

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2023

COUNCIL BILL NO. CB23-XXXX
COMMITTEE OF REFERENCE:

4
5 **A BILL**

6 **For an ordinance amending Section 2-61 of the Ethics Code pertaining to ex**
7 **officio board members.**

8
9 **WHEREAS** the City Council has determined on the basis of evidence and testimony
10 presented at the public hearing that the amendment set forth in this ordinance is in conformance
11 with _____; is reasonably necessary to promote the
12 _____.

13
14 **NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
15 **OF DENVER:**

16
17 **Section 1.** That section 2-61(a)(3) of the Denver Revised Municipal Code is amended by
18 adding the underlined language to read as follows:

19
20 **Sec. 2-61. Conflict of interest while employed.**

21
22 The purpose of this section is to avoid influence on the official actions of city officers,
23 employees or officials by their private or family interests.

24
25 (a) Except when advised by the city attorney that the rule of necessity applies, an officer,
26 official, or employee shall not take direct official action on a matter before the city if he or she
27 or a member of the immediate family, a business associate or an employer other than the city
28 of the officer, official or employee has any substantial employment, contractual, or financial
29 interest in that matter. A substantial interest shall be deemed to exist if:

- 30
31 (1) They or a member of the immediate family, a business associate or an employer other
32 than the city is the other party in the matter;
33
34 (2) They, a spouse, a domestic partner or minor children solely or aggregated together, a
35 business associate or an employer owns or own one (1) percent or more, or a member

1 of the immediate family other than a spouse, domestic partner or minor children own
2 or owns five (5) percent or more, of another party in the matter;

3
4 (3) They, a member of the immediate family, a business associate or an employer is a
5 board member or an officer in another party in the matter. A substantial interest does
6 not exist if the officer, official or employee is serving as an ex officio member of a board
7 or governing body of an organization and holds the seat as a representative of the City
8 and County of Denver and not in their personal capacity, so long as they are forwarding
9 the city's interests;

10
11 **Section 2.** this ordinance is effective on _____, 2023.

12
13 COMMITTEE APPROVAL DATE: _____

14 MAYOR-COUNCIL DATE: _____

15 PASSED BY THE COUNCIL: _____

16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR _____

18 ATTEST: _____ - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

22 PREPARED BY: Deanne Durfee, Assistant City Attorney DATE: _____
23

24 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the
25 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
26 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
27 3.2.6 of the Charter.

28
29 Kerry Tipper, Denver City Attorney

30
31 BY: _____, Assistant City Attorney DATE: _____