



ARAPAHOE COUNTY
COLORADO'S FIRST

February 8, 2017

Office of the County Attorney

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Board of Directors
Developmental Pathways
325 Inverness Drive South
Englewood, CO 80112

Re: Conflict of Interest Issue

Dear Board Members:

At the request of the Board of County Commissioners of Arapahoe County, I am writing this letter to share my opinion on the issue of whether it is a conflict of interest for a county commissioner to be a member of a board of directors of a non-profit entity such as Developmental Pathways. It is my understanding that a citizen who recently spoke at a Developmental Pathways Board meeting stated that it is a conflict for a county commissioner to sit on the Board.

After having researched the issue, it is my opinion that it is not a conflict of interest for a person to sit on the Developmental Pathways Board of Directors while also serving in the position of county commissioner. The ethical standards of conduct for state and local officials and employees are found in the Colorado Constitution and at C.R.S. Section 24-18-101 *et seq.* None of these provisions state that a county commissioner or other elected official is prohibited from sitting on the board of a non-profit entity or that it is inherently a conflict of interest. In fact, there are many elected officials throughout the state that sit on boards of non-profit entities.

My opinion on this matter might differ in a situation where a particular commissioner had a substantial private or financial interest in the non-profit entity and the non-profit entity was doing business with the county or being regulated by the county. In such case the commissioner would not necessarily be precluded from sitting on the board of the non-profit, since the conflict can often be remedied by appropriate disclosure and recusal. However, where the commissioner is sitting on the board of the non-profit entity as a public service, and has no substantial private or financial interest in the entity, then I do not believe there is an inherent conflict of interest.

Please let me know if you have any questions regarding this letter.

Sincerely,

Ronald A. Carl
Arapahoe County Attorney

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