

# Ethics

COLORADO COUNTIES, INC. January 16, 2025

# Authority for Ethics Rules

- ▶ Colorado Constitution Article XXIX, “Ethics in Government”
- ▶ C.R.S. 24-18-101, et. seq., “Colorado Code of Ethics”
- ▶ Gunnison County Ethics Principles
  - ▶ Gunnison County Employee Handbook Section 5-15
- ▶ Other ethics rules or regulations specific to professions (e.g., Attorney Code of Professional Conduct, licensing requirements for caseworkers)

# Colorado Ethics Laws

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# Colorado Code of Ethics

- ▶ “The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state.” C.R.S. § 24-18-103(1).

# Colorado Code of Ethics

- ▶ Colorado statute provides parameters for all government employees, including county employees
- ▶ Statute makes it illegal for government employees to breach the fiduciary duty owed to the people
- ▶ State statute covers:
  - ▶ Prohibition against the disclosure or use of confidential information
  - ▶ Limitation on gifts
  - ▶ Conflicts of interest (having financial interest in County business)
  - ▶ Prohibition against future employment that takes advantage of matters with which employees were directly involved

# Statutory Prohibitions Related to Contacts and Claims.

- ▶ Colorado statute prohibits county officials and employees from having an “interest” in contract with county. C.R.S. § 24-28-201.
- ▶ “A former [county] 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.” See C.R.S. § 24-18-201(1).
- ▶ County commissioners “shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.” C.R.S. § 24-18-202
- ▶ Knowing violation is a crime (misdemeanor). See C.R.S. § 24-18-206

# Colorado - Gift Ban

- ▶ Gift ban is set forth in Colo. Const. Art. XXIX and C.R.S. § 24-18-104, as well as IEC Position Statement 23-01 (Feb. 22, 2023):
  - ▶ No acceptance of cash or loans of any amount
  - ▶ No acceptance of gifts worth more than \$75 that do not fall within an exception
  - ▶ No acceptance of gifts from lobbyists of any amount
- ▶ Prohibits gifts intended to persuade or reward government employees
- ▶ Includes gifts or things of value to spouse or dependent child
- ▶ Includes promises of future employment, favors or services, travel, entertainment, special discounts

# Colorado - Gift Ban

- ▶ Gift ban does not include:
  - ▶ Campaign contributions
  - ▶ Unsolicited items of trivial value including pens, calendars, notepads, etc.
  - ▶ Gifts from relatives or personal friends on special occasions
  - ▶ Meal provided when you are asked to appear or speak
  - ▶ Expenses related to attendance at non-profit conference if you are presenting as part of the agenda
  - ▶ Normal compensation or incentive paid in course of employment

# Colorado - Independent Ethics Commission

- ▶ Established by Colorado Constitution, Article XXIX, Section 5 and CRS § 24-18.5-101.
- ▶ Five-member Commission.
- ▶ Commission hears complaints, issues findings, assesses penalties, and issues advisory opinions for any ethics issue covered by state law.
- ▶ Anyone can submit complaints, and Commission decides whether to investigate.

Gunnison  
County  
Principles of  
Ethical  
Conduct

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# Gunnison County Principals of Ethical Conduct

- ▶ Section 5-15 of Gunnison County Employee Handbook,
- ▶ *available at*  
[www.gunnisoncounty.org/DocumentCenter/View/6637/431-Gunnison-County-Employee-Handbook](http://www.gunnisoncounty.org/DocumentCenter/View/6637/431-Gunnison-County-Employee-Handbook)

# Gunnison County Principals

- ▶ 1. Public service is a public trust, requiring employees to place loyalty to the Colorado Constitution, the laws, and ethical principles above private gain.
- ▶ 2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- ▶ 3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- ▶ 4. An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation (see Section 5-6(c) for more information), solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- ▶ 5. Employees shall put forth honest effort in the performance of their duties.
- ▶ 6. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
- ▶ 7. Employees shall not use public office for private gain.
- ▶ 8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- ▶ 9. Employees shall protect and conserve County property and shall not use it for other than authorized activities.
- ▶ 10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official County duties and responsibilities.
- ▶ 11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- ▶ 12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.
- ▶ 13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- ▶ 14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order