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## General Government & Finance Committee Summary Minutes

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**Wednesday, February 16, 2011      10:30 AM      City & County Building, Room 391**

**Members Present:** Brown, Faatz, Lehmann, Robb, Sandoval

**Members Absent:** Boigon

**Other Council  
Present:**

**Committee Staff:** Debra Bartleson

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### Presentations

**1                      Ethics Board annual report**

*Michael Henry, Ethics Board; Edgar Neel, Ethics Boardmember*

Michael Henry, Board of Ethics Director, stated that the new ethics code was adopted 10 years ago by City Council. He added that it has been fifty years since the last ethical failure happened. That is a reflection of ethical leaders, smart citizenry, and good ethics training, noted Mr. Henry. The Ethics Board meets once-a-month, is a non-paid board, and takes about 5 to 10 hours each month for meeting preparation. 2011 Goals of the Ethics Board include: seeking funding for an updated handbook, improving ethics training, recommending changes based on research of other codes of ethics, and co-sponsoring a Mayoral forum.

Councilmember Faatz asked if the Mayor's Office requests training for new employees prior to appointments to his staff. Mr. Henry said there is no requirement for that, and that he provides two levels of ethics consulting. One type is official, in writing, published, and open to the public; the other is unofficial consultation and advice.

In 2010 the Ethics Program went through a performance audit conducted by the Auditor's Office. The audit report provided recommendations for improvements to the program. The Ethics Program will be conducting a lunchtime session to explain different types of confidentiality concerns - materials, health, etc. for City employees, as one of the enhancements to the program.

Councilmember Faatz informed the ethics representatives that Council held

an executive session with the Auditor's staff, and she asked if they were aware of the concerns expressed by Councilmembers. Mr. Henry said he was not. Councilmember Sandoval explained that concerns and suggestions were raised during that session and she will make sure there is follow up with the board to revisit the issues.

Councilmember Robb added that some of the conversation was related to whistle-blowing processes. Mr. Henry said he hopes there would be changes on how the whistle-blowing complaints are handled, specifically asking for a central repository of these complaints. He added that most of these complaints are not in the jurisdiction of the Board of Ethics.

Councilmember Faatz asked how the open records law applies to the board if most of their business is conducted by email. David Broadwell, City Attorney's Office, said that email work is an efficiency that most boards use nowadays to accomplish their work and it could be that some work may apply to open records, but there has been no open record request made to the board to date.

## **Bill Requests**

### **RR11-0106**

**Approves the City Council reappointment of Edgar L. Neel to the Denver Board of Ethics for a four-year term from April 20, 2011 to April 20, 2015.**

*Michael Henry, Ethics Board; Edgar Neel, Ethics Boardmember*

Mr. Neel said he has been a practicing attorney in Colorado for 30 years. He was appointed three years ago as a Council appointment to the board. The board is diverse and he appreciates the work and expertise of the director and other boardmembers. Helen Raabe, a Denver City Attorney, monitors the board activities.

Councilmember Faatz said she disagreed with a prior decision of the board in which they approved an employment waiver. She asked if there were criteria for waivers. Mr. Neel said the primary factor when making these decisions is if the action would be in the best interest of the City, and every situation is evaluated on its own merit. The Kim Day-Manager of Aviation decision of late was a clear violation and the board sent a message that rules are enforced.

A motion offered by Councilmember Brown, duly seconded by Councilmember Robb to file a bill to approve the reappointment of Edgar L. Neel, carried by the following vote:

AYES: Brown, Faatz, Robb, Sandoval(4)

NAYS: (None)

ABSENT: Boigon, Lehmann (Councilwoman Lehmann left the meeting prior to the vote.)(2)

ABSTAIN: (None)