

April 7, 2017

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

Re: Conflict of Interest Issue

Dear Board of Directors,

I am writing to you on behalf of Douglas County Commissioners to address whether a County Commissioner can also serve on the Board of Directors of Developmental Pathways (DP) or on other non-profit boards. I understand that a concerned citizen has asserted on several occasions that a conflict of interest prevents a county commissioner from serving on the DP Board. Douglas County believes that a county commissioner serving on the DP Board of Directors is not in and of itself a conflict of interest and further is not a violation of the public trust.

A local official's standard of conduct is defined in Colorado law, C.R.S. section 24-18-101 *et. seq.* Essentially, state statutes prohibit a public official from making decisions in his/her public role and capacity that conflict with a private/personal interest. Serving on the DP Board of Directors does not create or conflict with a private personal interest, in and of itself. Further, there is no conflict of interest when a county commissioner helps ensure that approved taxpayer funding is being used for its intended purpose.

It is possible, that on a case by case basis, an individual serving on the Board of Directors could have a personal conflict of interest on a particular issue (e.g. a Board decision affecting an immediate family member), but it is my understanding that no such facts or direct conflicts have been alleged or are believed to exist. If such facts were to become an issue in the future, a board member would likely need to recuse himself/herself from the specific issue but could nonetheless remain on the Board for any other purpose.

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My conclusion that no conflict of interest exists is based on current law and the facts that have been relayed to me. Further, I understand that there is currently a bill being processed in the Colorado legislature (HB17-1293) that would also clarify what this letter now concludes, that no conflict of interest exists for a county commissioner serving on a non-profit board. The opinion stated herein would remain as stated even if that proposed legislative clarification does not become part of Colorado law.

Please let me know if I can provide any additional clarification on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lance Ingalls".

Lance Ingalls
Douglas County Attorney

cc: Douglas County BOCC