



City of Loveland Community Marketing Commission

ROLES AND RESPONSIBILITIES

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Presentation Agenda

- ▶ CMC Responsibilities
- ▶ Open Meetings
- ▶ Open Records
- ▶ Email and Social Media
- ▶ Ethics and Conflicts of Interest
- ▶ Questions?

Role of the Community Marketing Commission

- ▶ The City established the CMC in the Loveland Municipal Code (LMC) 2.60.075.
- ▶ The purpose of the community marketing commission is to serve as an advisory body to the city council concerning the city's use of the revenues received from the lodging tax levied under Code Chapter 3.24. The commission shall make recommendations to the city council as to how the funds should be specifically spent consistent with the purpose authorized in Code Section 3.24.005 and Section 3.24.105.
- ▶ Lodging tax may only be used for the following purposes:
 - ▶ to promote tourism, conventions and related activities within the city by marketing the city and sponsoring community events, both in support of this purpose.

Open Meetings

- ▶ Why must the Commission hold open meetings?
- ▶ What is a “meeting?”
 - ▶ Any gathering of three or more Commission members at which public business is discussed or at which any formal action may be taken (C.R.S. 24-6-402)
 - ▶ Includes gatherings in person, by telephone, electronically or by other means of communication
 - ▶ Includes meetings of subcommittees (3 or more)

Open Meetings Cont'd

- ▶ What is NOT a “meeting?”
 - ▶ Communications which do not relate to or discuss any public business (i.e. a member’s vacation)
 - ▶ Chance meeting or social gathering of commission members at which discussion of public business is not the central purpose
- ▶ All “meetings,” except for those held in a legally convened executive session, must be open to the public
- ▶ Held only after full and timely notice to the public, posted 24 hours in advance with agenda
- ▶ Decisions require the presence of a quorum (6 members)

Open Records

- ▶ Charter Section 4-13 makes the City's public records open and subject to inspection in accordance with state statutes
- ▶ The Colorado Open Records Act ("CORA"), C.R.S. § 24-74-200.1 *et seq.* defines "records" and has procedures for release to the public
- ▶ **Note:** Email correspondence about public business is generally considered a public record and must be disclosed

Use of Email and Social Media

- ▶ Emails regarding public business will likely be disclosed **even if** they are from a private email account
- ▶ Discussions of public business should occur in a public meeting
- ▶ Public facing social media sites must be open to the public and may constitute a “public forum” for free speech

Ethics and Conflicts of Interest

- ▶ Commission members are subject to ethics and conflicts of interest provisions under state law, the Loveland Charter, and the Loveland Municipal Code
- ▶ Loveland Charter Article 5
 - ▶ “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
 - ▶ NOT 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

Ethics and Conflicts of Interest

Cont'd

- ▶ LMC 2.14.020(B) – Does not apply to all boards and commissions at this time but will soon:
 - ▶ Potential conflict of interest may exist where a commission member:
 - ▶ Has an interest in an entity involved in the matter
 - ▶ May have a financial impact from the matter
 - ▶ Has an interest in real property over \$5,000 that may be affected by the matter
 - ▶ Owes money to a creditor who may be substantially impacted by the matter
 - ▶ Is engaged in a business interest or transaction
 - ▶ Member must disclose the conflict of interest **before** the matter is heard
 - ▶ Member shall not vote or otherwise take formal action, shall not participate in the discussion, or attempt to influence any other member in voting on the matter
 - ▶ Always ask if you are unsure!
- ▶ LMC 2.14.015 – contracts with the City

Ethics and Conflicts of Interest

Cont'd

- ▶ LMC 2.73 – Prohibited Gifts to City Officials
 - ▶ “Gift” means something of value received without an equal compensation or payment in return
 - ▶ Prohibited gifts shall not be solicited or accepted, directly or indirectly, if the Commission member knows (or should know) the gift would tend to improperly influence or the gift is for the primary purpose of rewarding the Board member for action taken
 - ▶ Applies to any gift with a fair market value of \$50 or more
 - ▶ Money, real property, personal property, services, loans, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, lodging, meals, forgiveness or forbearance of debt

Ethics and Conflicts of Interest

Cont'd

- ▶ Permitted gifts noted in LMC 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

Ethics and Conflicts of Interest

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?