaint and determine by majority vote whether to formally investigate the Complaint. In doing so, the Board should consider:

1. Whether the allegations in the Complaint, if true, would constitute a violation of state or local ethical rules;
2. The reliability and sufficiency of any facts asserted in support of the allegations; and
3. Any other facts or circumstances the Board may consider relevant.

If the Board determines that the Complaint does not warrant investigation, the Board then sends written notice to the complainant of that determination and the reasoning behind it. A copy of that notice is also sent to the subject of the Complaint and the City Council.

If the Board determines a formal investigation is warranted, the formal investigation will then be conducted as directed in City Code Section 2-569.

Analysis of Considerations to Determine if Formal Investigation Needed:

1. Is a violation of a state or local ethics provision alleged?

The following is a checklist to assist the Board in evaluating whether the Complaint, under the facts asserted, alleges a violation of either of the relevant Code sections:

Discrimination – The Mayor “attempted to, and was successful, stifling the ability of the appellant/s to fully present and refute information relevant to their appeal” by limiting them to discussing only the Land Use Code during their presentation at the July 2 Council hearing on the appeal of the Sunshine House at Bucking Horse land use approval.

This allegation does not appear to relate to any state or local ethics provision cited above. In addition, it does not appear to assert any factual elements that would form a basis for investigation of a discrimination complaint under other procedures. If a discrimination claim has arisen from the facts alleged, the City's ethics review process is not the appropriate venue for hearing that claim.

Nonetheless, if the Board believes this allegation can be tied to one of the state or local ethics provisions cited, then it should consider whether the facts supporting the allegation are consistent with the facts known by the Board (as explained below).

Denial of Due Process – The Mayor's "Do as I say and not as I do" discriminatory approach to legal decision making has denied citizens the full right of the process during quasi-judicial hearings."

This allegation does not appear to relate to any state or local ethics provision cited above. In addition, if a due process claim has arisen from the manner in which the Mayor or City Council conducted the Sunshine House appeal, the City's ethics review process is not the appropriate venue for hearing that claim.

Nonetheless, if the Board believes this allegation can be tied to one of the state or local ethics provisions cited, then it should consider whether the facts supporting the allegation are consistent with the facts known by the Board (as explained below).

Obstruction of Government Operations – Section 18-8-102 of the Colorado Revised Statutes ("C.R.S.") – The Mayor "intentionally impaired and obstructed the ability of the Planning and Zoning Board's to function as an independent, impartial unbiased board" as a result of his request for a meeting with the Board chair and the Complainant, and his comments to the Board at the Board's April work session and his presence during discussion of the Sunshine House project at that work session.

This allegation does not appear to relate to any state or local ethics provision cited above. The criminal statute cited is not generally considered an "ethics" provision. That statute provides as follows (*italics added*):

- (1) A person commits obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, *by using or threatening to use violence, force, or physical interference or obstacle.*

In addition, the Complaint does not appear to assert any facts that suggest the Mayor used or threatened to use violence, force or physical interference or obstacle in connection with the actions of concern. Investigation of a criminal complaint of this sort would be within the purview of the District Attorney, who prosecutes crimes under state law, rather than that of the Ethics Review Board.

Nonetheless, if the Board believes this allegation can be tied to one of the state or local ethics provisions cited, then it should consider whether the facts supporting the allegation are consistent with the facts known by the Board (as explained below).

Obstruction of Government Operations – City Code Section 13.20(3) (corrected to Section 13-20(3)) – The Mayor violated Section 13-20(3) (from the City’s Human Relations provisions of the City Code) as a result of his request for a meeting with the Board chair and the Complainant, and his comments to the Board at the Board’s April work session and specifically his presence during discussion of the Sunshine House project at that work session.

This allegation does not appear to relate to any state or local ethics provision cited above.

Section 13-20 provides as follows:

Sec. 13-20. - Interference with operation of regulations prohibited.

(a) No person shall:

- (1) Use a threat communicated either by physical, oral or written means of harm or injury to another person, reputation or property or discriminate against any person or provide unequal terms, conditions or privileges because that person has entered into a conciliation agreement under this Article or because such other person has opposed a discriminatory practice or because such person has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceedings or hearing before anybody charged by law with the duty to hear complaints relating to problems of discrimination;
- (2) Use a threat communicated by physical, oral or written means of harm or injury to another person, reputation or property to coerce such person to engage in a discriminatory practice or other violation of this Article;
- (3) Willfully obstruct, hinder or interfere with the performance or the proper exercise of a duty, obligation, right or power by the City Manager, the Municipal Court or any other official or body with duties, obligations, rights and powers under this Article.

(b) A complaint for a violation of this Section shall be processed in accordance with §§ 13-22 through 13-25.

In addition, it cites to a provision of the City Code that by its terms applies to actions affecting the performance of duties “under this Article,” meaning the performance of duties under Article II of Chapter 13 of the City Code. Because the Planning and Zoning Board is not charged with any such functions or responsibilities, this Code section does not appear to apply to the circumstances described in this Complaint. Also, complaints related to violations of this provision are expressly subject to the process described in the cited portions of Chapter 13 and not under the City’s ethics review process.

Nonetheless, if the Board believes this allegation can be tied to one of the state or local ethics provisions cited, then it should consider whether the facts supporting the allegation are consistent with the facts known by the Board (as explained below).

1. **Violation of the First Amendment of the U.S. Constitution – Suppression of Free Speech**
– “Mayor Troxell has consistently attempted to, and has been successful, suppressing free speech of both Board and Commission members, specifically the Planning and Zoning Board and citizens that come before him, most recently appellants.”

This allegation does not appear to relate to any state or local ethics provision cited above. It is unclear what facts are alleged that would form a legally sufficient claim of a First Amendment violation, and the City’s ethics review process does not extend to investigation of First Amendment complaints against City officials.

Nonetheless, if the Board believes this allegation can be tied to one of the state or local ethics provisions cited, then it should consider whether the facts supporting the allegation are consistent with the facts known by the Board (as explained below).

Summary:

If the Board determines that there is no potential violation of state or local ethics laws under the facts alleged, the Board should make a motion to that effect that explains the Board's reasoning, and then vote to make that determination. If the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

2. Are the facts alleged reliable and sufficient to support the allegation of a violation?

If the Board determines that there may have been a violation, then the Board will need to evaluate whether the facts asserted are reliable and sufficient enough to support the allegation in the Complaint that a violation occurred, making a formal investigation of the Complaint warranted. The Board may have knowledge of information that contradicts the asserted facts, or there may be a lack of information needed to form a reasonable suspicion that the violation alleged in the Complaint occurred.

3. Are there any other facts or circumstances relevant to the Board's determination of whether the Complaint warrants further investigation?

If there is additional information available or presented to the Board that leads the Board to conclude that the Complaint does not merit further investigation, the Board should identify that information and explain how it affects the Board's decision as to whether further investigation is warranted.

After the completion of its review of all factors, if it has not already made a determination, the Board will need to make a motion and vote on whether it has determined a formal investigation is warranted, explaining the reasoning for its decision.

Next Steps:

As noted above, if the Board makes this determination, no further action is needed on the Complaint (other than the provision of notice as required in the Code).

Alternatively, if the Board determines that a formal investigation is warranted, staff will suggest a schedule for next steps for the Board to proceed to that phase of the process. At the end of the Board's review and investigation, if any, the Board will issue an Ethics Opinion stating the outcome of its action. The Board's Ethics Opinion is then presented to the City Council for consideration and possible adoption by resolution.

ATTACHMENTS

1. Email (Complaint) from Christine Pardee to Delynn Coldiron, City Clerk, dated July 17, 2019 with Attachments A, B and C.
2. City Charter Article IV, Section 9
3. City Code Section 2-568
4. Colorado Constitution Article XXIX
5. Section 24-18-101 Colorado Revised Statutes
6. Section 24-18-201, Colorado Revised Statutes
7. Sections 18-8-302-308, Colorado Revised Statutes
8. Sections 18-8-402-409, Colorado Revised Statutes
9. Audio Transcript of the April Planning and Zoning Board work session

I believe that, to the best of my knowledge, information and belief formed after reasonable reflection, the information given in this ethics complaint is accurate and factual.

I request the City of Fort Collins Ethics Review Board evaluate the information given herein which includes supplemental evidence, and to take appropriate measures in accordance with the procedures outlined in the Fort Collins Municipal Code, Section 2-56.

Complainant:

Christine Pardee

Mailing address:

1281 E. Magnolia St. Unit D - PMB 273, Fort Collins, CO 80524

Phone:

(561) 370-7353 - office

(540) 445-1516 - mobile

Complaine:

Wade O. Troxell, Mayor, City of Fort Collins

Address:

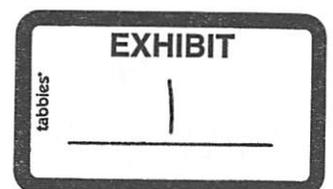
812 Rochelle CIR, Fort Collins, CO 80526

Phone:

970-219-8940

STATEMENT

Wade O. Troxell, Mayor of the City of Fort Collins has catalyzed increased scrutiny both internally from some City of Fort Collins employees, citizens, and some members of City Boards and Commissions as result of inappropriate communications and actions. There is growing public and internal concern that Mayor Troxell is unable to fulfill the duties of his elected position as a result of violating public trust.



This complaint will only discuss the direct interactions, observations, and experiences the complainant, Christine Pardee has had with the complaine, Mayor Wade Troxell. However, it is meaningful to make note of the fact that a growing number of individuals have also had similar, if not identical, recent experiences with Mayor Troxell; important because it indicates interactions, observations, and experiences are not isolated events occurring only with one individual.

ALLEGATIONS

Mayor Troxell has intentionally interfered with the proper exercise of duty and performance of the City's Planning and Zoning Board to the extent that his interaction has created a chilling effect on the Board's ability to conduct fair, unbiased decision making over items that come before them. Additionally, Mayor Troxell has chosen a course of action that has discriminated against citizens to the extent they have been denied due process which should be afforded to all citizens that come before the City Council.

The following statements detail my position and the allegations I am submitting against Mayor Troxell:

Discrimination - Mayor Troxell most recently during an appeal hearing of the Sunshine House at Bucking Horse attempted to, and was successful, stifling the ability of the appellant/s to fully present and refute information relevant to their appeal directing them to: *"You may only speak of matters that pertain specifically to the Land Use Code"* clarifying that the decision City Council would make regarding their appeal would also pertain *only* to the Land Use Code. This is a denial of free speech and a violation of the Constitutional Rights of appellants as it suppressed their testimony.

However, Mayor Troxell freely accepted, encouraged, and reiterated support for statements and testimony from Tom Leeson, Director of the Community Development and Neighborhood Services outside of the scope and irrelevant to the Land Use Code.

Leeson's presentation to Council emphasized the importance of quality day care as a rationale for denying the appeal; clearly not within the scope of the municipal Land Use Code despite Mayor Troxell's prior direction to appellants.

Additionally, a recent article in the Coloradoan on July 3, 2019 provided further evidence that the City Council knows it should be bound to decisions based upon code as indicated by the following quote:Mayor pro-tem Kristin Stephens said.

"...I'm sorry you ... feel like you were unheard in this process, but we also are bound by the code."

Mayor Troxell took the lead on the appellants rebuttal referencing both Tom Leeson's presentation and his own opinion that quality daycare is a rationale used in his support to deny the appeal.

Denial of Due Process - As a result of the Mayor's modus operandi adopting a "Do as I say and not as I do" discriminatory approach to legal decision making, he has denied citizens the full right of due process during quasi-judicial hearings and has further exposed the City of Fort Collins to additional and costly legal action.

Obstruction of Government Operations -Elected officials should carry out their duties for the benefit of all people of the City of Fort Collins equally, not solely to benefit specific industries or individuals.

Mayor Troxell has intentionally impaired and obstructed the ability of the Planning and Zoning Board's to function as an independent, impartial, unbiased board as a result of inappropriate communication to that board, requesting "emergency meetings" with the Board's leadership to discuss "concerning meetings" and an unprecedented attendance and participation in a recent Work Session which discussion item of the Sunshine House at Bucking Horse major amendment was the only item Mayor Troxell maintained his presence for. Once that discussion was over, he left.

Section 18-8-102 of the **Colorado Revised Statutes** states that

(1) A person commits obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a new governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle.

Consistently, the **Interference with Operations of Regulations is Prohibited** in City of Fort Collins **Municipal Code Section 13.20 (3)** which states no Individual shall:

(3) Willfully obstruct, hinder or interfere with the performance or the proper exercise of a duty, obligation, right or power by the City Manager, the Municipal Court or any other official or body with duties, obligations, rights and powers under this Article.

Mayor Troxell claimed, when questioned about his attendance and participation at this Work Session by other City Council members that it was "normal". He stated that "reminding the PZ board they should only be making decisions based upon

the Land Use Code is a reasonable communication” If that defense is accurate, the question remains why Mayor Troxell chose to maintain his physical presence during the Sunshine House amendment during the Work Session. His mere presence was highly unusual and supports the growing perception that public corruption of his office has occurred to the extent his judgment and decision making has become compromised.

TIMELINE RELATED TO FORMAL COMPLAINTS AND ACTIONS - A Request to the City of Fort Collins to investigate perceived ethics violations

On **March 21, 2019 at 2:00 p.m.**, Christine Pardee met with Teresa Roche, Director of the City of Fort Collins Human Resources Department, to discuss what Ms. Pardee perceived as “areas for improvement” within the City of Fort Collins to follow their own rules, policies, procedures, and the need to provide appropriate, third-party orientations and legal education to members of the Planning and Zoning Board as it pertains to their duties.

March 21, 2019 - The Sunshine House at Bucking Horse major amendment was heard as a public hearing by the Planning and Zoning Board. The board voted for a continuance on the matter primarily due to administrative and procedural errors and omissions requesting more time to review new evidence that was both submitted, as well as to receive evidence that was omitted. Pardee utilized the “abstention” and chose not to vote due to the occurrence of a flawed legal hearing and legal mis-guidance from the City Attorney.

March 21, 2019 at aprox. 10:15 p.m. - Ms. Pardee was verbally attacked by Gino Campana threatening her and other members of the PZ Board.

March 21, 2019 10:21 p.m. - Ms. Pardee reports the verbal attack and threats to the City of Fort Collins HR Department, Planning Department, Legal Department and Chair of the PZ Board, Jeff Hansen. **See Attachment “A”**

Three days following Ms. Pardee’s report, Mayor Troxell takes the following action:

March 25, 2019 - Mayor Troxell directed his Executive staff, Sarah Kane, to request an immediate/near future meeting between leadership of the Planning and Zoning Board; Jeff Hansen - Chair and Christine Pardee - Vice Chair. No reason was detailed other than the Mayor “wishes to discuss concerning meetings”. **See Attachment “B”** The meeting was scheduled in which Jeff Hansen, Christine Pardee, Ray Martinez and Mayor Troxell would attend. The meeting was then, abruptly cancelled at the request of Mayor Troxell less than 12 hours prior to it occurring. Instead, Mayor Troxell then chose to approach the entire Planning and

Zoning Board.

April 12, 2019 - Mayor Troxell attended the Planning and Zoning Board Work Session along with Ray Martinez. While not disallowed, this highly unusual showing up of the Mayor was utilized to deliver a professional "admonishment" of the Board. Important to note that both the timing and consistency with the message delivered by Mayor Troxell was 100% consistent with the threats made by Gino Campana and done so with the intention to deliver a message which did in fact result in a "chilling" of the Board to the extent the majority was fearful of taking any action other than approving the amendment.

Also important to note: Mr. Campana publicly confirmed that he did in fact contact elected officials and City staff by e-mail on March 22; consistent with statements made during his verbal attack of Ms. Pardee.

On **April 16, 2019** - Ms. Pardee filed a formal complaint under the City's Respectful Workplace Policy requesting the city investigate potential, perceived ethics violations. See **Attachment "C"**

April 16, 2019 - The City Council amended, on a First Reading, the Municipal Code at the insistence of Mayor Troxell making it impossible for members of Boards and Commissions to utilize a common motion as afforded by Roberts Rules of Orders; the "abstention" in the spirit of what an abstention means. Instead, Mayor Trowel supported the change in municipal law that made all abstentions a "yes" vote.

The basic principles in Robert's Rules concerning abstentions are as follows:

- Abstentions are counted and noted, **but not as a "yes" or "no" vote.**
- An abstention does not affect the voting result.
- **A member has a right to abstain and cannot be compelled to vote.**

Rules of Procedure, whether they are Civil or Parliamentary in nature are important as they provide structure, guidance, and consistency during proceedings. Supporting an amendment which denies appointed Board who are legally, Hearing Officers, the ability to exercise free speech is a violation of their First Amendment rights and an egregious misstep of the Mayor's official duties. This has exposed the City of Fort Collins to further legal claims and costly litigation.

Violation of the First Amendment of the United States Constitution through Suppression of Free Speech - The First Amendment of the United States Constitution affords citizens with the right, and expectation, to free speech which also includes the freedom not to speak. Mayor Trowel has consistently attempted

to, and has been successful, suppressing free speech both of Board and Commission members, specifically the Planning and Zoning Board and citizens that come before him, most recently, appellants.

For the aforementioned reasons, I respectfully request the Ethics Board investigate my claims. Additionally, I would like to request that the Liaison to the Planning and Zoning Board, Ross Cuniff, be appointed to the Ethics Board, specifically for this investigation, as his role as PZ Liaison warrants a Board intervention and communication to ensure that the board can and will be able to conduct it's work without the fear of retaliation, the fear of social and professional actions taken against them, and in an unbiased manner.

----- Forwarded message -----

From: **Christine Pardee** <clpardee@gmail.com>

Date: Thu, Mar 21, 2019 at 10:21 PM

Subject: Verbal attack and threats following public PZ hearing

To: Teresa Roche <troche@fcgov.com>

Cc: Jeff Hansen <jeff0hansen@gmail.com>, Rebecca Everette
<reverette@fcgov.com>

Teresa,

Thank you for your time to meet with me earlier today to discuss the concerns I shared with you as they pertained to communication regarding parliamentary procedure (Roberts Rules of Orders) and board and commissioner orientation, in general.

I'm contacting you to notify you of a verbal attack and threats I received tonight following a very contentious and difficult Plan and Zoning Hearing.

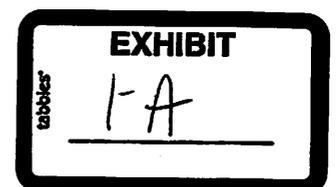
An applicant and local developer, Gino Campana, is the individual involved. I'll be speaking with my attorney tomorrow morning and depending upon what he advises, either he or I, will be contacting the appropriate person within the City again regarding this situation.

As a citizen volunteer, I should not be getting confronted in this manner. Based upon what Mr. Campana said to me, I feel fearful personally and professionally threatened.

I would encourage you to watch the PZ meeting that occurred last evening via FCTV. It was truly disastrous on many levels procedurally, professionally, and punctuated the reason I met with you today.

Thank you.

Christine Pardee



----- Forwarded message -----

From: Sarah Kane <SKane@fcgov.com>

Date: Mon, Mar 25, 2019 at 5:11 PM

Subject: Meeting with Mayor Troxell?

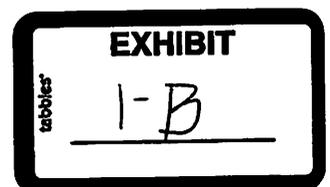
To: Jeff Hansen <jeff0hansen@gmail.com>, Christine Pardee <clpardee@gmail.com>

Hello Jeff and Christine,

Mayor Troxell and the P&Z Council Liaison Ray Martinez have asked me to set up a meeting with you in the very near future to discuss recent challenging meetings.

I'm not sure what your schedules look like, so if you'd be willing to meet, please let me know what days/time you're generally available and I'll do my best to coordinate it with their schedules as well.

Thank you,
Sarah Kane



To: Teresa Roche, Director of Human Resources, City of Fort Collins

CC: Rebecca Everett, Brad Yatabe, Bill, Michael Hobbs, Per Hogstead

From: Christine Pardee

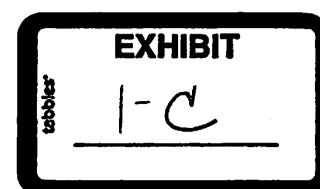
Date: April 15, 2019

Re: Complaint and follow up from Prior Report submitted March 21, 2019

Ms. Roche, I'm filing a formal complaint under the guidance and rules of the City's Respectful Workplace Policy adopted by City Council on February 5, 2019. The specific claims I am asserting pertain to Council Member Ray Martinez and Mayor Wade Troxell:

1. **Retaliation** for surfacing concerns regarding parliamentary procedure/s of the Planning and Zoning Board
2. **Suppression of Free Speech** under the First Amendment of the U.S. Constitution as it pertains to Freedom of Speech
 1. Compulsory voting - forced voting by removing parliamentary motions common to Roberts Rules of Order
3. **Conflicts of Interest and/or Collusion** between elected officials and developers/applicants
4. **Intent to threaten and intimidate** - The Mayor, Wade Troxell and City Council member Ray Martinez have chosen to instigate threats against Planning and Zoning Board members and/or City staff
5. **Creation of Hostile Work Environment** - The Mayor, Wade Troxell, and City Council member Ray Martinez have created an environment adversely affecting the morale, job performance, and ability to work in an impartial, unbiased manner as it pertains to planning and zoning matters.

This complaint is a follow up and continuation of an initial report filed with you via e-mail on Thursday, March 21, 2019 at 10:21 p.m. MST, in which the following individuals were also included on that correspondence: Rebecca Everett, Brad Yatabe, and Jeff Hansen.



Both yourself and Rebeca Everett replied to this initial message expressing a concern and interest in this matter on March 22, 2019.

After receiving legal counsel, I reached back out to you and Mrs. Everett to discuss this matter in detail. I received and replied to communication from you in which we agreed to try and identify time to visit by phone the second week in April as we were both traveling and away from our respective offices for business understanding you would not be back in the office until April 15.

I've received no response from Mrs. Everett however, Mrs. Everett has maintained communication with me on other topics related to PZ during this timeframe.

Also following the incident on March 21, I reached out to the Chair of the Planning and Zoning Board, Jeff Hansen, requesting time in his schedule to visit with him about this matter. Mr. Hansen indicated he had no time available to talk to me until Friday, April 12th at 11:00 a.m. I stressed to Mr. Hansen that this was a very critical issue and encouraged him to contact me in the event he had an opening in his schedule before April 12th. He did not.

As a result of no communication from Mr. Hansen and Mrs. Everett, I then reached out to the City of Fort Collins legal liaison to the Planning and Zoning Board, Brad Yatabe and requested his time to visit about this matter. Brad agreed and included his supervisor, Judy Schmidt in a teleconference with me on Friday, April 12th at 10:00 a.m. MST.

The following details describe an interaction that occurred after the March 21, 2019 Sunshine House hearing which at the date of this complaint, has been knowledge of Jeff Schneider, Per Hogstead, Michael Hobbs, Bill Whitley, (Planning and Zoning Board Members) and Brad Yatabe, and Judy Schmidt, (City Attorney's for the City of Fort Collins).

The evening of March 21, 2019 around 10:00 p.m. MST, I was verbally attacked and professionally threatened by Gino Campana. Mr. Campana made comments that also pertained to Michael Hobbs, Per Hogstead, and Bill Whitley as named.

Following the hearing, I went to my car which was parked in the City Hall parking lot. I frequently have my dog, Bailey, with me and this evening, she was. As I left the parking lot, it became clear Bailey needed a walk before we went home. I exited the parking lot and pulled into street parking along the west side of City Hall. I got out of the vehicle with Bailey and walked her around the block.

As we were approaching my vehicle, I noticed a group of individuals whom at that time, I was not aware who they were. Bailey approached them and was within a few inches of the group causing me concern. I rushed over to pull her away from the group and commented, "I'm just getting my dog..." In which one of the individuals replied, "No problem, we're dog people..."

It was only for this reason of extremely close physical proximity that I could hear what was being said. A man who sounded like Gino Campana said:

"They have no idea, no clue what they're doing. A continuance has never happened, ever, so they can learn to do their job. They're done... It was Michael, Per, Bill and that one in the middle... she didn't know her head from her tail. I'm calling Ray and Wade tomorrow morning. They're finished. We're getting rid of them..." At this point, I was fairly certain the man talking was Gino Campana.

At this point, I was approximately 10 - 15 feet to the north of the group continuing to pull Bailey away from the group. As I was walking away, I turned my head back toward them and replied "I'm that "one in the middle and my name is Christine" Gino paused for a few seconds and then replied "Oh... sorry..." My reply to him, as I was continuing to walk away was "Hey we're out here in public. Those are public comments and fair for public record."

Gino Campana then literally began screaming at me. I was approximately 50 -75 feet away from the group, continuing to walk to my car when he began yelling. "I'll have you know that I have given seven years of my life for this project! I replied "Why are you attacking me?! I'm just a citizen volunteer?" and Mr. Campana's response was, "Because you aren't doing your job! That's why!"

I continued to walk to my car which was parked directly adjacent to the west side door of City Hall. At that point, Brad Yatabe exited the building and I approached him once I recognized who he was. I was shook up, scared, and felt I needed to make him aware of what just occurred also hoping to have another person in my physical presence based upon what just occurred. I told Brad "Hey, I was just verbally attacked by Gino Campana. I'm going to follow up with you and staff about this tomorrow." Brad said "Okay" and proceeded to get into his car. I then got into my car, started it and was preparing to leave and go home.

A newer model, black crew cab that was parked by the group, perceived to be Gino's family members and/or colleagues, pulled directly behind my car and stopped close to my vehicle blocking me from backing out. They sat there for a few seconds and then slowly pulled away. There was no oncoming traffic, no pedestrians or obstacles in the road that would prevent them from leaving. However, whomever was driving this truck made a point to prevent me from

leaving.

They eventually left and I was able to back out and go home. When I arrived home, I immediately notified Teresa Roche, Brad Yatabe, Rebecca Everett, and Jeff Hansen what had occurred and indicated to them I would follow up, which I did numerous times attempting to provide them with details.

Mr. Campana has essentially threatened four members of the Planning and Zoning Board as a result of him not getting an approved amendment to his project on March 21. He made promises to the group he was talking to that he would contact "Ray and Wade" to get us removed from the Planning and Zoning Board.

The following Monday morning, I received an e-mail message from Wade Troxell's Executive Assistant requesting an "Emergency Meeting" between myself and Jeff Hansen. She indicated that Ray Martinez and Mayor Troxell would be meeting with us to discuss "concerning meetings"

I was not available to meet in person however expressed a willingness and availability to make myself available by phone. A meeting was scheduled for Thursday, March 28th at 7:45 a.m. I expressed concern over calling in and being on speaker phone in a coffee shop and requested the meeting be held in a private location that could afford a confidential conversation. The meeting was moved to Poudre Fire Authority.

On Tuesday, March 26th, I was approached by Jeff Schneider asking me how the hearing went. Mr. Schneider and I serve on the Larimer County Board of Adjustment and had just concluded a hearing that evening. My reply in general was encouraging Jeff to watch the public video of the hearing as it was contentious and concerning. I told Jeff something occurred after the hearing I was very upset and concerned about and asked him if we could talk outside. He agreed. I asked Jeff if he knew Gino Campana. He said he did. I told him what happened and told him that an emergency meeting between myself and Jeff Hansen was requested by Ray and the Mayor. Jeff replied, "Would you mind if I shared this with the Mayor? I am on his re-election campaign and we're meeting tonight." I said, "If you think it's appropriate then yes, please do." He said "I will"

On Wednesday, March 27th, I received confirmation from Jeff Schneider that he talked to Wade Troxell and told him about Gino's threats. That evening around 9:45 p.m., I received an e-mail from Wade Troxell's Executive Assistant saying the meeting for Thursday was being cancelled.

On Friday, April 12th Ray Martinez and Wade Troxell attended the Planning and Zoning Board Work Session on the agenda to address the board.

Ray Martinez approached the Board in a hostile, condescending, berating manner that appeared to specifically call out four individuals; the three that had supported a continuance for Mr. Campana's hearing, and the one, that abstained from voting.

What Ray Martinez said was exactly what Mr. Campana commented upon. Ray Martinez made assumptions, in absence of asking any questions as to why decisions and actions that evening were made. Good detectives do good detective work and that means they ask questions before they come to conclusions. Ray Martinez did not ask the Board for clarifying questions because he had agenda acting on behalf of his close friend and colleague, Gino Campana.

Ray Martinez insinuated, in a hostile manner, that the board, or at least certain individuals on the board, were making "emotional" decisions because they didn't want to get sued, they didn't want to be unpopular, they didn't want to take sides, etc. Ray Martinez insinuated that a continuance "has never been done before" Those were the exact words of his friend, Gino Campana. If Ray Martinez had done good detective work, he would have come across numerous past hearings in which the board voted to continue for a number of reasons. This was not the first time the board had continued a hearing. It was the first time a continuance was requested for his friend's hearing, however.

Ray Martinez further stated to the group, however his comments were clearly focused on me, that "there have been meetings, (plural) in which abstentions have occurred. Again, bad detective work. Had Mr. Martinez done unbiased research, he would have come to learn that this past hearing was the only hearing in which I abstained from a vote. Mr. Martinez wrongfully assumed that the reason I abstained was "emotional" or done out of "incompetence for not understanding my job" However, neither was the case. The hearing on March 21 was procedurally flawed. The board came to learn that City Staff had introduced bias and directed planning staff to remove letters of opposition in our packet. We came to learn that the numbers attending a public meeting on the development amendment were seriously under-reported and the board also came to learn the project's Chief Planner, Ted Shephard, was removed from the project as a result of introducing bias in support of the project. We further learned during the hearing that the Water Board had issued a report which also was not indicated in our packet. We were then told by Brad Yatabe that we were required, at this hearing, to cite the specific land use code if we chose not to approve the amendment. We had never been requested this before and none of us were versed in the specific legal sections of the Land Use Code. Additionally, Chair Jeff Hansen, when asked, indicated during a legal hearing that our rules of procedure were "modified" and that we were following "Bob's Rules" Brad Yatabe voluntarily commented and affirmed this that this board was not following Robert's Rules of Order but "Bob's

Rules”

For myself, coming to learn all of this and now being told we were operating under some modification of parliamentary procedure left me with no ability, ethically or morally, to take any action on this hearing as it was egregiously flawed.

The result of me taking my job seriously is retaliation by City Council Member Ray Martinez and Mayor Wade Troxell. Additionally, they both freely chose to intimate, threaten, and berate individuals who did not approve their friend Gino Campana’s development amendment. This is a blatant form of Conflict of Interest, Collusion, and Conduct Unbecoming.

The Planning and Zoning Board was also told by Ray Martinez that as a result of their (my one and only) abstention, that the City Council was amending the city code to force a vote on all PZ hearing matters.

This is a clear violation of First Amendment Constitutional Rights as it pertains to free speech. The freedom to speak also includes the freedom not to speak. Forcing PZ board members to vote when circumstances are appropriate for them to abstain is not an action that World Class cities take.

----- Forwarded message -----

From: **Christine Pardee** <clpardee@gmail.com>

Date: Thu, Mar 21, 2019 at 10:21 PM

Subject: Verbal attack and threats following public PZ hearing

To: Teresa Roche <troche@fcgov.com>

Cc: Jeff Hansen <jeff0hansen@gmail.com>, Rebecca Everette <reverette@fcgov.com>

Teresa,

Thank you for your time to meet with me earlier today to discuss the concerns I shared with you as they pertained to communication regarding parliamentary procedure (Roberts Rules of Orders) and board and commissioner orientation, in general.

I’m contacting you to notify you of a verbal attack and threats I received tonight following a very contentious and difficult Plan and Zoning Hearing.

An applicant and local developer, Gino Campana, is the individual involved. I'll be speaking with my attorney tomorrow morning and depending upon what he advises, either he or I, will be contacting the appropriate person within the City again regarding this situation.

As a citizen volunteer, I should not be getting confronted in this manner. Based upon what Mr. Campana said to me, I feel fearful personally and professionally threatened.

I would encourage you to watch the PZ meeting that occurred last evening via FCTV. It was truly disastrous on many levels procedurally, professionally, and punctuated the reason I met with you today.

Thank you.

Christine Pardee

Section 9. - Conflicts of interest.

- (a) *Definitions*. For purposes of construction of this Section 9, the following words and phrases shall have the following meanings:

Business means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity.

Financial interest means any interest equated with money or its equivalent. *Financial interest* shall not include:

- (1) the interest that an officer, employee or relative has as an employee of a business, or as a holder of an ownership interest in such business, in a decision of any public body, when the decision financially benefits or otherwise affects such business but entails no foreseeable, measurable financial benefit to the officer, employee or relative;
- (2) the interest that an officer, employee or relative has as a nonsalaried officer or member of a nonprofit corporation or association or of an educational, religious, charitable, fraternal or civic organization in the holdings of such corporation, association or organization;
- (3) the interest that an officer, employee or relative has as a recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens, regardless of whether such recipient is an officer, employee or relative;
- (4) the interest that an officer, employee or relative has as a recipient of a commercially reasonable loan made in the ordinary course of business by a lending institution, in such lending institution;
- (5) the interest that an officer, employee or relative has as a shareholder in a mutual or common investment fund in the holdings of such fund unless the shareholder actively participates in the management of such fund;
- (6) the interest that an officer, employee or relative has as a policyholder in an insurance company, a depositor in a duly established savings association or bank, or a similar interest-holder, unless the discretionary act of such person, as an officer or employee, could immediately, definitely and measurably affect the value of such policy, deposit or similar interest;
- (7) the interest that an officer, employee or relative has as an owner of government-issued securities unless the discretionary act of such owner, as an officer or employee, could immediately, definitely and measurably affect the value of such securities; or
- (8) the interest that an officer or employee has in the compensation received from the city for personal services provided to the city as an officer or employee.

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Officer or employee means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full-time, including a member of any authority, board, committee or commission of the city, other than an authority that is:

- (1) established under the provisions of the Colorado Revised Statutes;
- (2) governed by state statutory rules of ethical conduct; and
- (3) expressly exempted from the provisions of this Article by ordinance of the Council.

Personal interest means any interest (other than a financial interest) by reason of which an officer or employee, or a relative of such officer or employee, would, in the judgment of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. *Personal interest* shall not include:

- (1) the interest that an officer, employee or relative has as a member of a board, commission, committee, or authority of another governmental entity or of a nonprofit corporation or association or of an educational, religious, charitable, fraternal, or civic organization;
- (2) the interest that an officer, employee or relative has in the receipt of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens; or
- (3) the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.

Public body means the Council or any authority, board, committee, commission, service area, department or office of the city.

Relative means the spouse or minor child of the officer or employee, any person claimed by the officer or employee as a dependent for income tax purposes, or any person residing in and sharing with the officer or employee the expenses of the household.

(b) *Rules of conduct concerning conflicts of interest .*

- (1) *Sales to the city* . No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:
 - a. such officer or employee is a member of the Council;
 - b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
 - c. in the case of services, such officer or employee exercises any supervisory

authority in his or her role as a city officer or employee over the services to be rendered to the city.

- (2) *Purchases from the city* . No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.
- (3) *Interests in other decisions* . Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.
- (4) *Disclosure procedure* . If any officer or employee has any financial or personal interest requiring disclosure under subsection (3) of this section, such person shall immediately upon discovery thereof declare such interest by delivering a written statement to the City Clerk, with copies to the City Manager and, if applicable, to the chairperson of the public body of which such person is a member, which statement shall contain the name of the officer or employee, the office or position held with the city by such person, and the nature of the interest. If said officer or employee shall discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee shall immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.
- (5) *Violations* . Any contract made in violation of this Section shall be voidable by the city. If voided within one (1) year of the date of execution thereof, the party obtaining payment by reason of such contract shall, if required by the city, forthwith return to the city all or any designated portion of the monies received by such individual from the city by reason of said contract, together with interest at the lawful maximum rate for interest on judgments.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 155, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 10, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01; Ord. No. 003, 2017, § 2, 1-17-17, approved, election 4-4-17)

Sec. 2-568. - Ethical rules of conduct.

- (a) Definitions. The following words, terms and phrases, when used in this Section, Section 2-569 and in Section 9 of the Charter Article IV, shall have the following meanings:
- (1) *Attempt to influence or influence*, as it pertains to this Section, shall mean take any action intended to impact, shape, control, sway, bias or prejudice.
 - (2) *Benefit* shall mean an advantage or gain.
 - (3) *Board and commission member* shall mean a member of any appointive board or commission of the City.
 - (4) *Confidential information or information received in confidence* shall mean:
 - a. Information contained in any writing that may properly be withheld from public inspection under the provisions of the Colorado Open Records Act and that is marked "confidential" when provided to the officer or employee;
 - b. All information exchanged or discussed in any executive session properly convened under § 2-31 or 2-71 of the Code, except to the extent that such information is also contained in a public record available to the general public under the provisions of the Colorado Open Records Act; or
 - c. All communications between attorneys representing the City and officers or employees of the City that are subject to the attorney-client privilege, whether oral or written, unless the privilege has been waived.
 - (5) *Councilmember* shall mean a member of the City Council.
 - (6) *Different in kind from that experienced by the general public* shall mean of a different type or nature not shared by the public generally and that is not merely different in degree from that experienced by the public generally.
 - (7) *Direct* shall mean resulting immediately and proximately from the circumstances and not from an intervening cause.
 - (8) *Detriment* shall mean disadvantage, injury, damage or loss.
 - (9) *Financial interest* shall have the meaning given to this term in Section 9(a) of Charter Article IV, which states:
Financial interest means any interest equated with money or its equivalent. Financial interest shall not include:
 - a. the interest that an officer, employee or relative has as an employee of a business, or as a holder of an ownership interest in such business, in a decision of any public body, when the decision financially benefits or otherwise affects such business but entails no foreseeable, measurable financial benefit to the officer, employee or relative;
 - b. the interest that an officer, employee or relative has as a nonsalaried officer or member of a nonprofit corporation or association or of an educational, religious, charitable, fraternal or civic organization in the holdings of such corporation, association or organization;
 - c. the interest that an officer, employee or relative has as a recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens, regardless of whether such recipient is an officer, employee or relative;
 - d. the interest that an officer, employee or relative has as a recipient of a commercially reasonable loan made in the ordinary course of business by a lending institution, in such lending institution;
 - e. the interest that an officer, employee or relative has as a shareholder in a mutual or common investment fund in the holdings of such fund unless the shareholder actively participates in the management of such fund;
- the interest that an officer, employee or relative has as a policyholder in an insurance company, a depositor in a duly established savings association or bank, or a similar interest-holder, unless the discretionary act of such person, as an officer or employee, could immediately, definitely and measurably

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affect the value of such policy, deposit or similar interest;

- g. the interest that an officer, employee or relative has as an owner of government-issued securities unless the discretionary act of such owner, as an officer or employee, could immediately, definitely and measurably affect the value of such securities; or
 - h. the interest that an officer or employee has in the compensation received from the city for personal services provided to the city as an officer or employee.
- (10) *Officer or employee* shall mean any person holding a position by election, appointment or employment in the service of the City, whether part-time or full-time, including any member of the City Council and any member of any authority, board, committee or commission of the City, other than an authority that is:
- a. Established under the provisions of the Colorado Revised Statutes;
 - b. Governed by state statutory rules of ethical conduct; and
 - c. Expressly exempted from the provisions of Article IV of the City Charter by ordinance of the City Council.
- (11) *Personal interest* shall have the meaning given to this term in Section 9(a) of the Charter Article IV, which states:
- Personal interest* means any interest (other than a financial interest) by reason of which an officer or employee, or a relative of such officer or employee, would, in the judgment of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. Personal interest shall not include:
- a. the interest that an officer, employee or relative has as a member of a board, commission, committee, or authority of another governmental entity or of a nonprofit corporation or association or of an educational, religious, charitable, fraternal, or civic organization;
 - b. the interest that an officer, employee or relative has in the receipt of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens; or
 - c. the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.
- (12) *Public body* shall have the meaning given to this term in Section 9(a) of Charter Article IV, which states:
- Public body* means the Council or any authority, board, committee, commission, service area, department or office of the city.
- (13) *Public services* shall mean city services provided to or made available for the public's benefit.
- (14) *Related entity* shall mean any corporation, limited liability company, partnership, sole proprietorship, joint venture, trust, estate, foundation, association, business, company or any other organization, whether or not operated for profit, with respect to which an officer or employee, or a relative of the same, has a substantial ownership interest in, is employed by, is an agent for or otherwise represents in any legal capacity.
- (15) *Relative* shall have the meaning given to this word in Section 9(a) of Charter Article IV, which states:
- Relative* means the spouse or minor child of the officer or employee, any person claimed by the officer or employee as a dependent for income tax purposes, or any person residing in and sharing with the officer or employee the expenses of the household.
- (16) *Routine City matter* shall mean a usual and ordinary registration, reservation, or other request or application, within a program or for public services or City approval, such as a registration for a recreation class, reservation of a park shelter, request for standard utility services or application for a building permit, development approval or variance, or an appeal, provided that the same is carried out using a routine process or system or in a manner consistent with standard practices.

- (17) *Similarly situated citizens* shall mean citizens in like circumstances having comparable legal rights and obligations.
- (18) *Substantial* shall mean more than nominal in value, degree, amount or extent.
- (b) Notwithstanding the provisions of § 1-15 of the Code, an alleged violation of the provisions of this Section by a member of the City Council shall not be prosecuted in the Municipal Court as a misdemeanor criminal offense but shall instead be referred to the Ethics Review Board for an advisory opinion and recommendation under the provisions of § 2-569.
- (c) Rules of conduct.
- (1) Use and disclosure of confidential information. The following rules shall apply to the use and disclosure of confidential information by officers and employees of the City. In the event of any conflict among these provisions, the more specific provision shall take precedence over the more general provision.
- a. No use for personal gain. No officer or employee shall knowingly use information received in confidence as an officer or employee to advance the financial or personal interests of the officer or employee or others.
 - b. Disclosure of confidential information, generally. No officer or employee shall knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
 - c. Disclosure of confidential information provided to the City Council. All information received in confidence by the City Council shall remain confidential, and no officer or employee shall knowingly disclose any such confidential information to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices.
 - d. Disclosure of information discussed in executive session. No officer or employee shall knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices. In the event that a matter discussed in executive session comes before the City Council or a board or commission of the City for formal action at an open meeting, or if such formal action is anticipated, nothing herein shall be construed as prohibiting a member of the body that will be taking such formal action from stating his or her position or opinion with regard to the matter, as long as such statements do not divulge confidential information received from others during the executive session.
 - e. Certain distribution and discussion by City Manager and City Attorney permitted. Notwithstanding the provisions of Subparagraphs c. and d. above, the City Manager and City Attorney may further distribute confidential information provided to the City Council and may disclose confidential information discussed in any executive session of the City Council, or of a Council committee, to such staff members and/or board and commission members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the same on behalf of the City.
 - f. No disclosure of confidential information to officer or employee having conflict of interest. No officer or

events and shall further refrain from accepting any gift or favor which, in the judgment of a reasonably prudent person, would tend to impair the officer's or employee's independence of judgment in the performance of his or her official duties. The following shall not constitute prohibited gifts or favors under this Section:

- a. Campaign contributions reported as required by Chapter 7, Article V of this Code;
 - b. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
 - c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer or employee is scheduled to participate;
 - d. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;
 - e. Items of perishable or nonpermanent value that are insignificant in value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events; and
 - f. Payment of salary from employment, including other employment in addition to that earned from being an officer or employee.
- (5) No officer or employee shall request on his or her own behalf, or for or through a relative or related entity, from any other officer or employee, or grant to any other officer or employee, or relative or related entity of the same, any consideration, treatment or advantage in the interpretation, administration or enforcement of the Charter, Code, any City regulation, policy or program or in the provision of public services, that is substantially different from that available to other persons in the same circumstances or having the same need.
- (6) If any Councilmember contacts an officer or employee regarding a request in connection with that contacted officer's or employee's role and in relation to a matter that is not a routine City matter and is not within the Councilmember's role as an officer of the City, said Councilmember shall no later than 5:00 p.m. on the next business day after such contact deliver a written disclosure to the City Clerk and the City Manager and to all other members of City Council. The written disclosure must describe the date, time and general subject matter of the contact, together with the identity of the officer or employee contacted. Any private or confidential information, such as tax, utility account, or other personal information may be excluded or redacted from such disclosure. Disclosure by means of an electronic message shall be deemed to constitute written disclosure for purposes of this provision.

(Ord. No. 112, 1989, § 1, 8-1-89; Ord. No. 162, 2000, § 2, 11-21-00; Ord. No. 109, 2002, §§ 1—4, 8-20-02; Ord. No. 145, 2014, 11-4-14 ; Ord. No. 159, 2014, §§ 1—3, 11-18-14 ; Ord. No. 037, 2017, §§ 2, 3, 3-7-17; Ord. No. 167, 2017, § 2, 12-19-17)

Colorado Constitution Article XXIX Ethics in Government

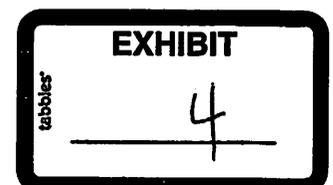
Section 1. Purposes and findings.

- (1) The people of the state of Colorado hereby find and declare that:
- (a) The conduct of public officers, members of the general assembly, local government officials, and government employees must hold the respect and confidence of the people;
 - (b) They shall carry out their duties for the benefit of the people of the state;
 - (c) They shall, therefore, 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;
 - (d) Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and
 - (e) To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.
- (2) The people of the state of Colorado also find and declare that there are certain costs associated with holding public office and that to ensure the integrity of the office, such costs of a reasonable and necessary nature should be born by the state or local government.

Section 2. Definitions.

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

- (1) "Government employee" means any employee, including independent contractors, of the state executive branch, the state legislative branch, a state agency, a public institution of higher education, or any local government, except a member of the general assembly or a public officer.
- (2) "Local government" means county or municipality.
- (3) "Local government official" means an elected or appointed official of a local government but does not include an employee of a local government.
- (4) "Person" means any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee, or other legal entity.
- (5) "Professional lobbyist" means any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his or her official capacity, except those designated as lobbyists as provided by law, any elected public official acting in his or her official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.



(6) "Public officer" means any elected officer, including all statewide elected officeholders, the head of any department of the executive branch, and elected and appointed members of state boards and commissions. "Public officer" does not include a member of the general assembly, a member of the judiciary, any local government official, or any member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses.

Section 3. Gift ban.

(1) No public officer, member of the general assembly, local government official, or government employee shall accept or receive any money, forbearance, or forgiveness of indebtedness from any person, without such person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who accepted or received the money, forbearance or forgiveness of indebtedness.

(2) No public officer, member of the general assembly, local government official, or government 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 fifty dollars (\$50) in any calendar year, including but not limited to, gifts, loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, or special discounts, from a person, without the person receiving lawful consideration of equal or greater value in return from the public officer, member of the general assembly, local government official, or government employee who solicited, accepted or received the gift or other thing of value.

(3) The prohibitions in subsections (1) and (2) of this section do not apply if the gift or thing of value is:

(a) A campaign contribution as defined by law;

(b) An unsolicited item of trivial value less than fifty dollars (\$50), such as a pen, calendar, plant, book, note pad or other similar item;

(c) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Admission to, and the cost of food or beverages consumed at, a reception, meal or meeting by an organization before whom the recipient appears to speak or to answer questions as part of a scheduled program;

(f) Reasonable expenses paid by a nonprofit organization or other state or local government for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the state or local government, provided that the non-profit organization receives less than five percent (5%) of its funding from for-profit organizations or entities;

(g) Given by an individual who is a relative or personal friend of the recipient on a special occasion.

(h) A component of the compensation paid or other incentive given to the recipient in the normal course of employment.

(4) Notwithstanding any provisions of this section to the contrary, and excepting 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 public officer, member of the general assembly, local government official, or government employee, or to a member of such person's immediate family, any gift or thing of value, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public officer, member of the general assembly, local government official or government employee, 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; provided, however, that a professional lobbyist shall not be prohibited from offering or giving to a public officer, member of the general assembly, local government official or government employee who is a member of his or her immediate family any such gift, thing of value, meal, beverage or other item.

(5) The general assembly shall make any conforming amendments to the reporting and disclosure requirements for public officers, members of the general assembly and professional lobbyists, as provided by law, to comply with the requirements set forth in this section.

(6) The fifty-dollar (\$50) limit set forth in subsection (2) of this section shall be adjusted by an amount based upon the percentage change over a four-year period in the United States bureau of labor statistics consumer price index for Denver- Boulder-Greeley, all items, all consumers, or its successor index, rounded to the nearest lowest dollar. The first adjustment shall be done in the first quarter of 2011 and then every four years thereafter.

Section 4. Restrictions on representation after leaving office.

No statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office. Further restrictions on public officers or members of the general assembly and similar restrictions on other public officers, local government officials or government employees may be established by law.

Section 5. Independent ethics commission.

(1) There is hereby created an independent ethics commission to be composed of five members. The purpose of the independent ethics commission shall be to hear complaints, issue findings, and assess penalties, and also to issue advisory opinions, on ethics issues arising under this article and under any other standards of conduct and reporting requirements as provided by law. The independent ethics commission shall

have authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law. The general assembly shall appropriate reasonable and necessary funds to cover staff and administrative expenses to allow the independent ethics commission to carry out its duties pursuant to this article. Members of the commission shall receive no compensation for their services on the commission.

(2) (a) Members of the independent ethics commission shall be appointed in the following manner and order:

(I) One member shall be appointed by the Colorado senate;

(II) One member shall be appointed by the Colorado house of representatives;

(III) One member shall be appointed by the governor of the state of Colorado;

(IV) One member shall be appointed by the chief justice of the Colorado supreme court; and

(V) One member shall be either a local government official or a local government employee appointed by the affirmative vote of at least three of the four members appointed pursuant to subparagraphs (I) to (IV) of this paragraph (a).

(b) No more than two members shall be affiliated with the same political party.

(c) Each of the five members shall be registered Colorado voters and shall have been continuously registered with the same political party, or continuously unaffiliated with any political party, for at least two years prior to appointment to the commission.

(d) Members of the independent ethics commission shall be appointed to terms of four years; except that, the first member appointed by the Colorado senate and the first member appointed by the governor of the state of Colorado shall initially serve two year terms to achieve staggered ending dates.

(e) If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.

(f) Each member shall continue to serve until a successor has been appointed, except that if a member is unable or unwilling to continue to serve until a successor has been appointed, the original appointing authority as described in this subsection shall fill the vacancy promptly.

(3) (a) Any person may file a written complaint with the independent ethics commission asking whether a public officer, member of the general assembly, local government official, or government employee has failed to comply with this article or any other standards of conduct or reporting requirements as provided by law within the preceding twelve months.

(b) The commission may dismiss frivolous complaints without conducting a public hearing. Complaints dismissed as frivolous shall be maintained confidential by the commission.

(c) The commission shall conduct an investigation, hold a public hearing, and render findings on each non-frivolous complaint pursuant to written rules adopted by the commission.

(d) The commission may assess penalties for violations as prescribed by this article and provided by law.

(e) There is hereby established a presumption that the findings shall be based on a preponderance of evidence unless the commission determines that the circumstances warrant a heightened standard.

(4) Members of the independent ethics commission shall have the power to subpoena documents and to subpoena witnesses to make statements and produce documents.

(5) Any public officer, member of the general assembly, local government official, or government employee may submit a written request to the independent ethics commission for an advisory opinion on whether any conduct by that person would constitute a violation of this article, or any other standards of conduct or reporting requirements as provided by law. The commission shall render an advisory opinion pursuant to written rules adopted by the commission.

Section 6. Penalty.

Any public officer, member of the general assembly, local government official or government employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state or local jurisdiction for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law.

Section 7. Counties and municipalities.

Any county or municipality may adopt ordinances or charter provisions with respect to ethics matters that are more stringent than any of the provisions contained in this article. The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article.

Section 8. Conflicting provisions declared inapplicable.

Any provisions in the statutes of this state in conflict or inconsistent with this article are hereby declared to be preempted by this article and inapplicable to the matters covered by and provided for in this article.

Section 9. Legislation to facilitate article.

Legislation may be enacted to facilitate the operation of this article, but in no way shall such legislation limit or restrict the provisions of this article or the powers herein granted.

Source: Initiated 2006: Entire article added, effective upon proclamation of the Governor, L. 2007, p. 2960, December 31, 2006.

West's Colorado Revised Statutes Annotated
Title 24. Government--State
Administration
Article 18. Standards of Conduct (Refs & Annos)
Part 1. Code of Ethics (Refs & Annos)

C.R.S.A. § 24-18-101

§ 24-18-101. Legislative declaration

Currentness

The general assembly recognizes the importance of the participation of the citizens of this state in all levels of government in the state. The general assembly further recognizes that, when citizens of this state obtain public office, conflicts may arise between the public duty of such a citizen and his or her private interest. The general assembly hereby declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the state. The provisions of this part 1 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.

Credits

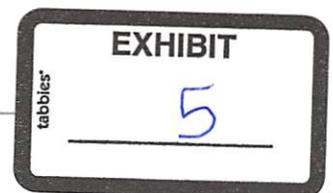
Added by Laws 1988, H.B.1133, § 1.

C. R. S. A. § 24-18-101, CO ST § 24-18-101

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West's Colorado Revised Statutes Annotated
Title 24. Government--State
Administration
Article 18. Standards of Conduct (Refs & Annos)
Part 2. Proscribed Acts Related to Contracts and Claims (Refs & Annos)

C.R.S.A. § 24-18-201

§ 24-18-201. Interests in contracts

Currentness

(1) Members of the general assembly, public officers, local government 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 months following the termination of his employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment. For purposes of this section, the term:

(a) "Be interested in" does not include holding a minority interest in a corporation.

(b) "Contract" does not include:

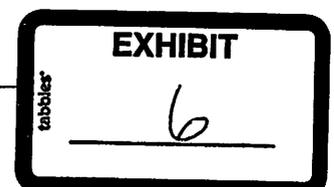
(I) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;

(II) Merchandise sold to the highest bidder at public auctions;

(III) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;

(IV) A contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than ten percent of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(V) A contract with respect to which any member of the general assembly, public officer, local government official, or employee has disclosed a personal interest and has not voted thereon or with respect to which any member of the governing body of a local government has voted thereon in accordance with section 24-18-109(3)(b) or 31-4-404(3), C.R.S. Any such disclosure shall be made: To the governing body, for local government officials and employees; in accordance with the rules of the house of representatives and the senate, for members of the general assembly; and to the secretary of state, for all others.



Credits

Added by Laws 1988, H.B.1133, § 1.

C. R. S. A. § 24-18-201, CO ST § 24-18-201

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Title 18. Criminal Code (Refs & Annos)
Article 8. Offenses--Governmental Operations (Refs & Annos)
Part 3. Bribery and Corrupt Influences (Refs & Annos)

C.R.S.A. § 18-8-302

§ 18-8-302. Bribery

Currentness

(1) A person commits the crime of bribery, if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity; or

(b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.

(2) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a class 3 felony.

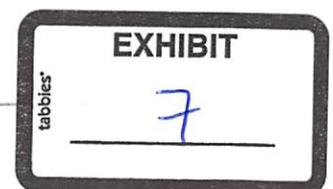
Notes of Decisions (13)

C. R. S. A. § 18-8-302, CO ST § 18-8-302

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C.R.S.A. § 18-8-303

§ 18-8-303. Compensation for past official behavior

Currentness

(1) A person commits a class 6 felony, if he:

(a) Solicits, accepts, or agrees 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 a discretion in his favor, whether or not he has in so doing violated his duty; or

(b) Offers, confers, or agrees to confer compensation, acceptance of which is prohibited by this section.

Credits

Amended by Laws 1989, S.B.246, § 81.

C. R. S. A. § 18-8-303, CO ST § 18-8-303

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C.R.S.A. § 18-8-304

§ 18-8-304. Soliciting unlawful compensation

Currentness

A public servant commits a class 2 misdemeanor if he requests a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.

C. R. S. A. § 18-8-304, CO ST § 18-8-304

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Title 18. Criminal Code (Refs & Annos)
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Part 3. Bribery and Corrupt Influences (Refs & Annos)

C.R.S.A. § 18-8-305

§ 18-8-305. Trading in public office

Currentness

(1) A person commits trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant or party officer upon an agreement or understanding that he or a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office; or

(b) While a public servant or party officer, he solicits, accepts, or agrees to accept any pecuniary benefit from another upon an agreement or understanding that a particular person will or may be appointed to a public office or designated or nominated as a candidate for public office.

(2) It shall be an affirmative defense that the pecuniary benefit was a customary contribution to political campaign funds solicited and received by lawfully constituted political parties.

(3) Trading in public office is a class 1 misdemeanor.

C. R. S. A. § 18-8-305, CO ST § 18-8-305

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Part 3. Bribery and Corrupt Influences (Refs & Annos)

C.R.S.A. § 18-8-306

§ 18-8-306. Attempt to influence a public servant

Currentness

Any person who attempts to influence any public servant by means of deceit or by threat of violence or economic reprisal against any person or property, with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member, commits a class 4 felony.

Notes of Decisions (48)

C. R. S. A. § 18-8-306, CO ST § 18-8-306

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Part 3. Bribery and Corrupt Influences (Refs & Annos)

C.R.S.A. § 18-8-307

§ 18-8-307. Designation of supplier prohibited

Currentness

(1) No public servant shall require or direct a bidder or contractor to deal with a particular person in procuring any goods or service required in submitting a bid to or fulfilling a contract with any government.

(2) Any provision in invitations to bid or any contract documents prohibited by this section are against public policy and void.

(3) It shall be an affirmative defense that the defendant was a public servant acting within the scope of his authority exercising the right to reject any material, subcontractor, service, bond, or contract tendered by a bidder or contractor because it does not meet bona fide specifications or requirements relating to quality, availability, form, experience, or financial responsibility.

(4) Any public servant who violates the provisions of subsection (1) of this section commits a class 6 felony.

Credits

Amended by Laws 1989, S.B.246, § 82.

Notes of Decisions (1)

C. R. S. A. § 18-8-307, CO ST § 18-8-307

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C.R.S.A. § 18-8-308

§ 18-8-308. Failing to disclose a conflict of interest

Currentness

(1) A public servant commits failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours' actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.

(2) A "potential conflicting interest" exists when the public servant 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.

(3) Failing to disclose a conflict of interest is a class 2 misdemeanor.

Credits

Amended by Laws 1979, S.B.388, § 1.

Notes of Decisions (1)

C. R. S. A. § 18-8-308, CO ST § 18-8-308

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C.R.S.A. § 18-8-402

§ 18-8-402. Misuse of official information

Currentness

(1) Any public servant, in contemplation of official action by himself or by a governmental unit with which he is associated or in reliance on information to which he has access in his official capacity and which has not been made public, commits misuse of official information if he:

(a) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(b) Speculates or wagers on the basis of such information or official action; or

(c) Aids, advises, or encourages another to do any of the foregoing with intent to confer on any person a special pecuniary benefit.

(2) Misuse of official information is a class 6 felony.

Credits

Amended by Laws 1989, S.B.246, § 83.

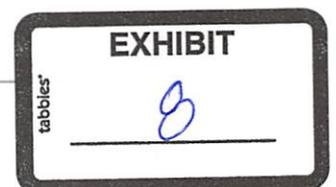
Notes of Decisions (1)

C. R. S. A. § 18-8-402, CO ST § 18-8-402

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C.R.S.A. § 18-8-403

§ 18-8-403. Official oppression

Currentness

(1) A public servant, while acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, commits official oppression if, with actual knowledge that his conduct is illegal, he:

(a) Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, or lien; or

(b) Has legal authority and jurisdiction of any person legally restrained of his liberty and denies the person restrained the reasonable opportunity to consult in private with a licensed attorney-at-law, if there is no danger of imminent escape and the person in custody expresses a desire to consult with such attorney.

(2) Official oppression is a class 2 misdemeanor.

C. R. S. A. § 18-8-403, CO ST § 18-8-403

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Part 4. Abuse of Public Office (Refs & Annos)

C.R.S.A. § 18-8-404

§ 18-8-404. First degree official misconduct

Currentness

(1) A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly:

(a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or

(b) Refrains from performing a duty imposed upon him by law; or

(c) Violates any statute or lawfully adopted rule or regulation relating to his office.

(2) First degree official misconduct is a class 2 misdemeanor.

Credits

Amended by Laws 1983, S.B.72, § 1; Laws 2000, Ch. 171, § 41, eff. July 1, 2000.

Notes of Decisions (13)

C. R. S. A. § 18-8-404, CO ST § 18-8-404

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C.R.S.A. § 18-8-405

§ 18-8-405. Second degree official misconduct

Currentness

(1) A public servant commits second degree official misconduct if he knowingly, arbitrarily, and capriciously:

(a) Refrains from performing a duty imposed upon him by law; or

(b) Violates any statute or lawfully adopted rule or regulation relating to his office.

(2) Second degree official misconduct is a class 1 petty offense.

Credits

Amended by Laws 1983, S.B.72, § 2.

Notes of Decisions (8)

C. R. S. A. § 18-8-405, CO ST § 18-8-405

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Part 4. Abuse of Public Office (Refs & Annos)

C.R.S.A. § 18-8-406

§ 18-8-406. Issuing a false certificate

Currentness

A person commits a class 6 felony, if, being a public servant authorized by law to make and issue official certificates or other official written instruments, he makes and issues such an instrument containing a statement which he knows to be false.

Credits

Amended by Laws 1989, S.B.246, § 84.

Notes of Decisions (4)

C. R. S. A. § 18-8-406, CO ST § 18-8-406

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Part 4. Abuse of Public Office (Refs & Annos)

C.R.S.A. § 18-8-407

§ 18-8-407. Embezzlement of public property

Currentness

(1) Every public servant who lawfully or unlawfully comes into possession of any public moneys or public property of whatever description, being the property of the state or of any political subdivision of the state, and who knowingly converts any of such public moneys or property to his own use or to any use other than the public use authorized by law is guilty of embezzlement of public property. Every person convicted under the provisions of this section shall be forever thereafter ineligible and disqualified from being a member of the general assembly of this state or from holding any office of trust or profit in this state.

(2) Embezzlement of public property is a class 5 felony.

Credits

Amended by Laws 1977, H.B.1654, § 45; Laws 1989, S.B.246, § 85.

Notes of Decisions (40)

C. R. S. A. § 18-8-407, CO ST § 18-8-407

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C.R.S.A. § 18-8-408

§ 18-8-408. Designation of insurer prohibited

Currentness

(1) No public servant shall, directly or indirectly, require or direct a bidder on any public building or construction contract which is about to be or has been competitively bid to obtain from a particular insurer, agent, or broker any surety bond or contract of insurance required in such bid or contract or required by any law, ordinance, or regulation.

(2) Any such public servant who violates any of the provisions of subsection (1) of this section commits a class 1 petty offense.

(3) Any provisions in invitations to bid or in any contract documents prohibited by this section are declared void as against the public policy of this state.

(4) Nothing in this section shall be construed to prevent any such public servant acting on behalf of the government from exercising the right to approve or reject a surety bond or contract of insurance as to its form or sufficiency or the lack of financial capability of an insurer selected by a bidder.

(5) This section shall apply only to contracts entered into on or after July 1, 1977.

Credits

Added by Laws 1977, S.B.494, § 1.

C. R. S. A. § 18-8-408, CO ST § 18-8-408

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Part 4. Abuse of Public Office (Refs & Annos)

C.R.S.A. § 18-8-409

§ 18-8-409. Violation of rules and regulations of judicial
nominating commissions not subject to criminal prosecution

Currentness

A person who violates a rule or regulation promulgated by any judicial nominating commission shall not be subject to criminal prosecution.

Credits

Added by Laws 1987, S.B.140, § 1.

C. R. S. A. § 18-8-409, CO ST § 18-8-409

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