



Loveland Utilities Commission

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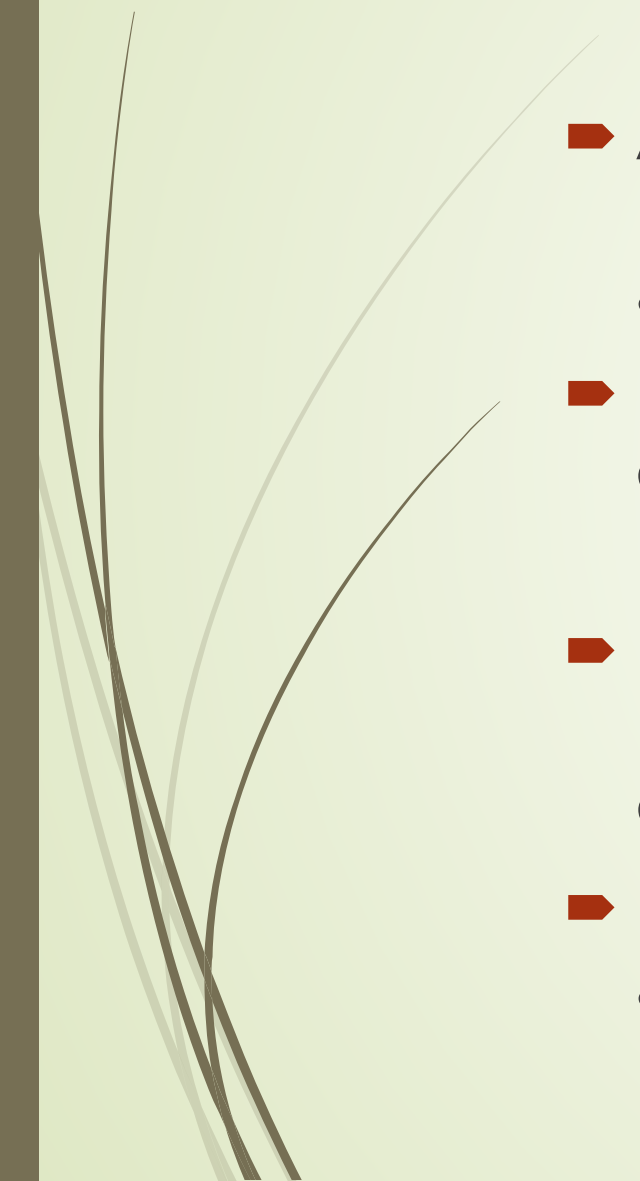


Purpose of LUC

- ▶ Advisory body to city council on all matters pertaining to water, waste water and electric utility operations and services:
 - ▶ Advise city council on rates, charges and fees
 - ▶ Approve contracts and change orders (per 3.12.060)
 - ▶ Develop, approve, and adopt policies, practices and guidelines for efficient operation and if needed, recommend changes to municipal code
 - ▶ Review proposed annual budget
 - ▶ Conduct public hearings on issues of policy
 - ▶ Provide policy recommendations to city manager and director of water and power consistent with city council adopted policies on all matters concerning water, waste water and electric utility



Open Meetings Law (C.R.S. §24-6-402)

- All meetings where 3 or more are gathered at which any public business is discussed or at which any formal action may be taken.
 - Includes gatherings in person, by telephone, electronically (i.e., e-mail and chat-rooms), or by other means of communication
 - Does not include social events or chat rooms where no business discussed or conducted, or chance social encounters.
 - Meetings must be public and posted 24 hours in advance.
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Agenda

- Since these are public meetings, the agenda is published beforehand to provide notice of the agenda items.
- Consent agenda contains items that have been reviewed by staff, purchasing, and/or legal. The purpose is efficiency to keep the meetings within a reasonable time frame and to have time to get through all the agenda items.
- If you have questions about a consent item that could be answered before the meeting, you can send an email to staff. If you want to discuss the item or the answers at the meeting, you can pull the item from the consent agenda for discussion.
- This is the same process followed by City Council.

Ethics and Conflicts of Interest

Are LUC members subject to any laws which govern their conduct relating to ethics and conflicts of interest?

- Yes, LUC members are subject to ethics and conflicts of interest provisions under state law and under the City's Charter and Code.
- The state law provision is found at C.R.S. § 24-18-108.5.
- The City Charter provisions are found in Article 5 of the Charter.
- The City Code provisions are found in Sections 2.14.010 and Chapter 2.73 of the Code.



City Charter Article 5

Conflict of interest means:

- “Any pecuniary, property, or commercial benefit of any person covered by this Article or of any parent, spouse or child of such person”
- Any personal or private interest in any matter proposed or pending before the commission, as applicable.
- It does not mean any matter involving the common public interest or any matter in which a similar benefit is conferred upon or is available to all persons or property similarly situation.




Disclosure and Non-Action (Section 5-2)

If any member of the commission has a conflict of interest with regard to any matter before the commission, he or she must disclose the interest to the commission **at or before the time the matter is heard**.


The member shall not vote on or otherwise take any formal action concerning the matter, shall not participate in any executive session concerning the matter, and shall refrain from attempting to influence any other member in voting on the matter.



Conflict of Interest (Section 5-3)




No member of the commission shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of the person's position with the City, or disclose any such information except as required by law.




Municipal Code Chapter 2.14: Public Officials' Financial Disclosure and Open Public Meetings

M. Any person considered for appointment to the LUC submits a disclosure statement that includes the name and entity which provides a source of income to the applicant involving water rights.

(This statement must be amended before June 1 of each year if there are changes.)



Municipal Code 2.73 Prohibited Gifts

- Applicable to all city officials: council member, employee, board or commission member
 - Gift means “the transfer of a thing of value by one person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value.”
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Thing of Value

any tangible or intangible thing having a market value:

- money,
- real property,
- personal property,
- services,
- loans of money or property,
- favors,
- gratuities,
- rewards,
- awards,
- grants,
- scholarships,
- discounts,
- promises of future employment,
- honoraria,
- event tickets,
- lodging, meals,
- and the forbearance and forgiveness of debt.



2.73.020 Prohibited Gifts

Prohibited Gifts shall not be solicited or accepted, directly or indirectly, which the city official knows or which a reasonable person in the city official's capacity should know.

- A gift that would tend to improperly influence
- A gift that is being solicited for primary purpose of rewarding the city official for action taken



Permitted Gifts 2.73.030

- Non-monetary award, publicly presented, in recognition of public service
- Gifts similarly available to the general public
- An occasional unsolicited gift having a fair market value of \$50 or less
- Unsolicited token or award of appreciation (plaque, trophy)
- Payment or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals at a convention or training or meeting
- Occasional unsolicited opportunity to participate in a business meeting or social function where meal is served and/or entertainment is provided if attendance would not be considered extraordinary in view of position held



State Code of Ethics

- ▶ C.R.S. § 24-18-108.5(2) A member of a board, commission, council or committee who receives no compensation other than a per diem allowance or necessary and reasonable expenses shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.



Questions?