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# CONFLICT OF INTEREST

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CITY COUNCIL PRESENTATION  
MAY 3, 2022  
Alicia Calderón, City Attorney

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## Legal Sources

- Brighton Municipal Code, Sections 2-10-10 through 2-10-120
- Colorado State Statutes Sections 24-18-103, 104, 105, 108.5, 109
- Colorado Constitution Article XXIX
- Colorado State Statutes Sections 24-18.5-101 *et seq.*
- Independent Ethics Commission: Positions Statements, Advisory Opinions, and Complaint Findings and Conclusions

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## State Statutes

- The holding of public office is a public trust, and each City Council member is required to carry out his or her duties for the benefit of the people of the City of Brighton.
- Each council member has a fiduciary duty.
- A council member may not use or disclose confidential information to further their financial interest.
- A council member may not accept a gift or economic benefit that would tend to improperly influence a reasonable person to depart from their duties (a reasonable person would know it was a reward for official action taken).

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## Municipal Code

- A City Council member may not use public office for financial gain.
- A City Council member may not use any City property or services for personal gain or advantage, except in the same manner and under the same circumstances as any other person who is not a council member.
- A City Council member may not use or disclose confidential information for financial gain for themselves or for a relative or entity in which the council member has a financial interest.
- A City Council member may not accept anything of value if the council member is in a position to take official action with regard to the donor or if the City has or is likely to have a transaction, business, or regulatory relationship with the donor.

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## What is a Conflict of Interest?

- Accepting goods or services for one's own personal benefit while the vendor is at the same time providing the goods or services to the City unless the transaction is legitimate, fair, and supported by adequate consideration and the council member does not receive a substantial benefit from his or her position unavailable to members of the public generally.
- Performing an official act (vote, decision, recommendation, approval) that directly and substantially provides an economic benefit to a business or other undertaking in which the council member either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

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## When there is a conflict of interest, what is the process to follow?

1. Consult with the City Attorney to determine if there is a conflict of interest.
2. Provide written notice to the City Manager and City Council or disclose the conflict of interest on the record at a public meeting (before the matter is introduced).
3. When the matter is introduced, leave the room while the item is considered. Avoid discussion with all other members of the City Council.
4. Do not vote on the matter. Return to the room after the item is concluded.

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**Motion to Adjourn to Executive Session to provide legal advice on specific questions relating to conflicts of interest pursuant to C.R.S. § 24-6-402(4)(b) and City Charter Section 5.4(C)(3)**

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