

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2017

COUNCIL BILL NO. 16-1202
COMMITTEE OF REFERENCE:
Finance and Governance

6 **A BILL**

8 For an ordinance amending the Denver Code of Ethics, and making conforming
9 amendments to the Article V of Chapter 2, D.R.M.C. concerning financial disclosure
10 requirements
11

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

14 **Section 1.** That the introductory sentence to section 2-51, D.R.M.C. shall be amended by
15 adding the language underlined, to read as follows:
16

17 **Sec. 2-51. - Legislative intent.**

18 It is the intent of the city that its officers, officials, and employees adhere to high levels of
19 ethical conduct, honesty, integrity and accountability, so that the public will have
20 confidence that persons in positions of public responsibility are acting for the benefit
21 of the public. Officers, officials, and employees should comply with both the letter and
22 spirit of this ethics code and strive to avoid situations, ~~which~~ that create impropriety or
23 the appearance of impropriety.
24

25 **Section 2.** That section 2-52, D.R.M.C. shall be amended by deleting the language stricken
26 and adding the language underlined, to read as follows:
27

28 **Sec. 2-52. Definitions.**

30 (a) *Employee* means any person in the employ of the city or of any of its
31 agencies or departments and any person employed without compensation ~~under the~~
32 ~~terms and provisions of Chapter 18, article II, division 19 of this Code.~~
33

34 (b) *Direct official action* means any action which involves:

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

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

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

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

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

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

28
29 (c) *Immediate family* means husband, wife, son, daughter, mother, father, step-
30 son, step-daughter, step-mother, step-father, father or mother in-law, son or daughter
31 in-law, brother or sister in-law, aunt, uncle, nephew, niece, grandmother, grandfather,
32 grandchildren, brother, sister, domestic partner, any person with whom he or she is
33 cohabiting and any person to whom he or she is engaged to be married. The term
34 includes any minor children for whom the person or his or her domestic partner

1 provides day-to-day care and financial support. A "domestic partner" is an unmarried
2 adult, unrelated by blood, with whom an unmarried officer, official, or employee has
3 an exclusive committed relationship, maintains a mutual residence, and shares basic
4 living expenses.

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

12
13 (e) *Official* means a member of a city board or commission.
14

15 **Section 3.** That section 2-53, D.R.M.C. shall be amended by adding the language
16 underlined, to read as follows:
17

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

19 (a) *Creation and appointment.* There is hereby created a board of ethics to consist
20 of five members. The purpose of the board shall be to issue advisory opinions and
21 waivers on ethical issues arising under this article and to hear inquiries or complaints
22 and issue findings and recommendations regarding alleged violations of this article.
23

24 (b) *Qualifications.*

25
26 (1) One and only one member of the board of ethics shall be an officer or
27 employee of the city.
28

29 (2) At least one member of the board of ethics shall be a former judicial officer.
30

31 (3) At least one member of the board of ethics shall have expertise in ethics
32 acquired through education or experience.
33

34 (c) *Method of appointment.*

1
2 (1) The member of the board of ethics who is an officer or employee of the city
3 shall be nominated by the mayor and appointed by council acting by ordinance.
4

5 (2) The mayor shall appoint two of the remaining members.
6

7 (3) The council shall appoint the other two members by ordinance.
8

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

12 a. The Board of Ethics Nomination Committee shall be composed of three (3) members
13 with one member appointed by the mayor, one member appointed by the council and
14 one member appointed by the presiding judge of the Denver county court, each serving
15 a term of four years and shall meet only whenever a vacancy under this section occurs.
16 Officers, employees and officials of the city shall not be eligible for appointment to or
17 service on the committee. Members of the committee shall not receive any salary or
18 compensation for their services.

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. The committee shall certify a list of at least three (3) nominees to
27 the appointing authority no later than thirty (30) days after the public application period
28 has closed. The appointing authority shall make its appointment within no longer than
29 45 days after receiving the certified list of nominees. The appointing authority may
30 reject the list of nominees and request a new list from the committee.

31 d. Whenever an incumbent member of the board of ethics wishes to apply for
32 reappointment to another term on the board, the member shall so advise the Board of
33 Ethics Nominating Committee in writing at least ninety (90) days in advance of the

1 expiration of the member's current term. The committee shall then proceed to interview
2 the member and determine whether or not to recommend to the incumbent's appointing
3 authority reappointment to the board for another term. If the committee determines
4 that the incumbent should not be reappointed, the committee shall proceed to issue a
5 public vacancy notice for the seat as provided in paragraph b. of this subsection. If the
6 committee determines to recommend reappointment of the incumbent for another
7 term, the committee shall forward the recommendation to the incumbent's appointing
8 authority. If the appointing authority decides not to reappoint the incumbent, then the
9 committee shall proceed to issue a public vacancy notice for the seat as provided in
10 paragraph b. of this subsection.

11 (d) *Terms of appointment.*

12
13 (1) Members shall be appointed to terms of four years; however, the first member
14 appointed by the mayor and the first member appointed by the council shall initially
15 serve two year terms to achieve staggered ending dates.

16
17 (2) If a member is appointed to fill an unexpired term, that member's term shall
18 end at the same time as the term of the person being replaced.

19
20 (3) Each member shall continue to serve until a successor has been appointed,
21 unless the member is removed or resigns.

22
23 (e) *Removal.*

24
25 (1) The unexcused absence of any member of the board from three (3)
26 consecutive meetings, unless the board has excused the absence for good and
27 sufficient reasons as determined by the board, shall constitute a resignation from the
28 board.

29
30 (2) The appointing authority may remove a member for inappropriate conduct
31 before the expiration of the member's term, including but not limited to violation of the
32 restrictions set forth in subsection (h) of this section. Before removing a member, the
33 appointing authority shall specify the cause for removal and shall give the member

1 the opportunity to make a personal explanation. Before removing the member who is
2 jointly appointed, either the mayor or the council shall specify the cause for removal
3 and the mayor and council shall give the member the opportunity to make a personal
4 explanation. Members appointed by the council and the member who is nominated
5 by the mayor and appointed by council may only be removed by ordinance.

6
7 (f) *Compensation.* Members of the board of ethics shall serve without
8 compensation. The member who is an officer or employee of the city shall not receive
9 any additional compensation for serving on the board of ethics. Members may be
10 reimbursed for reasonable expenses pursuant to the rules of the city.

11
12 (g) *Consultation with city attorney.* The board of ethics may consult with the
13 city attorney or a designee of the city attorney regarding legal issues which may arise
14 in connection with this article and may request advisory assistance from the city
15 attorney in conducting hearings on complaints or inquiries during any stage of the
16 process.

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

31
32 **Section 4.** That section 2-54, D.R.M.C. shall be amended by adding the language
33 underlined, to read as follows:
34

1 **Sec. 2-54. Advisory opinions and waivers.**

2
3 (a) Any current or former officer, official, or employee or the appointing
4 authority of a non-elected officer, an official, or an employee may submit a written
5 request to the board of ethics for advisory opinions on whether any conduct by that
6 person would constitute a violation of the code of ethics. The board of ethics shall
7 render an advisory opinion pursuant to written rules adopted by the board, but in no
8 case shall the board take longer than six (6) weeks from the time it received the
9 request to issue an advisory opinion or to give written notice explaining the reason for
10 delay and stating an expected issuance date.

11
12 (b) The board of ethics may render advisory opinions to individuals who
13 intend to become employees, officers, or officials upon written request of the person
14 or the person's appointing authority. The board of ethics shall render an advisory
15 opinion pursuant to written rules adopted by the board.

16
17 (c) The board of ethics may publish its advisory opinions. It shall do so with
18 deletions as may be lawful and necessary to prevent disclosure of the identity of the
19 individual involved. The board may publish guidelines based on advisory opinions.

20
21 (d) A person whose conduct is in accordance with an advisory opinion or a
22 published unreversed advisory opinion of the board of ethics shall not be found in
23 violation of any of the provisions of this article, provided that the information received
24 by the board was factually accurate and complete.

25
26 (e) Noncompliance with advisory opinions. When the board of ethics has
27 reason to believe that the advisory opinion has not been complied with, it shall inform
28 the person, the person's appointing authority, and the city attorney. The appointing
29 authority, after consulting with the city attorney, shall take appropriate action to
30 ensure compliance.

31 (f) Waivers. Any current, former, or prospective officer, official, or
32 employee may submit a written request for a waiver of any provision of the code of
33 ethics in advance of taking any action that is subject to the waiver request. The board
34 of ethics is empowered to grant a waiver if it finds that the waiver will serve the best

1 interests of the city. The board shall issue appropriate notice of its meeting on the
2 waiver and its meeting shall be open to the public, including any questions posed to
3 the requestor and discussions or deliberations by the board. The board shall either
4 issue or deny the waiver in writing including a statement of reasons released to the
5 public within six (6) weeks of receiving the request. All waiver decisions shall remain
6 available on the board's public website.

7
8 **Section 5.** That subsection (4) of section 2-55, D.R.M.C. shall be amended by
9 adding the language underlined, to read as follows:

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

11
12 Any person may file an official written complaint or inquiry with the board of
13 ethics asking whether a current officer, official, or employee has failed to comply with
14 this code of ethics. Subject to section 2-56 and the rules adopted by the board
15 pursuant to section 2-56, the board of ethics shall:

16
17 (4) If the person who is the subject of the complaint or inquiry is an employee, non-
18 elected officer, or appointed official, and if the board feels corrective action may be
19 necessary, notify the person's appointing authority and recommend that the
20 appointing authority take action, appropriate to the finding, including discipline. If the
21 person who is the subject of the complaint or inquiry is an elected officer, the board
22 may propose actions appropriate to the finding, ranging from a recommendation that
23 the person abstain from further action on the matter or seek a waiver, adopting a
24 resolution reprimanding the person, or referring the matter to the appropriate
25 authority.

26
27 **Section 6.** That subsection 2 of section 2-56, D.R.M.C. shall be amended by adding
28 the language underlined, to read as follows:

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

30
31 The board of ethics shall adopt written rules for complaints or inquiries that
32 create a process that is fair both to the person who submitted the complaint or inquiry

1 and the person who is the subject of the complaint or inquiry. In addition to rules
2 which the board may in its discretion adopt, the rules shall:

3
4 (2) Require the complaint or inquiry to be in writing on a form approved by the board,
5 to be signed, and to show the home or business address, electronic-mail address
6 and telephone number of the person who submitted it. The form shall contain a
7 statement that must be signed and which states that, to the best of the person's
8 knowledge, information, and belief formed after reasonable reflection, the information
9 in the complaint or inquiry is true. The rules shall require the complaint or inquiry to
10 describe the facts that constitute the alleged violation of this code of ethics in
11 sufficient detail so that the board and the person who is the subject of the complaint
12 or inquiry can reasonably be expected to understand the nature of any offense that is
13 being alleged;

14
15 **Section 7.** That section 2-58, D.R.M.C., shall be amended by the addition of language
16 underlined, to read as follows:

17
18 **Sec. 2-58. Subpoenas.**

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

26
27 **Section 8.** That section 2-60, D.R.M.C. shall be amended by deleting the language
28 stricken and adding the language underlined, to read as follows:

29
30 **Sec. 2-60. Gifts to officers, officials, and employees.**

31
32 The purpose of this section is to avoid special influence by those who give gifts to
33 city officers, employees or officials.

1
2 (a) Except when acceptance is permitted by paragraph (b) below, it
3 shall be a violation of this code of ethics for any officers, officials, or employees,
4 or any member of their immediate families to solicit or to accept any of the
5 following items if (1) the officer, official, or employee is in a position to take direct
6 official action with regard to the donor; and (2) the city has an existing, ongoing,
7 or pending contract, business, or regulatory relationship with the donor:
8

9 (1) Any money, property, service, or thing of value that is given to a person
10 without adequate and lawful compensation;
11

12 (2) Any honoraria or payment for participation in an event;
13

14 (3) Any loan of goods, equipment, or other items that is not available to the
15 general public on the same terms and conditions;
16

17 (4) Any loan of money that is not available to the general public at the same
18 interest rate and the same conditions;
19

20 (5) Any ticket to a sporting, recreational, or cultural event except as provided
21 for in subsection (b)(4) of this section;
22

23 (6) Travel expenses and lodging;
24

25 (7) Any reduction in price or any discount that is not similarly available to all
26 city officers, officials, and employees on the same terms; ~~and~~
27

28 (8) Parking passes except as provided for in subsection (b)(4) of this section-
29 ; and
30

31 (9) Meals except as provided for in subsection (b)(4) of this section.
32

33 This prohibition shall also apply to gifts from a lobbyist or representative of a
34 client if (1) the officer, official, or employee is in a position to take direct official

1 action with regard to the client and (2) the city has an existing, ongoing, or
2 pending contract, business, or regulatory relationship with the client.

3
4 (b) Officers, officials, and employees and the members of their
5 immediate family may accept the following even if the officer, official, or
6 employee is in a position to take direct official action with regard to the donor, or,
7 if the donor is a lobbyist or representative, the donor's client:

8
9 (1) Gifts from other officers, officials, or employees and their family members
10 on appropriate occasions;

11
12 (2) Campaign contributions as permitted by law;

13
14 (3) Nonpecuniary awards that are publicly presented by an organization in
15 recognition of public service if the award is not extraordinary when viewed in light
16 of the position held by the recipient;

17
18 (4) The donation of meals, tickets to events for which admission is charged,
19 or free or reduced price admission to events for which a fee is charged, but only
20 under the following conditions:

21
22 a. ~~No more than a total of four~~ The value of any meals, tickets, or free or
23 reduced price admissions ~~may be~~ accepted from the same donor in any calendar
24 year ~~regardless of the value~~ shall not exceed three hundred dollars (\$300.00)
25 and shall be subject to the reporting requirements set forth in Article V of this
26 Chapter 2;

27
28 b. A donation from an employee or representative of a business or entity
29 shall be counted as a gift from the business or entity;

30
31 c. The individual or entity which pays for the meal, ticket, or admission shall
32 be considered the donor for purposes of this subsection regardless of whether
33 that individual or entity is reimbursed for the cost;

1 d. Attendance must be reasonably related to the official or ceremonial duties
2 of the officer, official, or employee;

3
4 e. The donation of parking for the meal or event shall be allowed on the
5 same terms and conditions;

6
7 f. Officers, officials and employees may accept the following donations of
8 meals regardless of the annual cap on the value of such meals set forth in
9 paragraph a. of this subsection and without the need to report the donation under
10 Article V of this Chapter 2: meals provided to all attendees at a public meeting
11 and consumed while the meeting is in progress, including by way of example
12 “working lunches;” and meals provided to all members of any governmental,
13 civic, or non-profit board of which the officer, official or employee is a member
14 and consumed in conjunction with any meeting of the board.

15
16 g. Officers, officials and employees may accept the following donations of
17 tickets or free admissions to events, regardless of the annual cap on the value of
18 such donations set forth in paragraph a. of this subsection: tickets or free
19 admission to a charitable event, as long as the ticket or free admission is offered
20 directly by and at the expense of the charitable or other non-profit entity hosting
21 the event and not directly or indirectly offered by any sponsor of the event or
22 other donor to which the gift restriction set forth in subsection a. of this section
23 applies. Any ticket or free admission to an event accepted under this paragraph
24 g. shall be subject to reporting requirements set forth in Article V of this chapter
25 2.

26
27 (5) Unsolicited items of trivial value. "Items of trivial value" means items or
28 services with a value of twenty-five dollars (\$25.00) or less, such as inexpensive
29 tee shirts, pens, calendars, books, flowers, or other similar items and does not
30 mean cash or gift cards;

31
32 (6) Gifts while visiting other cities, counties, states, or countries or hosting
33 visitors from other cities, counties, states, or countries when it would be a breach
34 of protocol to refuse the gift;

1
2 (7) Reasonable expenses paid by non-profit organizations or other
3 governments for attendance at a convention, fact finding mission or trip, or other
4 meeting if the person is scheduled to deliver a speech, make a presentation,
5 participate on a panel, or represent the city in an official capacity reasonably
6 related to the recipient's employment by the city;
7

8 (8) Gifts on special and infrequent occasions if the gift is appropriate to the
9 occasion. These occasions include weddings, funerals, and illnesses;
10

11 (9) Gifts to commemorate a public event in which the officer, official, or
12 employee participated in an official capacity, provided that the gift is appropriate
13 to the occasion. Such occasions include ground breaking ceremonies and grand
14 openings;
15

16 (10) Memberships and passes from the Denver Art Museum, Denver Botanic
17 Gardens, Denver Museum of Nature and Science, and Denver Zoo.
18

19 (11) Gifts from family members;
20

21 (12) Items which are similarly available to all employees of the city or the
22 general public on the same terms and conditions.
23

24 (c) It shall not be a violation of this article for an officer, official, or
25 employee to solicit or accept donations to the city or to solicit, accept or redirect
26 donations for charitable purposes to a 501(c) or other charitable organization or
27 to provide assistance to individuals affected by illness, crime or disaster or who
28 have educational or other charitable needs, provided, however, that: solicitation
29 and financial records are maintained and provided that
30

31 (1) If an officer or employee soliciting such a donation is in a position to take
32 direct official action with regard to the donor; and the city has an existing,
33 ongoing, or pending contract, business, or regulatory relationship with the donor,
34 any donation that is actually made as a result of the officer or employee's

1 solicitation is reported by the officer or employee as required in Article V of this
2 Chapter 2; and

3
4 (2) The soliciting person, or a member of the soliciting person's immediate family
5 does not keep or use the gift or receive any monetary benefit therefrom.

6
7 (d) It shall not be a violation of this article for a member of an officer's,
8 official's or employee's immediate family to accept a gift which arises from an
9 independent relationship of an adult member, if:

10
11 (1) The officer, official or employee does not use the gift; and

12
13 (2) It cannot reasonably be inferred that the gift was intended to influence the
14 officer, official, or employee in the performance of his or her duties.

15
16
17 **Section 9.** That section 2-61, D.R.M.C. shall be amended by deleting the language
18 stricken and adding the language underlined, 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
26 applies, an officer, official, or employee shall not take direct official action on a matter
27 before the city if he or she or a member of the immediate family, a business
28 associate or an employer other than the city of the officer, official or employee has
29 any substantial employment, contractual, or financial interest in that matter. A
30 substantial interest shall be deemed to exist if:

31
32 (1) He or she or a member of the immediate family, a business associate or an
33 employer other than the city is the other party in the matter;

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

5
6 (3) He or she, a member of the immediate family, a business associate or an
7 employer is a board member or an officer in another party in the matter;

8
9 (4) He or she, a member of the immediate family, a business associate or an
10 employer is directly involved in obtaining the city's business for another party in the
11 matter;

12
13 (5) He or she, a member of the immediate family, a business associate or an
14 employer is directly involved in negotiating the contract or preparing the bid,
15 proposal, response to a request for qualifications, or similar document for another
16 party in the matter, other than in a purely clerical capacity; or

17
18 (6) A member of his or her immediate family performs more than a nominal portion of
19 the work in the matter, or supervises or manages more than a nominal portion of the
20 work.

21
22 (7) He or she or a member of his or her immediate family participated personally in
23 providing legal representation, ~~or~~ lobbying or other professional services for another
24 party in the matter or owns five (5) percent or more of a law firm, ~~or~~ lobbying firm or
25 other professional services firm representing another party in the matter.

26
27 (b) For purposes of this section, business associate means a person or
28 entity with whom an officer, official or employee or a member of his or her immediate
29 family is a partner or a co-owner of a business in which the business associate and
30 the officer, official or employee or a member of his or her immediate family each own
31 at least one percent of the business.

32
33 (c) An officer, official, or employee may represent himself or herself before
34 a city board or commission in accord with such board's procedures, provided that the

1 officer, official, or employee does not also participate in the board's decision in his or
2 her official capacity.

3
4 (d) An officer, official, or employee may acquire an interest in bonds or
5 other evidences of indebtedness issued by the city or the board of water
6 commissioners so long as they are acquired on the same terms available to the
7 general public.

8
9 (e) It shall not be a violation of this code of ethics for an officer, official, or
10 employee to take direct official action on the following matters even if the person or a
11 relative employed by a city agency would benefit:

12
13 (1) The city's annual budget or an amendment to the annual budget; or

14
15 (2) Establishing the pay or fringe benefit plans of city officers, officials, or employees

16
17 (f) Officers, employees or officials who are prohibited from taking direct
18 official action due to a substantial conflict of interest shall disclose such interest to his
19 or her colleagues on a board or commission or to his or her supervisor or appointing
20 authority, shall not act or vote thereon, shall refrain from attempting to influence the
21 decisions of others in acting or voting on the matter and shall work with his or her
22 supervisor or appointing authority to ensure that the matter is assigned to someone
23 without conflicting interests.

24
25 (g) No officer, employee or official may have any other employment or position
26 which is incompatible with his or her duties or that adversely affect the interests of the
27 city.

28
29 **Section 10.** That section 2-62, D.R.M.C. shall be amended by deleting the language
30 stricken and adding the language underlined, to read as follows:

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

32
33 The ~~purpose~~purposes of this section ~~is~~are: (1) to indicate that persons are not
34 disqualified from a city job because of prior employment; (2) to avoid special

1 advantage being given to former employers of city officers, employees or officials;
2 and (3) to avoid special advantage being given to a city officer, employee or official
3 by a former employer.
4

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

10 **Section 11.** That section 2-63, D.R.M.C. shall be amended by adding the language
11 underlined, to read as follows:
12

13
14 **Sec. 2-63. ~~Contemporaneous or~~ Outside employment or business activity.**

15
16 The purposes of this section is to avoid possible conflicts of interest and time conflicts
17 between city jobs and outside employment or business activity.
18

19 (a) All officers other than elective officers and all employees shall report
20 existing or proposed outside employment (excluding unpaid volunteer activity) or
21 other outside business activity annually in writing to their appointing authorities and
22 obtain his or her appointing authority's approval thereof prior to accepting initial
23 employment or outside business activity. All officials shall immediately report any
24 change in employment status to their appointing authorities which could give rise to a
25 conflict of interest.
26

27 (b) If the appointing authority or the officer, official or employee believes
28 that there is a potential conflict of interest between the person's public responsibility
29 and his or her possible outside employment or outside business activity, he, she or
30 they are encouraged to consult the board of ethics.
31

32 (c) An officer or employee who has received the written permission of the
33 appointing authority may engage in outside employment or other outside business
34 activity. If, however, the board has rendered an advisory opinion to an officer,

1 employee or official and/or an appointing authority, and the Board has reason to
2 believe that the officer, employee or official has not complied with the opinion, the
3 Board shall notify the appointing authority and the appointing authority shall report to
4 the board in executive session regarding the action, if any, taken with respect to the
5 person.

6
7 (d) Copies of documents arising from this section shall be placed in each officer's
8 or employee's departmental personnel file.

9
10 (e) City resources may not be used for any outside employment or outside
11 business activity.

12
13 **Section 12.** That subsection 2-72 (c), D.R.M.C. shall be amended by deleting the language
14 stricken and adding the language underlined, to read as follows:

15
16 **Sec. 2-72. Annual financial disclosure statement and semi-annual gift disclosure**
17 **statement required.**

18
19 (c) *Semi-annual gift disclosure statement required.* Beginning July 31, 2017, every
20 officer as defined in section 2-71(5) shall file a gift disclosure with the clerk on or before
21 January 31 and July 31 of each year. The report shall cover the period since the last
22 report. The report shall include the identification, the estimated value, and the source of
23 any gifts which may be accepted under sections 2-60 (b)(4), (7) and (10) received by the
24 officer during the reporting period. Beginning with the report due on July 31, 2017, the
25 report shall also include the identification, the estimated value, and the source of any
26 charitable donation personally solicited by the officer during the reporting period as
27 permitted by section 2-60 (c), to the extent the officer is aware that the donation was
28 actually made based upon information provided to the officer by the person or entity
29 receiving the donation. Officers are required to report gifts and the solicitation of
30 charitable donations from persons ~~pursuing business with the city or~~ with whom the city
31 has an existing, ongoing, or pending contract, business, or regulatory relationship and
32 over whom the officer may take direct official action as defined in section 2-52 (b).

1 **Section 13.** That 2-72.5, D.R.M.C. shall be amended by deleting the language stricken and
2 adding the language underlined, to read as follows:

3
4 **Sec. 2-72.5. Annual employee report required.**

5
6 Employees shall file their annual report for gifts received in calendar year 2016 no later
7 than January 31, 2017 under the reporting requirements in effect during
8 2016. Beginning in 2018, every employee shall file an employee report with his or her
9 appointing authority on or before January 31 of each year. The report shall cover the
10 period from January 1 to December 31 of the prior year and shall include the
11 identification, estimated value, and the source of any gifts which may be accepted
12 under sections 2-60 (b)(4), (7) and (10) received by the employee during the reporting
13 period, as a result of employment with the city, from anyone ~~pursuing business with~~
14 ~~the city or~~ with whom the city has an existing, ongoing, or pending contract, business,
15 or regulatory relationship and over whom the employee may take direct official action
16 as defined in section 2-52 (b). Beginning with the report due on January 31, 2018, the
17 report shall also include the identification, the estimated value, and the source of any
18 charitable donation personally solicited by the officer during the reporting period as
19 permitted by section 2-60 (c), to the extent the employee is aware that the donation
20 was actually made based upon information provided to the employee by the person or
21 entity receiving the donation. Employee reports filed pursuant to this section shall be
22 public records and available for inspection by contacting the agency or department
23 head with whom the report is filed.

24
25 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**
26

1 COMMITTEE APPROVAL DATE: February 21, 2017

2 MAYOR-COUNCIL DATE: N/A

3 PASSED BY THE COUNCIL March 6, 2017

4 [Signature] - PRESIDENT PRO-TEM

5 APPROVED: [Signature] - MAYOR Mar 8, 2017

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: David W. Broadwell, Asst. City Attorney; DATE: February 23, 2017

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 Kristin M. Bronson, City Attorney

16 BY: [Signature], Assistant City Attorney DATE: Mar 7, 2017