



October 11, 2011

Re: Proposed Draft Changes to the Denver Code of Ethics

Dear Members of Denver City Council Government & Finance Committee,

Colorado Common Cause is a nonpartisan, nonprofit organization that works for open, honest, and accountable government and seeks to strengthen public participation. In 2001, we worked with staff and members of the Denver City Council to strengthen the city's ethics code, now a model for many other cities. The goal of the ethics code is to promote public confidence in city government.

Thank you for the opportunity to comment on the proposed changes to the Code of Ethics. We appreciate the efforts by the Board of Ethics to make the Code of Ethics more effective and recommend amendments, where appropriate, to both increase public trust in government and provide greater clarity for those who are covered by the ethics code. We support the changes proposed by the Board of Ethics and offer the following comments..

Code of Ethics

1. Sec 2-51: Reporting disciplinary action regarding violations of the Code to the Board of Ethics
2. Sec 2-55: Report-back to Board of Ethics from appointing authority

City-wide reporting and tracking of ethics violations will help the city be more effective in its ethics enforcement. While we understand that individual agencies and departments may handle their own enforcement of ethics violations, we agree that the Board of Ethics should be aware of violations and enforcement as it will help them to identify recurring ethics issues and revise the code to provide more clarity.

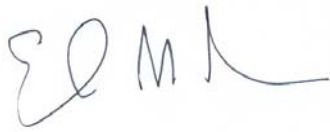
Whistleblower Protection Ordinance (Sec 2-106 et al)

We also support the changes proposed to the Whistleblower Protection Ordinance. The legislative declaration of the whistleblower protection ordinance notes that "the interests of the City and County of Denver and the larger interests of the citizens of Denver are served by encouraging all employees to speak out fully and frankly on any official misconduct which comes to their attention without fear of retaliation."

The current definition of 'official misconduct' does not include improper acts that are being planned or are intended to take place. As a result, current whistleblower protection does not extend to city employees who take action to prevent misconduct from occurring. The City's interest in promoting ethical government and preventing misconduct requires that city employees be encouraged to report planned misconduct, and accordingly, the whistleblower protection ordinance must be amended to protect employees who do so.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ENL', with a stylized flourish extending to the right.

Elena Nunez
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