

2003 Annual Report

Board of Ethics
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DENVER BOARD OF ETHICS 2003 ANNUAL REPORT

February 14, 2004

I. INTRODUCTION

The Denver Board of Ethics hereby submits its third annual report to the Mayor and City Council.

The Board appreciates the service of Denise Maes, who resigned from the Board, and welcomes Leonard P. Plank who was appointed by City Council to replace her. Exhibit A gives the biographies of the Board members.

The Board held eleven meetings during 2003 and conducted one full-day hearing on an inquiry. This report is a summary of the work of the Board during that time.

II. ADVISORY OPINIONS, WAIVERS AND INQUIRIES

In 2003, the Board received and decided a total of 47 inquiries (complaints) and requests for advisory opinions, as compared with 39 cases for 2002. A digest of the Board's significant 2003 opinions is attached as Exhibit B and is also posted on the Board of Ethics website at www.denvergov.org/ethics. All of the Board's opinions have been unanimous.

Between the passage of the new Denver Code of Ethics in January 2001, and December 31, 2003, the Board of Ethics has received and decided 91 written formal requests for advisory opinions or waivers. In addition, the Board has received and decided 27 written inquiries or complaints about possible violations of the Code of Ethics. The subjects of the requests for formal advisory opinions or waivers during this period break down as follows: conflicts of interest – 21; gifts – 32; travel expenses and lodging – 14; outside employment – 13; hiring of relatives – 4; supervision of relatives – 9; subsequent employment – 5; other – 6.

In April 2003, the Board conducted its first hearing on an inquiry since the passage of a revised Code of Ethics in January 2001. The Board dismissed that case after hearing. The Board dismissed all other inquiries after preliminary screening.

In August 2003, after seeking public comment, the Board amended its Rules of Procedure to correct typographical errors and to note that requests for advisory opinions are subject to the Colorado Open Records Act.

In addition to the written formal inquiries and requests for advisory opinions, the Board's staff director in 2003 received approximately 192 telephone, e-mail or in-person requests for unofficial, informal consultation about the Code of Ethics, as compared with 130 in 2002.

III. ETHICS HANDBOOK

The Board of Ethics in 2003 continued to distribute copies of the Ethics Handbook printed in 2002 to city employees and has almost exhausted the supply of handbooks. The Board hopes that the city's financial condition will allow for the printing of an updated handbook in the near future.

IV. ETHICS TRAINING

The Board of Ethics continues to believe that excellent, consistent ethics training is critically important to the successful implementation of the Denver Code of Ethics. All city employees, officers and officials should be trained to recognize ethical issues and to take appropriate steps to avoid unethical conduct.

At the end of 2002, approximately 36% of all city employees and officers subject to the Code of Ethics had received at least 3 hours of ethics training. At the end of 2003, the percentage increased to 90%. A tabulation of such training by agency is attached as Exhibit C. The Board wishes to express its appreciation to the Training and Organizational Development Division of the Career Service Authority, agency heads and the many trainers in individual agencies who have made this effort succeed.

The Board also provided 6 hours of ethics training for leaders to 55 of the city's top new leaders, following the city elections in mid-2003. These leaders included 4 of the Auditor's appointees, 6 City Council members, 44 of the Mayor's appointees and the Mayor. The Board appreciates the Mayor's encouragement of and participation in this effort and also thanks June Twinam for her delivery of the excellent training.

The Board also appreciates the continued assistance of the members of the Ethics Training Oversight Committee, which provides guidance for the ethics training program.

V. LEGISLATIVE RECOMMENDATIONS

During several of its meetings in 2003, the Board discussed and listened to public comments regarding proposed recommendations to the City Council and the Mayor for improving the Code of Ethics. The Board believes that it has had enough experience since its first meeting in mid-2001 in interpreting and administering the Code to propose useful changes. The Board will make its recommendations in early 2004 and will work with City Council and the Mayor in that regard.

VI. OTHER MATTERS

WHISTLE-BLOWER PROTECTION

On April 17, 2003 at the request of the Board of Ethics, the Career Service Authority Board, after public notice, enacted rule changes pertaining to the Code of Ethics. The most significant amendment prohibits supervisors or appointing authorities from initiating or administering any disciplinary or adverse employment action against an employee for filing an inquiry or complaint with the Board of Ethics, testifying before the Board of Ethics or participating in any proceeding or investigation of the Board of Ethics, with certain exceptions. Unfortunately, this whistle-blower protection does not apply to non-Career Service employees.

CANDIDATE FORUM

On April 29, 2003, the Board of Ethics co-sponsored with the city's Diversity Committee a well-attended Diversity and Ethics forum for all of the candidates for Mayor of Denver.

CHARTER AMENDMENT

On May 6, 2003, the voters of Denver passed a City Charter amendment which, among other things, requires that Denver have a Code of Ethics and a Board of Ethics. The amendment, which passed by 80% of the vote, also requires the Board to regulate the "use of public office for private gain."

BUDGET

The budget for the Board of Ethics for 2004 was reduced due to city-wide budget shortages. The adopted 2004 budget is \$82,600, compared to \$96,000 for 2003

STAFF

Michael Henry, the Staff Director of the Board of Ethics, is the sole employee of the Board. The Board encourages informal communications with the Staff Director at 720-865-8412 or michael.henry@ci.denver.co.us.

VII. 2004 GOALS

In December 2003, the Board adopted the following goals for 2004:

2004 GOALS FOR DENVER BOARD OF ETHICS

A. Thorough review of Code of Ethics and development of suggestions to make to City Council

The Board of Ethics accomplished this goal in 2003 by developing and transmitting to City Council and the Mayor a set of 19 significant recommended improvements to the Code of Ethics. In 2004, the Board and its Staff Director will work to have the recommendations enacted.

B. Development and implementation of ethics training for all city officers, officials and

employees.

The Board of Ethics, in cooperation with Career Service Authority and a training consultant, has overseen the delivery of ethics training by December 31, 2003 to 90% of Denver officers, officials and employees.

The Board should in 2004 and subsequent years continue to pursue this goal by:

a) making sure that the 10% remainder of existing employees as well as all new city employees have 3 hours of basic ethics training, either in person or web-based

b) developing and overseeing delivery of at least a one-hour refresher course of ethics training, with cooperation from Career Service Authority and the Ethics Training Oversight Committee.

C. Improvement of information about Code of Ethics

The Board should improve public information about the Code of Ethics and the Board of Ethics for citizens and for all employees, officers and officials of the city and County of Denver by:

a) developing regular articles about Code/Board of Ethics to submit to City departmental newsletters and the Spotlight;

b) organizing and publicizing bi-monthly City-wide and/or departmental brown-bag lunches or after-work discussions of ethical issues;

c) working with Channel 8 to explore possibility of one or more 15-30 minute programs for discussion of Code/Board of Ethics;

d) once per year having a Board of Ethics meeting that is more accessible to the public, such as at 5:00 pm and/or at a non-downtown location and generate notice to community groups.

e) Exploring cooperative joint programs with University of Denver's Center for Civic Ethics to develop community dialogues about ethics in Denver.

D. Expedient fulfillment of the Board's obligation to receive, review and decide requests for advisory opinions, requests for waivers and inquiries regarding alleged misconduct

Since the passage of the new Denver Code of Ethics in January 2001, the five-member Board of Ethics has received and decided 91 written formal requests for advisory opinions or waivers. In addition, the Board has received and decided 27 written inquiries or complaints about possible violations of the Code of Ethics, including the conduct of one contested hearing. The Board's staff director has also responded to more than 350 telephone, e-mail or in-person requests for informal advice.

E. Publication of the Ethics Handbook.

Pursuant to Section 2-65 (a) of the Code of Ethics, the Board prepared, published and distributed 13,000 copies of a 54-page Ethics Handbook to all Denver officers, officials and employees in 2002 and 2003. If and when funding allows and if and when the City Council passes significant changes to the Code of Ethics, the Board should re-publish and re-distribute an updated Ethics Handbook.

F. Improvement of Board of Ethics website

Work with city staff to improve website by making it more easily accessible, more attractive and easier to read.

VIII. CONCLUSION

The Board of Ethics believes that, with help from the Mayor, City Council, the City Attorney's Office, Career Service Authority, the ethics trainers in city agencies and the great majority of managers and employees of the City and County of Denver, it made good progress in 2003 in making ethics a core value in Denver city government.

Respectfully submitted on behalf of the Board of Ethics,

Charles F. Savage
Chair