

PARK COUNTY BOARD OF COMMISSIONERS  
WORK SESSION AGENDA  
856 CASTELLO AVE.  
FAIRPLAY, CO 80440  
**Wednesday, October 16, 2019**

9:30 AM ADMINISTRATIVE SESSION ( OPEN )

- .I. CPW JOINT UPDATE TO THE BOARD OF COUNTY COMMISSIONERS
- .II. DISCUSSION RELATED TO DRAFT 1041 REGULATIONS ASSOCIATED WITH MINERAL RESOURCE AREAS
- .III. DISCUSSION RELATED TO CODE OF CONDUCT POLICY

Documents:

[Code of Conduct 2019 REV2 20191011.pdf](#)

- .IV. DISCUSSION RELATED TO PERSONAL IDENTIFIABLE INFORMATION PROTECTION POLICY

Documents:

[PII Policy Oct 2019.pdf](#)

The purpose of a work session is to provide for a free and open dialogue. Discussions are not limited to those items being on the agenda. NOTE: This **WORK SESSION** agenda may be modified with items either being added or deleted. Please Check Website [www.parkco.us](http://www.parkco.us) for most Updated Agendas. If You Need Further Information, please contact the BOCC Office At (719) 836-4201.



# Park County, Colorado

## Standard of Conduct Policy for Park County Board Members

Effective Date: \_\_\_\_\_, 2019

### **SECTION 1: PURPOSE**

The purpose of this policy is to establish standards of conduct for Park County board members.

### **SECTION 2: APPLICABILITY**

This policy shall apply to the board members which include members elected to the Board of County Commissioners (“BOCC”) and members appointed to the volunteer citizen boards by the Board of County Commissioners (collectively with the BOCC referred to herein as “board members”), except as expressly provided herein. The Park County Land Use Regulations provide standards of conduct applicable to the Park County Planning Commission, Board of Adjustment and Historic Preservation Advisory Commission. To the extent of any conflict between this policy and the Park County Land Use Regulations, the Park County Land Use Regulations shall control.

### **SECTION 3: POLICY STATEMENT**

The citizens of Park County are entitled to fair, ethical and accountable local government that earns the public’s confidence in the integrity of board members. In keeping with Park County’s commitment to the public trust, the effective functioning of democratic government therefore requires that:

- Board members respect the laws and policies affecting the operations of government;
- Board members be independent, impartial and fair in their judgment and actions;
- Public office be used for public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The primary responsibility of the members of the Board of County Commissioners is to establish the overall policies for the County and to exercise the powers, duties and functions of the County in compliance with applicable law through action at regular and special meetings and other job-related duties and functions.

The primary responsibility of the members of the various citizen boards is to exercise the duties and responsibilities vested in each board through formal action of that citizen board at regular and special meetings.

All board members must understand, respect, and value the job, the organization, the employees, the citizens, and the common public interest.

To this end, Park County Board of County Commissioners has adopted a Standard of Conduct for board members to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, board members will work for the common good of all the people of Park County, and will assure fair and equal treatment of all persons, claims and transactions coming before the Park County boards.

2. Conduct of Board Members

The professional conduct of board members must be of the highest standard. Board members shall be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

Board members shall comply with the laws of the United States of America, the State of Colorado and Park County in the performance of their public duties. These laws include, but are not limited to the United States and Colorado constitutions; laws pertaining to conflict of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and County ordinances, resolutions and policies.

3. Respect for Process

Board members shall perform their duties in accordance with the processes and rules of order established by the County Commissioners governing the deliberation of public policy issues with meaningful involvement of the public, and through implementation of policy decisions of the Board of County Commissioners by staff. Board members should inform the County Manager in advance about planned absences.

4. Conduct of Public Meetings

Board members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body and focus on the business at hand. Board members shall base their decisions on the merits and substance of the matters before them.

5. Communication

Board members shall endeavor to share all relevant information regarding a matter under consideration that they have received from sources outside the public decision-making process. Board members involved in quasi-judicial land use decisions or other judicial or quasi-judicial decisions shall disclose any such communication at the public hearing or public meeting. After an application has been submitted to the County, Board members shall not intentionally engage in communication with interested parties regarding issues upon which they must make a judicial or quasi-judicial decision at a public meeting or public hearing. Judicial or quasi-judicial decisions are those for which there is a specific applicant (or appellant) requesting a decision from the Board members based upon specific facts to be considered at the hearing or meeting and made part of the record.

6. Conflict of Interest

- a. A board member who has a personal or private interest in any matter proposed or pending before the board shall disclose such interest to the board.

Personal means “of or affecting a person” and private means “relating or belonging to an individual, as opposed to the public or the government”.

- b. A board member shall not vote on any matter proposed or pending before the board if the board member has a personal or private interest in such matter, except that a board member may so vote where the board member’s participation is needed to obtain a quorum or otherwise enable the board to act and if the board member complies with the voluntary disclosure procedure under C.R.S. § 24-18-110. C.R.S. § 24-18-110 requires the board member to make disclosure in writing to the Secretary of State, listing the amount of the board member’s financial interest, if any, and the compensation received for the services or such other information as is necessary to describe the board member’s interest. If the board member preforms the official act involved, the board member shall stat for the record the fact and summary nature of the interest disclosed at the time of performing the act.
- c. A board member shall not attempt to influence the decisions of the other board members in voting on the matter.
- d. A board member shall not engage in a substantial financial transaction for the board member’s private business purposes with a person whom he inspects or supervises in the course of the board member’s official duties.
- e. A board member shall not perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the board member either has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

#### 7. Gifts and Favors

Board members shall not take any special advantage of services or opportunities for personal gain by virtue of their public office. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence or judgment or action or give the appearance of being compromised. Acceptance of nominal gifts in keeping with special occasions, meals and refreshments in the ordinary course of business or social courtesies that promote good public relations and encourage participation in community events is permitted.

#### 8. Confidential Information

Board members have a duty and obligation to promote what should be public and a duty and obligation to protect what should be confidential. Board members shall respect that certain information concerning the property, personnel or affairs of the County is confidential. They shall neither disclose confidential information, nor use such information to advance their personal financial or other personal and private interests without prior authorization from their respective boards.

9. Use of Public Resources

Board members shall not use public resources not available to the public in general, such as County staff time, equipment, supplies or facilities for personal gain.

10. Representation of Private Interests

In keeping with their role as stewards of the public interest, board members shall not appear before their own boards or before the Board of County Commissioners on behalf of the private interests of third parties on matters related to the areas of service of their boards.

11. Advocacy

Board members shall represent the official policies or positions of their board to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, board members shall explicitly state they do not represent their body or Park County, nor shall they allow the inference that they do.

12. Independence of Boards

Because of the value of the independent advice of volunteer citizen boards to the public decision-making process, members of the Board of County Commissioners shall refrain from using their position to unduly influence the deliberations or outcomes of appointed board proceedings.

13. Positive Work Place Environment

Board members shall support a positive and constructive work place environment for County employees and for citizens and business dealing with the County. Any single board member should not give direction to staff, but after a decision of the majority of the board present at the meeting, the request can then be forwarded to the County Manager to give staff direction. However, individual board members may seek information directly from staff, which will then be distributed to all board members. If a board member has a request that is of a magnitude that disrupts the normal workflow of a County employee, the request shall go through the County Manager. This section shall not be construed to prohibit the County Manager from obtaining direction for the board members in emergency situations when a meeting cannot be held before some action is necessary.

14. Bylaws

All volunteer citizen boards shall adopt bylaws. These bylaws must be approved by resolution of the Board of County Commissioners.

15. Absenteeism

Members of the Board of County Commissioners shall make every effort to attend all scheduled meetings.

Each volunteer citizen board shall recommend its own absenteeism policy and include this policy in its bylaws. All volunteer citizen board members shall comply with their respective board's absenteeism policy.

16. Implementation

The Standard of Conduct Policy for Park County Board Members is intended to be self-enforcing and shall be included in the regular orientations for new board members and newly elected and appointed board members. In addition, the Standard of Conduct Policy shall be reviewed by the Board of County Commissioners to consider recommendations and to update it as necessary.

17. Compliance and Enforcement

The Standard of Conduct Policy for Park County Board Members expresses standards of ethical conduct expected for members of the Park County Board of County Commissioners and the volunteer citizen boards. Board members, themselves, have the primary responsibility to assure that ethical standards are met, and that the public can continue to have full confidence in the integrity and effective functioning of government.



# Park County, Colorado

## Policy Regarding the Destruction, Disposal and Protection of Personally Identifiable Information

Effective Date:

### SECTION 1: PURPOSE

The purpose of this policy is to provide guidance to County employees, department heads and elected officials for the proper handling of personal identifying information, as required by House Bill 18-1128, enacted as C.R.S. § 6-1-713, 713.5, 716 and § 24-73- 101, *et. seq.* (“the Act”).

The Act requires that all covered entities, which includes County governments, have in place a written policy for the destruction or proper disposal of paper and electronic documents containing personal identifying information.

The Act also sets forth requirements regarding the protection of personal identifying information, and procedures should a breach regarding personal identifying information occur.

### SECTION 2: APPLICABILITY

This Policy shall apply to all Departments under the supervision and control of the Park County Board of County Commissioners and to all County elected officials and their offices.

### SECTION 3: DEFINITIONS

1. **"Biometric Data"** means unique biometric data generated from measurements or analysis of human body characteristics for the purpose of authenticating the individual when he or she accesses an online account.
2. **"Departments"** means all entities under the authority of the Park County Board of County Commissioners and related elected officials, and their offices and employees, collectively, including: the Board of County Commissioners, Clerk and Recorder, County Assessor, County Coroner, Treasurer, County Surveyor, Sheriff, County Administration, County Attorney, Budget & Finance, Human Resources, Purchasing, Development Services, Building, Planning, Environment and Code Compliance, GIS, Health and Human Services, Public Health, Information Services, Emergency Management, Communications, Facilities, Historic Preservation, South Park National Heritage Area, Library, Public Works, and any department created pursuant to the authority of the Board of County Commissioners after the enactment of this Policy.

3. **"Determination that a Security Breach Occurred"** means the point in time at which there is sufficient evidence to conclude that a security breach has taken place.
4. **"Park County"** or **"the County"** means Park County, Colorado, acting by and through the Park County Board of County Commissioners, and the offices of other Park County elected officials
5. **"Encrypted"** means rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.
6. **"Medical Information"** means any information about a consumer's medical or mental health treatment or diagnosis by a health care professional.
7. **"Notice"** means:
  - a. written notice to the postal address listed in the records of the governmental entity;
  - b. telephonic notice;
  - c. electronic notice, if a primary means of communication by the governmental entity with a Colorado resident is by electronic means or the notice provided is consistent with the provisions regarding electronic records and signatures set forth in the federal "electronic signatures in global and national commerce act", 15 U.S.C. sec. 7001 *et seq.*; or
  - d. substitute notice, if the governmental entity required to provide notice demonstrates that the cost of providing notice will exceed two hundred fifty thousand dollars, the affected class of persons to be notified exceeds two hundred fifty thousand Colorado residents, or the governmental entity does not have sufficient contact information to provide notice substitute notice consists of all of the following:
    - 1) e-mail notice if the governmental entity has e-mail addresses for the members of the affected class of Colorado residents;
    - 2) conspicuous posting of the notice on the website page of the governmental entity if the governmental entity maintains one; and
    - 3) notification to major statewide media.
8. **"Personal identifying information"** means, a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data, as defined in C.R.S. § 6-1- 716 (1)(a); an employer, student, or military identification number; or a financial transaction device, as defined in C.R.S. § 18-5-701 (3).

9. **“Personal Information”** means (A) a Colorado resident’s first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident, when the data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable: social security number; driver's license number or identification card number; student, military, or passport identification number; medical information; health insurance identification number; or biometric data, as defined in this section; (B) a Colorado resident's username or e-mail address, in combination with a password or security questions and answers, that would permit access to an online account; or (C) a Colorado resident's account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account.

a. **“Personal Information”** does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

10. **“Security Breach”** means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a governmental entity good faith acquisition of personal information by an employee or agent of a governmental entity for the purposes of the governmental entity is not a security breach if the personal information is not used for a purpose unrelated to the lawful government purpose or is not subject to further unauthorized disclosure.

The definitions of the Act are further hereby incorporated into this Policy to the extent not set forth above.

#### **SECTION 4: DISPOSAL OF PERSONAL IDENTIFYING INFORMATION**

It shall be the policy for all Departments that, unless otherwise required by state or federal law or regulation, when any paper or electronic documents containing personal identifying information are no longer needed by the Departments, the Departments shall destroy or arrange for the destruction of such paper and electronic documents within the Departments’ custody or control by shredding, erasing, or otherwise modifying the personal identifying information in the paper or electronic documents so as to make the personal identifying information unreadable or indecipherable through any means.

The Departments shall implement inter-departmental procedures and policies which address the specific nature of their offices to ensure compliance with this Policy and the Act.

The County shall not be responsible for ensuring destruction of personal identifying information by any Department that is required by state or federal agencies to use one or more software programs, which may include storage of data, located on servers not within the immediate control

of the County.

### **SECTION 5: PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION**

All Departments shall protect personal identifying information from unauthorized access, use, modification, disclosure, or destruction. The Departments, with assistance from the Information Technologies Department, shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal identifying information given the nature of Park County and its size as a governmental entity.

The Departments shall require that in all contracts with third parties, which either do, or could result in, the exchange of personal identifying information, contractual terms to ensure third parties are subject to, and abiding by, the terms of the Act and this Policy.

### **SECTION 6: INTERNAL NOTIFICATION AND INVESTIGATION OF SUSPECTED SECURITY BREACH**

Should a Department suspect that a Security Breach may have occurred, it must:

1. Immediately notify the County Manager and Information Services Department Head upon becoming aware that a Security Breach may have occurred.
2. Conduct a good faith prompt investigation to determine the likelihood that personal information has been or will be misused.

Unless the investigation determines that the misuse of information regarding a Colorado resident has not occurred and is not reasonably likely to occur, Park County shall give Notice, as provided in Section 7 and take further action as necessary under Section 8.

If the investigation determines that the misuse of information regarding a Colorado resident has not occurred and is not reasonably likely to occur, Park County need not take further action pursuant to this Policy.

### **SECTION 7: NOTICE OF BREACH IF MISUSE OF INFORMATION HAS OCCURRED OR IS REASONABLY LIKELY TO OCCUR**

Notice shall be made in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

In the event Park County is required to provide Notice, as defined in Section 3, the following information shall be provided to all affected Colorado residents:

1. The date, estimated date, or estimated date range of the security breach;

2. A description of the personal information that was acquired or reasonably believed to have been acquired as part of the security breach;
3. Information that the resident can use to contact the governmental entity to inquire about the security breach;
4. The toll-free numbers, addresses, and websites for consumer reporting agencies;
5. The toll-free number, address, and website for the federal trade commission; and
6. A statement that the resident can obtain information from the federal trade commission and the credit reporting agencies about fraud alerts and security freezes.
7. Direct the person whose personal information has been breached to promptly change his or her password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose personal information has been breached uses the same username or e-mail address and password or security question or answer.
  - a. If the breach pertains to the log-in credentials of an email account furnished by Park County, rather than giving notice via email, the County may comply with this section by providing notice in other methods specified in under “Notice” in Section 3 or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an internet protocol address or online location from which Park County knows the resident customarily accesses the account.
8. If secured personal information was breached, and a means to decipher that secured information was also acquired or reasonably believed to have been acquired in the breach, such as a confidential process or an encryption key, that must be disclosed in the Notice as well.

Park County is prohibited from charging the cost of providing such notice to individuals.

If any Department uses a third-party service provider to maintain computerized data that includes personal information, that Department shall require that the third-party service provider give notice to and cooperate with Park County in the event of a security breach that compromises such computerized data. Compliance shall include notifying Park County of any security breach in the most expedient time and without unreasonable delay following discovery

of a security breach, if misuse of personal information about a Colorado resident occurred or is likely to occur. Cooperation includes sharing with Park County information relevant to the security breach; except that such cooperation does not require the disclosure of confidential business information or trade secrets.

Notice pursuant to this section may be delayed if a law enforcement agency determines that such notice will impede a criminal investigation and the law enforcement has directed Park County not to send notice.

**SECTION 8: FURTHER REPORTING REQUIREMENTS**

In the event Park County is required to provide Notice, as defined in Section 3, to more than five hundred (500) Colorado residents, it is also required to notify the Colorado Attorney General. Notification pursuant to this Section must be done as expeditiously as possible and without unreasonable delay, but not later than thirty (30) days after determination of a breach.

In the event Park County is required to provide Notice, as defined in Section 3, to more than one thousand (1,000) Colorado residents, it is also required to notify all consumer reporting agencies that compile and maintain files on a nationwide basis, as defined by the Federal “Fair Credit Reporting Act,” 158 USC § 1681a(p). Park County is not required to provide the names or other personal identifying or personal information of those subject to the breach. Notification pursuant to this Section must be done as expeditiously as possible and without unreasonable delay.

**SECTION 9: WAIVER**

Park County may not elicit or accept any waiver of these notification rights or responsibilities.

This Policy Regarding the Destruction, Disposal, and Protection of Personally Identifiable Information (PII) was adopted by the Board of County Commissioners on the \_\_\_\_\_day of \_\_\_\_\_, 2019.

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Richard Elsner; Chair, Board of County Commissioners