

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. _____
COMMITTEE OF

4 REFERENCE:

5
6 A BILL

7
8 For an ordinance amending the Denver Code of Ethics

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11
12 **Section 1.** That the introductory sentence to section 2-51, D.R.M.C. shall be amended by
13 adding the language underlined, to read as follows:

14
15 **Sec. 2-51. - Legislative intent.**

16 It is the intent of the city that its officers, officials, and employees adhere to high levels of
17 ethical conduct, honesty, integrity and accountability, so that the public will have
18 confidence that persons in positions of public responsibility are acting for the benefit
19 of the public. Officers, officials, and employees should comply with both the letter and
20 spirit of this ethics code and strive to avoid situations, ~~which~~ that create impropriety or
21 the appearance of impropriety.

22
23 **Section 2.** That section 2-52, D.R.M.C. shall be amended by deleting the language stricken
24 and adding the language underlined, to read as follows:

25
26 **Sec. 2-52. Definitions.**

27
28 (a) *Employee* means any person in the employ of the city or of any of its
29 agencies or departments and any person employed without compensation ~~under the~~
30 ~~terms and provisions of Chapter 18, article II, division 19 of this Code.~~

31
32 (b) *Direct official action* means any action which involves:
33

1 (1) Negotiating, approving, disapproving, administering, enforcing, or
2 recommending for or against a contract, purchase order, lease, concession,
3 franchise, grant, business loan or other similar instrument in which the city is a party.
4 With regard to "recommending," direct official action occurs only if the person making
5 the recommendation is in the formal line of decision making.

6
7 (2) Enforcing laws or regulations or issuing, enforcing, or regulating permits,
8 licenses, benefits or payments;

9
10 (3) Selecting or recommending vendors, concessionaires, or other types of
11 entities to do business with the city;

12
13 (4) Appointing and terminating employees, temporary workers, and independent
14 contractors.

15
16 (5) Doing research for, representing, or scheduling appointments for an officer,
17 official, or employee, provided that these activities are provided in connection with
18 that officer's, official's, or employee's performance of (1) through (4) above.

19
20 Direct official action does not include acts that are purely ministerial (that is, acts
21 which do not affect the disposition or decision with respect to the matter). With regard
22 to the approval of contracts, direct official action does not include the signing by the
23 mayor, the auditor, the manager of finance or the clerk, as required by Charter,
24 unless the mayor, auditor, manager of finance or clerk initiated the contract or is
25 involved in selecting the contractor or negotiating or administering the contract. A
26 person who abstains from a vote is not exercising direct official action.

27
28 (c) *Immediate family* means husband, wife, son, daughter, mother, father, step-
29 son, step-daughter, step-mother, step-father, any in-laws related by marriage, aunt,
30 uncle, nephew, niece, grandmother, grandfather, grandchildren, brother, sister,
31 domestic partner, any person with whom he or she is cohabiting and any person to
32 whom he or she is engaged to be married. The term includes any minor children for
33 whom the person or his or her domestic partner provides day-to-day care and
34 financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with

1 whom an unmarried officer, official, or employee has an exclusive committed
2 relationship, maintains a mutual residence, and shares basic living expenses.

3
4 (d) *Officer* means any of the following: the mayor, the auditor, the members
5 of city council, the clerk and recorder, the manager of public works, the manager of
6 parks and recreation, the manager of finance, the manager of environmental health,
7 the manager of general services, the manager of safety, the city attorney, the
8 manager of human services, the manager of aviation, and the manager of community
9 planning and development.

10
11 (e) *Official* means a member of a city board or commission.
12

13 **Section 3.** That section 2-53, D.R.M.C. shall be amended by adding the language
14 underlined, to read as follows:
15

16 **Sec. 2-53. Board of Ethics.**

17 (a) *Creation and appointment.* There is hereby created a board of ethics to consist
18 of five members. The purpose of the board shall be to issue advisory opinions and
19 waivers on ethical issues arising under this article and to hear inquiries or complaints
20 and issue findings and recommendations regarding alleged violations of this article.
21

22 (b) *Qualifications.*

23
24 (1) One and only one member of the board of ethics shall be an officer or
25 employee of the city.
26

27 (2) At least one member of the board of ethics shall be a former judicial officer.
28

29 (3) At least one member of the board of ethics shall have expertise in ethics
30 acquired through education or experience.
31

32 (c) *Method of appointment.*
33

1 (1) The member of the board of ethics who is an officer or employee of the city
2 shall be nominated by the mayor and appointed by council acting by ordinance.

3
4 (2) The mayor shall appoint two of the remaining members.

5
6 (3) The council shall appoint the other two members by ordinance.

7
8 (4) All appointments regardless of appointing authority must be selected from a list of
9 at least three nominees per vacancy submitted by the Board of Ethics Nomination
10 Committee.

11 a. The Board of Ethics Nomination Committee shall be composed of three (3) members
12 each serving a term of four years and shall meet only whenever a vacancy under this
13 section occurs. Members of the committee shall not receive any salary or
14 compensation for their services. The committee shall include a designee of each of the
15 following:

16 1. Presiding Judge of the Denver County Court

17 2. The Mayor

18 3. City Council by resolution

19 b. The committee shall issue a public vacancy notice and call for applications no later
20 than fifteen (15) days after the vacancy occurs. The committee may issue a public
21 vacancy notice upon the receipt of notice of the resignation or removal of any Board
22 member under subsection (e) without waiting for the effective date of such notice. The
23 committee shall also issue a public vacancy notice ninety (90) days before the
24 expiration of any current board member's term of appointment.

25 c. The committee shall review applications and conduct screening interviews as it
26 deems necessary. A member seeking to be appointed to another term upon expiration
27 of a term of appointment must follow all committee requirements in the public vacancy
28 notice. The committee shall certify a list of at least three (3) nominees to the appointing
29 authority no later than thirty (30) days after the public application period has closed.
30 The appointing authority shall make its appointment within no longer than 60-45 days
31 after receiving the certified list of nominees. The appointing authority may reject the list
32 of nominees and request a new list from the committee.

1 (d) *Terms of appointment.*

2
3 (1) Members shall be appointed to terms of four years; however, the first member
4 appointed by the mayor and the first member appointed by the council shall initially
5 serve two year terms to achieve staggered ending dates.

6
7 (2) If a member is appointed to fill an unexpired term, that member's term shall
8 end at the same time as the term of the person being replaced.

9
10 (3) Each member shall continue to serve until a successor has been appointed,
11 unless the member is removed or resigns.

12
13 (e) *Removal.*

14
15 (1) The unexcused absence of any member of the board from three (3)
16 consecutive meetings, unless the board has excused the absence for good and
17 sufficient reasons as determined by the board, shall constitute a resignation from the
18 board.

19
20 (2) The appointing authority may remove a member for inappropriate conduct
21 before the expiration of the member's term, including but not limited to violation of the
22 restrictions set forth in subsection (h) of this section. Before removing a member, the
23 appointing authority shall specify the cause for removal and shall give the member
24 the opportunity to make a personal explanation. Before removing the member who is
25 jointly appointed, either the mayor or the council shall specify the cause for removal
26 and the mayor and council shall give the member the opportunity to make a personal
27 explanation. Members appointed by the council and the member who is nominated
28 by the mayor and appointed by council may only be removed by ordinance.

29
30 (f) *Compensation.* Members of the board of ethics shall serve without
31 compensation. The member who is an officer or employee of the city shall not receive
32 any additional compensation for serving on the board of ethics. Members may be
33 reimbursed for reasonable expenses pursuant to the rules of the city.

1 (g) *Consultation with city attorney.* The board of ethics may consult with the
2 city attorney or a designee of the city attorney regarding legal issues which may arise
3 in connection with this article and may request advisory assistance from the city
4 attorney in conducting hearings on complaints or inquiries during any stage of the
5 process.

6
7 (h) *Disqualification.* Any member or employee of the board of ethics shall
8 disqualify himself or herself from participating in any matter before the board in which
9 his or her impartiality might reasonably be questioned, including, but not limited to,
10 instances where he or she has a personal bias or prejudice concerning a party or
11 personal knowledge of or involvement in disputed evidentiary facts concerning the
12 matter; or instances where the member made or solicited campaign contributions or
13 endorsements or provided volunteer services for the campaign of a candidate for any
14 office with the board's jurisdiction or of an individual currently within the board's
15 jurisdiction. In the event that an employee of the board of ethics receives a request
16 for an advisory opinion, a request for a waiver or an inquiry from which the employee
17 is disqualified, and the employee has recused himself or herself, the board shall
18 request a designee of the city attorney or a member of the board to perform all
19 functions the employee would otherwise perform.

20
21 **Section 4.** That section 2-54, D.R.M.C. shall be amended by adding the language
22 underlined, to read as follows:

23
24 **Sec. 2-54. Advisory opinions and waivers.**

25
26 (a) Any current or former officer, official, or employee or the appointing
27 authority of a non-elected officer, an official, or an employee may submit a written
28 request to the board of ethics for advisory opinions on whether any conduct by that
29 person would constitute a violation of the code of ethics. The board of ethics shall
30 render an advisory opinion pursuant to written rules adopted by the board, but in no
31 case shall the board take longer than six (6) weeks from the time it received the
32 request to issue an advisory opinion or to give written notice explaining the reason for
33 delay and stating an expected issuance date.

1 (b) The board of ethics may render advisory opinions to individuals who
2 intend to become employees, officers, or officials upon written request of the person
3 or the person's appointing authority. The board of ethics shall render an advisory
4 opinion pursuant to written rules adopted by the board.

5
6 (c) The board of ethics may publish its advisory opinions. It shall do so with
7 deletions as may be lawful and necessary to prevent disclosure of the identity of the
8 individual involved. The board may publish guidelines based on advisory opinions.

9
10 (d) A person whose conduct is in accordance with an advisory opinion or a
11 published unreversed advisory opinion of the board of ethics shall not be found in
12 violation of any of the provisions of this article, provided that the information received
13 by the board was factually accurate and complete.

14
15 (e) Noncompliance with advisory opinions. When the board of ethics has
16 reason to believe that the advisory opinion has not been complied with, it shall inform
17 the person, the person's appointing authority, and the city attorney. The appointing
18 authority, after consulting with the city attorney, shall take appropriate action to
19 ensure compliance. The appointing authority shall report to the board in executive
20 session regarding the action, if any, taken with respect to the person.

21
22 (f) Waivers. Any current, former, or prospective officer, official, or
23 employee may submit a written request for a waiver of any provision of the code of
24 ethics in advance of taking any action that is subject to the waiver request. The board
25 of ethics is empowered to grant a waiver if it finds that the waiver will serve the best
26 interests of the city. The board shall issue appropriate notice of its meeting on the
27 waiver and its meeting shall be open to the public, including any questions posed to
28 the requestor and discussions or deliberations by the board. The board shall either
29 issue or deny the waiver in writing including a statement of reasons released to the
30 public within six (6) weeks of receiving the request. All waiver decisions shall remain
31 available on the board's public website.

32
33 **Section 5.** That subsection (4) of section 2-55, D.R.M.C. shall be amended by
34 adding the language underlined, to read as follows:

1 **Sec. 2-55. Complaints or inquiries to the board of ethics.**

2
3 Any person may file an official written complaint or inquiry with the board of
4 ethics asking whether a current officer, official, or employee has failed to comply with
5 this code of ethics. Subject to section 2-56 and the rules adopted by the board
6 pursuant to section 2-56, the board of ethics shall:

7
8 (4) If the person who is the subject of the complaint or inquiry is an employee, non-
9 elected officer, or appointed official, and if the board feels corrective action may be
10 necessary, notify the person's appointing authority and recommend that the
11 appointing authority take action, appropriate to the finding, including discipline. The
12 appointing official or authority shall report to the board in executive session regarding
13 the action, if any, taken with respect to the person. If the person who is the subject of
14 the complaint or inquiry is an elected officer, the board may propose actions
15 appropriate to the finding, ranging from a recommendation that the person abstain
16 from further action on the matter or seek a waiver, adopting a resolution reprimanding
17 the person, or referring the matter to the appropriate authority.

18
19 **Section 6.** That subsection 2 of section 2-56, D.R.M.C. shall be amended by adding
20 the language underlined, to read as follows:

21 **Sec. 2-56. Procedures for complaints or inquiries.**

22
23 The board of ethics shall adopt written rules for complaints or inquiries that
24 create a process that is fair both to the person who submitted the complaint or inquiry
25 and the person who is the subject of the complaint or inquiry. In addition to rules
26 which the board may in its discretion adopt, the rules shall:

27
28 (2) Require the complaint or inquiry to be in writing on a form approved by the board,
29 to be signed, and to show the home or business address, electronic-mail address
30 and telephone number of the person who submitted it. The form shall contain a
31 statement that must be signed and which states that, to the best of the person's
32 knowledge, information, and belief formed after reasonable reflection, the information
33 in the complaint or inquiry is true. The rules shall require the complaint or inquiry to

1 describe the facts that constitute the alleged violation of this code of ethics in
2 sufficient detail so that the board and the person who is the subject of the complaint
3 or inquiry can reasonably be expected to understand the nature of any offense that is
4 being alleged;

5
6 **Section 7.** That section 2-58, D.R.M.C., shall be amended by the addition of language
7 underlined, to read as follows:

8
9 **Sec. 2-58. Subpoenas.**

10 The board of ethics shall have the power to subpoena documents and to
11 subpoena witnesses to make statements and produce documents. Persons who are
12 subpoenaed or whose records are subpoenaed may object to testimony or
13 production of documents based upon such information being privileged as
14 recognized by Colorado or federal law. The board may issue a subpoena only after a
15 written request to appear or provide records has not been complied with and after
16 consultation with the city attorney.

17
18 **Section 8.** That section 2-60, D.R.M.C. shall be amended by deleting the language
19 stricken and adding the language underlined, to read as follows:

20
21 **Sec. 2-60. Gifts to officers, officials, and employees.**

22
23 The purpose of this section is to avoid special influence by those who give gifts to
24 city officers, employees or officials.

25
26 (a) Except when acceptance is permitted by paragraph (b) below, it
27 shall be a violation of this code of ethics for any officers, officials, or employees,
28 or any member of their immediate families to solicit or to accept any of the
29 following items if (1) the officer, official, or employee is in a position to take direct
30 official action with regard to the donor; and (2) the city has an existing, ongoing,
31 or pending contract, business, or regulatory relationship with the donor:
32

- 1 (1) Any money, property, service, or thing of value that is given to a person
2 without adequate and lawful compensation;
3
4 (2) Any honoraria or payment for participation in an event;
5
6 (3) Any loan of goods, equipment, or other items that is not available to the
7 general public on the same terms and conditions;
8
9 (4) Any loan of money that is not available to the general public at the same
10 interest rate and the same conditions;
11
12 (5) Any ticket to a sporting, recreational, or cultural event except as provided
13 for in subsection (b)(4) of this section;
14
15 (6) Travel expenses and lodging;
16
17 (7) Any reduction in price or any discount that is not similarly available to all
18 city officers, officials, and employees on the same terms; ~~and~~
19
20 (8) Parking passes except as provided for in subsection (b)(4) of this section-
21 ; and
22
23 (9) Meals except as provided for in subsection (b)(4) of this section.
24

25 This prohibition shall also apply to gifts from a lobbyist or representative of a
26 client if (1) the officer, official, or employee is in a position to take direct official
27 action with regard to the client and (2) the city has an existing, ongoing, or
28 pending contract, business, or regulatory relationship with the client.
29

30 (b) Officers, officials, and employees and the members of their
31 immediate family may accept the following even if the officer, official, or
32 employee is in a position to take direct official action with regard to the donor, or,
33 if the donor is a lobbyist or representative, the donor's client:
34

1 (1) Gifts from other officers, officials, or employees and their family members
2 on appropriate occasions;

3
4 (2) Campaign contributions as permitted by law;

5
6 (3) Nonpecuniary awards that are publicly presented by an organization in
7 recognition of public service if the award is not extraordinary when viewed in light
8 of the position held by the recipient;

9
10 (4) The donation of meals, tickets to events for which admission is charged,
11 or free or reduced price admission to events for which a fee is charged, but only
12 under the following conditions:

13
14 a. ~~No more than a total of four meals, tickets, or free or reduced price~~
15 ~~admissions may be accepted from the same donor in any calendar year~~
16 ~~regardless of the value.~~ The total value of any such meals, tickets, or free or
17 reduced price admissions received from any one donor shall not exceed three-
18 hundred dollars (\$300.00) in any calendar year, and shall be subject to the
19 reporting requirements set forth in Article IV of this Chapter 2; provided, however,
20 that any meal, tickets, or free or reduced price admission as described in
21 paragraph (f) of this subsection (4) shall not be counted against the three-
22 hundred dollar (\$300.00) provided in this paragraph.

23
24 b. A donation from an employee or representative of a business or entity
25 shall be counted as a gift from the business or entity;

26
27 c. The individual or entity which pays for the meal, ticket, or admission shall
28 be considered the donor for purposes of this subsection regardless of whether
29 that individual or entity is reimbursed for the cost;

30
31 d. Attendance must be reasonably related to the official or ceremonial duties
32 of the officer, official, or employee;

33

1 e. The donation of parking for the meal or event shall be allowed on the
2 same terms and conditions;

3
4 f. Officers, officials and employees may accept the following donations of
5 meals, tickets or free admissions to events, regardless of the annual cap on the
6 value of such donations set forth in paragraph (a) of this subsection: meals
7 provided to all attendees at a public meeting and consumed while the meeting is
8 in progress, including by way of example “working lunches;” meals provided to all
9 members of any governmental, civic, or non-profit board of which the officer,
10 official or employee is a member and consumed in conjunction with any meeting
11 of the board; tickets or free admission to a charitable event, as long as the ticket
12 or free admission is offered by the charitable or or other non-profit entity hosting
13 the event and not by any third party.

14
15 (5) Unsolicited items of trivial value. "Items of trivial value" means items or
16 services with a value of twenty-five dollars (\$25.00) or less, such as inexpensive
17 tee shirts, pens, calendars, books, flowers, or other similar items and does not
18 mean cash or gift cards;

19
20 (6) Gifts while visiting other cities, counties, states, or countries or hosting
21 visitors from other cities, counties, states, or countries when it would be a breach
22 of protocol to refuse the gift;

23
24 (7) Reasonable expenses paid by non-profit organizations or other
25 governments for attendance at a convention, fact finding mission or trip, or other
26 meeting if the person is scheduled to deliver a speech, make a presentation,
27 participate on a panel, or represent the city in an official capacity reasonably
28 related to the recipient’s employment by the city;

29
30 (8) Gifts on special and infrequent occasions if the gift is appropriate to the
31 occasion. These occasions include weddings, funerals, and illnesses;

32
33 (9) Gifts to commemorate a public event in which the officer, official, or
34 employee participated in an official capacity, provided that the gift is appropriate

1 to the occasion. Such occasions include ground breaking ceremonies and grand
2 openings;

3
4 (10) Memberships and passes from the Denver Art Museum, Denver Botanic
5 Gardens, Denver Museum of Nature and Science, and Denver Zoo.

6
7 (11) Gifts from family members;

8
9 (12) Items which are similarly available to all employees of the city or the
10 general public on the same terms and conditions.

11
12 (c) It shall not be a violation of this article for an officer, official, or
13 employee to solicit or accept donations to the city or to solicit, accept or redirect
14 donations for charitable purposes to a 501(c) or other charitable organization or
15 to provide assistance to individuals affected by illness, crime or disaster or who
16 have educational or other charitable needs, provided, however, that the individual
17 or entity solicited does not hold or reasonably could be anticipated to apply for a
18 contractual relationship to the city, that the officer, official or employee soliciting
19 such donations exercises no official action over the person or entity solicited, that
20 solicitation and financial records are maintained and provided that the soliciting
21 person, or a member of the soliciting person's immediate family does not keep or
22 use the gift or receive any monetary benefit therefrom.

23
24 (d) It shall not be a violation of this article for a member of an officer's,
25 official's or employee's immediate family to accept a gift which arises from an
26 independent relationship of an adult member, if:

27
28 (1) The officer, official or employee does not use the gift; and

29
30 (2) It cannot reasonably be inferred that the gift was intended to influence the
31 officer, official, or employee in the performance of his or her duties.

32
33
34 **Section 9.** That section 2-61, D.R.M.C. shall be amended by deleting the language

1 stricken and adding the language underlined, to read as follows:

2
3 **Sec. 2-61. Conflict of interest while employed.**

4
5 The purpose of this section is to avoid influence on the official actions of city officers,
6 employees or officials by their private or family interests.

7
8 (a) Except when advised by the city attorney that the rule of necessity
9 applies, an officer, official, or employee shall not take direct official action on a matter
10 before the city if he or she or a member of the immediate family, a business
11 associate or an employer other than the city of the officer, official or employee has
12 any substantial employment, contractual, or financial interest in that matter. A
13 substantial interest shall be deemed to exist if:

14
15 (1) He or she or a member of the immediate family, a business associate or an
16 employer other than the city is the other party in the matter;

17
18 (2) He, she, a spouse, a domestic partner or minor children solely or aggregated
19 together, a business associate or an employer owns or own one (1) percent or more,
20 or a member of the immediate family other than a spouse, domestic partner or minor
21 children own or owns five (5) percent or more, of another party in the matter;

22
23 (3) He or she, a member of the immediate family, a business associate or an
24 employer is a board member or an officer in another party in the matter;

25
26 (4) He or she, a member of the immediate family, a business associate or an
27 employer is directly involved in obtaining the city's business for another party in the
28 matter;

29
30 (5) He or she, a member of the immediate family, a business associate or an
31 employer is directly involved in negotiating the contract or preparing the bid,
32 proposal, response to a request for qualifications, or similar document for another
33 party in the matter, other than in a purely clerical capacity; or
34

1 (6) A member of his or her immediate family performs more than a nominal portion of
2 the work in the matter, or supervises or manages more than a nominal portion of the
3 work.

4
5 (7) He or she or a member of his or her immediate family participated personally in
6 providing legal representation, ~~or~~ lobbying or other professional services for another
7 party in the matter or owns five (5) percent or more of a law firm, ~~or~~ lobbying firm or
8 other professional services firm representing another party in the matter.

9
10 (b) For purposes of this section, business associate means a person or
11 entity with whom an officer, official or employee or a member of his or her immediate
12 family is a partner or a co-owner of a business in which the business associate and
13 the officer, official or employee or a member of his or her immediate family each own
14 at least one percent of the business.

15
16 (c) An officer, official, or employee may represent himself or herself before
17 a city board or commission in accord with such board's procedures, provided that the
18 officer, official, or employee does not also participate in the board's decision in his or
19 her official capacity.

20
21 (d) An officer, official, or employee may acquire an interest in bonds or
22 other evidences of indebtedness issued by the city or the board of water
23 commissioners so long as they are acquired on the same terms available to the
24 general public.

25
26 (e) It shall not be a violation of this code of ethics for an officer, official, or
27 employee to take direct official action on the following matters even if the person or a
28 relative employed by a city agency would benefit:

29
30 (1) The city's annual budget or an amendment to the annual budget; or

31
32 (2) Establishing the pay or fringe benefit plans of city officers, officials, or employees
33

1 (f) Officers, employees or officials who are prohibited from taking direct
2 official action due to a substantial conflict of interest shall disclose such interest to his
3 or her colleagues on a board or commission or to his or her supervisor or appointing
4 authority, shall not act or vote thereon, shall refrain from attempting to influence the
5 decisions of others in acting or voting on the matter and shall work with his or her
6 supervisor or appointing authority to ensure that the matter is assigned to someone
7 without conflicting interests.

8
9 (g) No officer, employee or official may have any other employment or position
10 which is incompatible with his or her duties or that adversely affect the interests of the
11 city.

12
13 **Section 10.** That section 2-62, D.R.M.C. shall be amended by deleting the language
14 stricken and adding the language underlined, to read as follows:

15 **Sec. 2-62. Prior employment.**

16
17 The ~~purpose~~ purposes of this section ~~is~~ are: (1) to indicate that persons are not
18 disqualified from a city job because of prior employment; (2) to avoid special
19 advantage being given to former employers of city officers, employees or officials;
20 and (3) to avoid special advantage being given to a city officer, employee or official
21 by a former employer.

22
23 No person shall be disqualified from service with the city as an officer, official,
24 or employee solely because of his or her prior employment. Officers, officials, and
25 employees shall not take any direct official action with respect to their former
26 employers for a period of six (6) months from the date of termination of the prior
27 employment.

28
29 **Section 11.** That section 2-63, D.R.M.C. shall be amended by adding the language
30 underlined, to read as follows:

31
32 **Sec. 2-63. ~~Contemporaneous or~~ Outside employment or business activity.**

1 The purposes of this section is to avoid possible conflicts of interest and time conflicts
2 between city jobs and outside employment or business activity.

3
4 (a) All officers other than elective officers and all employees shall report
5 existing or proposed outside employment (excluding unpaid volunteer activity) or
6 other outside business activity annually in writing to their appointing authorities and
7 obtain his or her appointing authority's approval thereof prior to accepting initial
8 employment or outside business activity. All officials shall immediately report any
9 change in employment status to their appointing authorities which could give rise to a
10 conflict of interest.

11
12 (b) If the appointing authority or the officer, official or employee believes
13 that there is a potential conflict of interest between the person's public responsibility
14 and his or her possible outside employment or outside business activity, he, she or
15 they are encouraged to consult the board of ethics.

16
17 (c) An officer or employee who has received the written permission of the
18 appointing authority may engage in outside employment or other outside business
19 activity. If, however, the board has rendered an advisory opinion to an officer,
20 employee or official and/or an appointing authority, and the Board has reason to
21 believe that the officer, employee or official has not complied with the opinion, the
22 Board shall notify the appointing authority and the appointing authority shall report to
23 the board in executive session regarding the action, if any, taken with respect to the
24 person.

25
26 (d) Copies of documents arising from this section shall be placed in each officer's
27 or employee's departmental personnel file.

28
29 (e) City resources may not be used for any outside employment or outside
30 business activity.

31
32 COMMITTEE APPROVAL DATE: _____, 2016.

33 MAYOR-COUNCIL DATE: _____, 2016.

34 PASSED BY THE COUNCIL _____ 2016

1 _____ - PRESIDENT
2 APPROVED: _____ - MAYOR _____ 2016
3 ATTEST: _____ - CLERK AND RECORDER,
4 EX-OFFICIO CLERK OF THE
5 CITY AND COUNTY OF DENVER
6
7 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016
8
9 PREPARED BY: _____; DATE: _____
10

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15

16
17 City Attorney

18
19 BY: _____, _____ City Attorney

20 DATE: _____
21
22
23