

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18--0614
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance amending Chapter 2, Articles IV and V concerning the**
7 **regulation and disclosures of certain gifts under the code of ethics.**

8
9 **WHEREAS**, the code of ethics prohibits the receipt of certain gifts when an officer, official, or
10 employee is in a position to take direct official action with regard to the donor and the city has an
11 existing, ongoing, or pending contract, business, or regulatory relationship with the donor;

12 **WHEREAS**, the city cannot have an existing, ongoing, or pending contract, business, or
13 regulatory relationship with, among and/or its agencies, departments, and other similar offices or
14 bodies that are part of the city itself;

15 **WHEREAS**, city council has determined that the code of ethics should be amended to add a
16 definition of donor to section 2-52 and to clarify the relevant elements of section 2-60 concerning
17 gifts to officers, officials, and employees;

18 **WHEREAS**, city council has determined that the financial disclosure code should be amended
19 to reflect the changes to the code of ethics and provide for reporting by officers of items affected by
20 the code of ethics amendment.

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

22 **Section 1.** That section 2-52, D.R.M.C. shall be amended by adding the language underlined,
23 to read as follows:

24 (f) Donor means an individual or entity that has an existing, ongoing, or pending contract,
25 business, or regulatory relationship with city, or a lobbyist or other representative for any such
26 individual or entity. The term "donor" does not include the city itself including any department, agency
27 or other unit of the city and county, or any officer, official or employee of the city, when the gift or
28 donation is paid for by funds appropriated by the city.

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

1 The purpose of this section is to avoid special influence by ~~these~~ donors who give gifts to city
2 officers, employees or officials.

3 * * *

4 (b)(4)

5 g. Officers, officials and employees may accept the following donations of tickets
6 or free admissions to events, regardless of the annual cap on the value of such donations set forth
7 in paragraph a. of this subsection: tickets or free admission to a charitable event, as long as the
8 ticket or free admission is offered directly by and at the expense of the charitable, ~~or~~ other non-profit,
9 or governmental entity hosting the event and not directly or indirectly offered by any sponsor of the
10 event or other donor to which the gift restriction set forth in paragraph a. of this section applies. Any
11 ticket or free admission to an event accepted under this paragraph g., shall be subject to reporting
12 requirements set forth in article V of this chapter 2.

13 * * *

14 **Section 3.** That section 2-72(c), D.R.M.C. shall be amended by deleting the language stricken
15 and adding the language underlined, to read as follows:

16 (c) *Semi-annual gift disclosure statement required.* Beginning on July 31, 2017, every
17 officer as defined in section 2-71(4) shall file a gift disclosure with the clerk on or before January 31
18 and July 31 of each year. The January 31 report shall cover the period from July 1 to December 31
19 and the July 31 report shall cover the period from January 1 to June 30. The report shall include the
20 identification, estimated value, and the source of any gifts which ~~may be~~ were accepted under
21 Sections 2-60(b)(4), (7), (9) and (10) received by the officer during the reporting period. Officers are
22 required to report gifts from persons pursuing business with the city or with whom the city has an
23 existing, ongoing, or pending contract, business, or regulatory relationship and over whom the officer
24 may take direct official action as defined in § 2-52(b).

25 **Section 4.** That section 2-72.5, D.R.M.C. shall be renumbered 2-73, D.R.M.C. and shall be
26 further amended by deleting the language stricken and adding the language underlined, to read as
27 follows:

28 Employees shall file their annual gift report for gifts received in calendar year 2016 no later
29 than January 31, 2017, under the reporting requirements in effect during 2016. Beginning in 2018,
30 every employee who accepted a gift that must be reported as required in this section shall file an
31 employee report with his or her appointing authority on or before January 31 of each year. The report
32 shall cover the period from January 1 to December 31 of the prior and shall include the

1 identification, estimated value, and the source of any gifts which ~~may be~~ were accepted under
2 sections 2-60(b)(4), (7), (9) and (10) in excess of fifty dollars (\$50.00) received by the employee
3 during the reporting period, as a result of employment with the city, from anyone with whom the city
4 has an existing, ongoing, or pending contract, business, or regulatory relationship and over whom
5 the employee may take direct official action as defined in section 2-52(b). Beginning with the report
6 due on January 31, 2018, the report shall also include the identification, the estimated value, and
7 source of any charitable donation personally solicited by the officer during the reporting period as
8 permitted by section 2-60(c), to the extent the officer is aware that the donation was actually made
9 based upon information provided to the employee by the person or entity receiving the donation.
10 Employee reports filed pursuant to this section shall be public records and available for inspection
11 by contracting the agency or department head with whom the report is filed.

12 **Section 5.** That new section 2-74, D.R.M.C. shall be added as follows:

13 **2-74 Semi-Annual Officer Disclosure of City Items.**

14 Beginning on January 31, 2019, every officer as defined in section 2-71(4) shall file a
15 disclosure with the clerk on or before January 31 and July 31 of each year of each item or thing
16 received from the city with an estimated value in excess of fifty dollars (\$50.00). The January 31
17 report shall cover the period from July 1 to December 31 and the July 31 report shall cover the period
18 January 1 to June 30. The report shall include the identification and the source by department,
19 agency or other unit of the city of each item or thing received by the officer, including intangible items
20 or things such as expenses for overnight travel, from the city, including any department, agency or
21 other unit of the city, or any officer, official or employee of the city, when the item is paid for by funds
22 appropriated by the city. The report shall not include items or things received by the officer which:
23 are for the use of but not ownership by the officer in the regular course of the officer's duties such
24 as office supplies, furniture, computers, mobile phones, or vehicles; which are for distribution to the
25 public at events sponsored by or attended by the official; or items or things received and paid for
26 from the budget of the officer's department, agency, or unit.

27 **Section 6.** That existing section 2-73, D.R.M.C. shall be renumbered as section 2-75,
28 D.R.M.C.; existing section 2-74, D.R.M.C. shall be renumbered section 2-76, D.R.M.C.; and sections
29 2-77 – 2-90, D.R.M.C. shall be Reserved.

30 **[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: June 19, 2018
2 MAYOR-COUNCIL DATE: N/A
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Tracy A. Davis, Assistant City Attorney DATE: June 21, 2018
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 Kristin M. Bronson, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____