

**STEAMBOAT SPRINGS ACCOMMODATIONS TAX RESERVE COMMITTEE
MINUTES
July 6, 2017**

The meeting of the Steamboat Springs Accommodations Tax Reserve Committee was called to order at approximately 12:20 p.m. on Thursday, July 6, 2017, in Room 113-114, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Committee members in attendance were: Chair Larry Mashaw, Frank Alfone, Scott Marr, Kady Watson, Nancy Kramer, Helen Beall and Joella West.

City staff members present were Assistant to The City Manager Winnie DelliQuadri and City Attorney Dan Foote. Kathi Meyer represented City Council.

PUBLIC COMMENT ON ITEMS NOT ON THE AGE NDA

None.

Conflict of Interest/Ethics/Open Meetings Brief

Open Meetings

Foote: The open meetings laws are intended to make sure that business is conducted publicly or at least in a setting that allows the public to participate if they want. Each meeting has to be preceded by enough notice that the public has a reasonable opportunity to know that you're meeting and what the subjects of your discussions will be. Staff handles that aspect of things for you.

You have to be careful about communicating with each other outside the public meeting process. Any one of you can have a conversation with another committee member, but once three people become involved, that's a meeting; so it has to be published in advance as if it were a formal public meeting like we're having right now. This is mostly an issue with email communications because it can be very easy to send an email to everyone else on the board without even intending to.

You can communicate directly with staff or one-on-one, but if you want to talk to more than one person about a matter that's going to come before you or any other public business within your purview, you can only do it in this setting. Also, you would want to avoid having a series of meetings between two people. Nancy calls Joella, Joella calls Frank, Frank calls Helen... It's a series of one-on-one conversations, but the effect of it is that you've all gotten together and decided what to do. That's to be avoided. There are some cases in California where the courts pretty clearly said that that's an intent to circumvent the open meetings rules; no decisions in Colorado yet.

The other piece of open meetings laws is we have to keep minutes. That's something that staff will take care of for you.

Ethics:

The important piece of the ethics rules for you is avoiding conflicts of interest. The way the city code defines a conflict of interest is any kind of a private interest that might influence the conduct of your public duties. That definition is somewhat broader than it used to be. Pecuniary or financial interests are I think the most important and the ones that are most likely to either get you in trouble or be the basis for you to recuse yourself. But the code definition doesn't limit it to just financial interest. So if you're really good friends with someone who has an interest before the board, and you think that might influence your decision making, that can be a conflict of interest.

DelliQuadri: Or you can disclose it and say you don't think it will be, but at least acknowledge that it exists.

Foote: This board has the ability to decide what is and is not a conflict. Ultimately, the Council also has the power to guide you as to what's acceptable and what's not. We're a small town, so what's considered a conflict of interest here may not be the same as what would be considered a conflict of interest in Denver. Everyone knows one another, and if you recuse yourself every time you knew somebody, we would have a hard time getting quorums. So if you think there's a relationship but you also think that it's not going to influence your decision making, you disclose it to the rest of the board and let them decide whether or not it's okay for you to participate in that matter.

DelliQuadri: If you look at your plan holder's list, this is going to be a question for you, and it will be watched closely. I've already gotten several questions about conflicts of interest and how we will handle them. Once we have the list of proposals, your first order of business will be determining whether any of them pose a conflict of interest for you.

Foote: If you have business before any other board or commission, you're free to do that. We recently changed that rule. If someone approaches you in the supermarket, including an applicant, and gives you their opinion about any application before you, you're free to talk to them because you're acting legislatively and not in a quasi-judicial manner.

DelliQuadri: Even though we did it through our RFP process?

Foote: That's a good point; I think we do have some procurement rules about that. Let's not talk to the applicants, then.

Alfone: What if one of the applicants approaches a committee member with an idea that involves the committee member's piece of land or that of an entity that they work for?

Foote: That goes into the conflicts analysis. If your employer stands to benefit from it greatly, is that going to influence your decision? Maybe so. If this is a favor that your employer is doing for someone and they don't really stand to benefit – it just comes back to whether your interest as the employee is going to be influenced by whatever influence your employer has. It depends on how important it is to your employer.

DelliQuadri: Can you talk about perceived conflicts of interest and the grey area around those?

Foote: Well, perception can be reality. If it's a circumstance that is actually going to affect your decision making, you should recuse yourself. Perception really matters most when you see an issue like this and you say well, this has nothing to do with me and it's not going to affect what I do, you do have to be aware that other people may see things differently. They may distrust the city processes or may distrust you. Transparency helps there; that's why we recommend over-disclosure. If there's any question at all, just bring it up to the rest of the board.

Beall: When do we do that?

DelliQuadri: When you have the proposals. That will be the first item on the agenda at the August meeting. I would recommend for the benefit of the process and transparency that people disclose as much as possible just so it's all out there and you as a group can decide how you want to handle it. From my perspective, my job is to make sure that the process is a solid process that is trusted by the community.

Foote: The last bit would be gifts. If you're being given gifts, that may influence the way you do business. The general rule is that you can't accept anything from anybody that has a matter pending before you. You probably want to even avoid things like hats and trinkets. The gift rule also applies to other gifts from people who don't have matters pending before you. There's a lot of exceptions for things you receive from personal friends and family members. If somebody wants to give you something and you have a question about it, give me a call.

Adams confirmed that if someone recuses themselves, they're only doing so for one particular application, not the entire process.

Foote will send the ethics ordinance.

Any questions, feel free to contact Dan or Jennifer Bock.

No Questions from Applicants

Committee members decided not to extend the questions deadline given the absence of questions to this point.

Next Meeting: August 10

Agenda: Disclose relationships to applicants (if any).

Adjournment

The meeting adjourned at approximately 12:45 p.m.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY: Timothy Keenan and Winnie DelliQuadri. Approved this 10th Day of August, 2017.