



The Montrose City Planning Commission held a meeting on May 22, 2019, at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

PRESENT

Gary Seitz, Jan Chastain, Greg Easton, David Fishing, Chad Huffman, Anthony Russo, Karen Vacca and City staff Garry Baker, Amy Sharp, Tallmadge Richmond, Rachel Allen, Stephen Alcorn and Sharon Dunning were present.

ABSENT

Scott Murphy

GUESTS

None

CALL TO ORDER

Chairperson Gary Seitz called the meeting to order at 5:05 p.m.

APPROVAL OF MINUTES

Greg Easton moved to approve the minutes of the May 8, 2019 meeting as submitted. Anthony Russo seconded and the motion carried. Karen Vacca voted against the motion.

There was discussion regarding the dissenting vote. Planning Commissioners requested the presentation be included as an attachment to the Minutes.

ADDITIONS OR DELETIONS

None.

CONTINUATION OF DISCUSSION ON TIPS ON BEING A COMMISSIONER

Assistant City Attorney, Rachel Allen, gave a presentation on Ethics. Planning Commissioners and staff discussed conflicts of interest.

PLANNING COMMISSION BYLAWS

Tallmadge Richmond passed out copies of the draft bylaws. Garry Baker and the Planning Commissioners discussed the updates proposed in the document.

Anthony Russo moved to recommend the proposed updates to the bylaws to City Council. David Fishing seconded, and the motion carried unanimously.

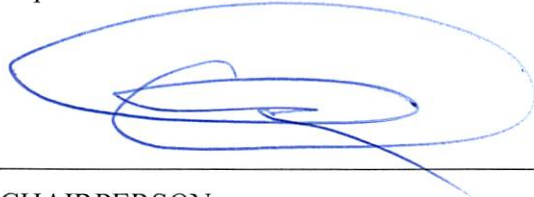
OTHER BUSINESS

Gary Seitz informed the Planning Commissioners that he has resigned and this will be his last meeting. Planning Commissioners unanimously agreed Vice-Chair Anthony Russo will take the place as Chair. The official election for Chair and Vice-Chair will take place at the next meeting.

The next meeting is scheduled for June 12, 2019.

ADJOURNMENT

Jan Chastain moved to adjourn the meeting at 5:53 p.m. Karen Vacca seconded and the motion carried unanimously.



CHAIRPERSON



ATTEST

An overview of

ETHICAL CONDUCT & CONFLICTS OF INTEREST

R. Allen
City of Montrose

Discussion

1. Governing Statutes regarding conduct for local government officials, and
2. Planning Commission Bylaws, Article 9, Ethical Issues.

These issues that arise in the real world are often quite grey and complex.

Governing Statutes

- Colorado State Code of Ethics

 - Standards of Conduct

 - C.R.S. 24-18-101, et seq.

- **C.R.S. 24-18-103. *Public Trust – breach of fiduciary duty***

 - Local officials shall carry out their duties for the benefit of the people of the State.
 - A breach of this duty may be prosecuted on behalf of the people.

- ***C.R.S. 24-18-104. Rules of conduct for all public officers, members of the generally assembly, local government officials, and employees.***
 - Prohibits the disclosure or use of confidential information acquired in his/her official duties to further substantially his/her personal financial interests.
 - Prohibits accepting gifts of substantial value (unsolicited gifts of \$65>, tracked by City personnel).

- **C.R.S. 24-18-105. Ethical principles for public officers, local government officials, and employees.**

■ **Guidance**

- (2) “...a local government official or employee should not acquire or hold an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he has substantive authority.”

- (4) “...a local government official or employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.”

- **C.R.S. 24-18-109. Rules for conduct of local government officials and employees.**
 - Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor violated public trust and breached his/her fiduciary duties.
 - A local government official or local government employee shall not:
 - (a) *engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his/her official duties;*
 - (b) *perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he has either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or*

- (c) accept goods or services for his or her own personal benefit offered by a person who is at the same time providing goods or services to the local government for which the official or employee services.

Commission Bylaws, Article 9

Ethical Issues

- If there is a question about whether a member has a COI with a matter to be taken up by the Commission
 - *Consult with your attorney*

- If a conflict is present, the member should recuse him/herself and depart the hearing room (9-1).

- A COI may be the mere reasonable appearance of a conflict.
 - *The goal here in impartiality and fairness.*
 - Violations: appearance of self-dealing, nepotism, etc. Pg. 5

“Ex Parte” Communication

- 9-2 defines it as, “oral or written, off-the-record communication made to or by commissioners, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding.”
- Prohibition on engaging in informal communications with parties that could influence a decision.
 - *If this occurs, a disclosure must be made at the start of the hearing*
 - *Please consult with your attorney*
- Avoid contact with neighbors, the applicant, or interested parties regarding a Commission matter.