Amending the DRMC

Section 2-61(a)(3) of the Ethics Code pertaining to ex-officio board members

Sponsored by Councilman Kevin Flynn

DENVER
OFFICE OF CITY COUNCIL

Sec. 2-61
Conflict of interest while employed

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

...

   (3) They, a member of the immediate family, a business associate or an employer is a board member or an officer in another party in the matter.

Examples

- Executive Director of DEDO for ex officio service on a governing body for the Downtown Denver Partnership
- Executive Director of DPR ex officio on a number of boards/commissions including the Denver Zoo, Civic Center Conservancy and Botanic Gardens
- Three leaders from Arts & Venues ex officio on Civic Center Conservancy, Opera Colorado, etc.
- EDs of the Office of Children's Affairs and DOTI are preparing to come before the Board of Ethics if there is no amendment.

Under current code, they are violating the Code of Ethics if they take direct official action in their city role despite acting solely in furtherance of the city's best interests.

Sec. 2-61
Conflict of interest while employed

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

(Note: Ex officio members typically do not have voting privileges)

Questions?