Dear Employees, Officers and Officials of the City and County of Denver:

We are pleased to introduce this updated Ethics Handbook for the City and County of Denver, published by the Denver Board of Ethics. The handbook is one tool with which we want to work with all of you to strive for excellence and the highest ethical standards in our work for the citizens of Denver. We respect and thank all of you for your hard work and dedication and trust that you share our belief that a great city government must start with a fundamental commitment to ethics.

This handbook includes the Denver Code of Ethics (originally adopted in 1965 and amended many times through March 2017), case studies, representative opinions from the Denver Board of Ethics and other useful ethics-related information. We encourage you to review this handbook now and consult it whenever you encounter ethical questions and issues.

We also encourage you to confer with the Board of Ethics, others in your agency or the City Attorney’s Office as ethical issues arise. An electronic version of this handbook and many other ethics resources can be found at www.denvergov.org/ethics.

As stated in Ethical Principles for Public Servants (1992, Council for Excellence in Government):

Public service is a public trust. The highest obligation of every individual in government is to fulfill that trust. Each person who undertakes the public trust assumes two paramount obligations:

- To serve the public interest; and
- To perform with integrity.

We thank you for your commitment to ethics in the Denver city government.

Respectfully,

Michael B. Hancock
Mayor

Albus Brooks
City Council President
Table of Contents

OVERVIEW ........................................................................................................................................... 8

WHY HAVE A CODE OF ETHICS? ........................................................................................................ 8
WHERE CAN I FIND HELP? ................................................................................................................ 9

CONFLICTS OF INTEREST .................................................................................................................. 11
WHAT IS A CONFLICT OF INTEREST? ............................................................................................ 11
WHAT DO I DO IF I HAVE A CONFLICT OF INTEREST? .......................................................... 11
WHAT IS A GIFT? ............................................................................................................................ 14
WHICH GIFTS DO I HAVE TO REFUSE? ............................................................................................ 14
WHY? ................................................................................................................................................. 14
WHICH GIFTS CAN I ACCEPT? (Allowed Exceptions) ...................................................................... 14
CAN I ASK OTHERS FOR DONATIONS TO THE CITY OR CHARITIES? .......................... 16

EMPLOYMENT ................................................................................................................................... 17
WHAT ABOUT MY JOBS BEFORE I BEGAN TO WORK FOR THE CITY OF DENVER? .................. 17
CAN I TAKE OUTSIDE JOBS WHILE I AM WITH THE CITY OF DENVER? .................. 18
WHAT ABOUT JOBS AFTER I LEAVE MY SERVICE WITH THE CITY OF DENVER? .................. 18
CAN I HIRE AND/OR SUPERVISE AN IMMEDIATE FAMILY MEMBER? ............................. 19

PENALTIES FOR VIOLATING THE CODE ......................................................................................... 20

PROCEDURES .................................................................................................................................. 21
WHAT IS A REQUEST FOR AN ADVISORY OPINION AND WHO CAN ASK FOR ONE? .......... 21
HOW DO I FILE A REQUEST FOR AN ADVISORY OPINION? ................................................ 21
WHAT IS A REQUEST FOR A WAIVER AND HOW DO I FILE ONE? ........................................ 22
WHAT IS A COMPLAINT AND HOW DO I FILE ONE? ............................................................... 22
DO I HAVE TO INFORM MY SUPERVISOR BEFORE FILING A REQUEST FOR AN ADVISORY OPINION, REQUEST FOR A WAIVER OR COMPLAINT? .................. 23

APPENDIX A – SELECTED EXCERPTS OF THE DENVER CODE OF ETHICS ............ 24

APPENDIX B – Selected Opinions of Board of Ethics ................................................................. 53
APPENDIX C – Other Denver Law Pertaining to Ethics ............................................................... 86
APPENDIX D – Complaint Form ................................................................................................... 99
APPENDIX E – Request for Outside Employment Form ............................................................ 101
OVERVIEW
WHY HAVE A CODE OF ETHICS?

Denver city employees, officers, and officials are in a unique position to influence the public's confidence and trust in our city government. You provide services to the public and are very visible representatives of the city. With this in mind, Denver City Council enacted and the Mayor signed a new Code of Ethics for all city officers, officials and employees in January 2001. The Code has been amended several times since then, most recently in March 2017.

The purpose of the Code is to foster confidence in city government by clarifying which actions are allowed and which are a breach of the public's trust. Preserving the public's trust is central to the effective operation of any government.

The Code doesn't cover every ethical situation you may encounter. City agencies may adopt stricter codes of ethics (and many have). In addition, the Code states that you “should comply with both the letter and spirit of this ethics code and strive to avoid situations which create impropriety or the appearance of impropriety.” In the absence of specific laws to direct you, your personal integrity and honesty must guide your decisions.

The purpose of this Ethics Handbook is to increase your awareness and understanding of the ethical conduct required of you by your position with the City and County of Denver. It is a convenient summary of the Code and tells you how to seek advice from the Denver Board of Ethics. It is not intended to be a substitute for the Code. Anyone who is uncertain whether a particular action or inaction is a violation of the Code of Ethics or who believes a violation has occurred, should review the Code (included as Appendix A), and seek
the advice of the Board of Ethics. You may also want to review the Digest of Advisory Opinions (Appendix B).

THANK YOU FOR YOUR SERVICE AND YOUR COMMITMENT TO PROVIDING ETHICAL, HONEST, FAIR AND ACCOUNTABLE CITY GOVERNMENT TO THE CITIZENS OF DENVER.

WHERE CAN I FIND HELP?
The Board of Ethics is committed to helping Denver employees, officers, and officials comply with the Code. The Board has five volunteer members: two appointed by City Council, two appointed by the Mayor, and an official or employee of the city nominated by the Mayor and appointed by City Council. Our purpose is to issue advisory opinions, to respond to requests for waivers on ethical issues arising under the Code and to hear complaints and issue findings and recommendations regarding alleged violations.

We encourage you to contact our staff if you have any questions about the Code or the procedures for filing a Request for Advisory Opinion, Request for Waiver or Complaint. You may discuss the Code with other employees, your supervisor, the Office of Human Resources, and/or the City Attorney's Office. However, when you need formal guidance as to whether a specific action would constitute a violation of the Code, you should file a request for an advisory opinion directly with the Board of Ethics. Supervisors, city attorneys, and OHR representatives should make it clear to employees that they are free at any time to request an advisory opinion directly from the Board or file a complaint with or without previous clearance or concurrence.

The members of the Denver Board of Ethics in 2018 are:
Patrick Tooley, Julia Yeckes, Roy Wood, Sylvia Smith and Andrew S. Armatas

(Biographies of Board members can be found at www.denvergov.org/ethics)

The Board can be reached at:
Denver Board of Ethics
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You may also visit our website at: www.denvergov.org/ethics
CONFLICTS OF INTEREST
The people of Denver expect you to act for their benefit, and not favor a few individuals. Conflict of interest situations often arise during public service. As a general rule, you should avoid situations where your private interests – financial or non-financial - may affect or appear to affect your objectivity, independence, or honesty in performing your official duties (Code section 2-61).

WHAT IS A CONFLICT OF INTEREST?
A conflict of interest occurs when you take “direct official action” on a matter before the city in which you, or your immediate family member, a business associate or an outside employer have a “substantial financial, contractual, or employment interest”.

WHAT DO I DO IF I HAVE A CONFLICT OF INTEREST?
If a conflict of interest exists, you must not take direct official action in the matter.
If you are in doubt as to whether you have a conflict of interest and/or how to proceed, contact the Board of Ethics.

EXAMPLE 1 (Conflicts of Interest and Outside Employment)
Question: I am a Neighborhood Inspector in the Community Planning and Development Department. Part of my job is to issue citations to property owners who do not promptly remove snow from sidewalks. A friend has had a small snow removal company for several years which he wants to enlarge and have me help manage. His snow removal contracts involve some of
the same neighborhoods for which I have inspection responsibilities. Can I take this opportunity?

Answer:

No

You have a conflict of interest because you are in a position as a neighborhood inspector in which you might take direct official action on some of the affected properties.

Even if there was not a conflict of interest, any outside employment or business activity, must be reported in writing to and receive written approval annually from your appointing authority.

EXAMPLE 2 (Conflicts of Interest)

Question:
I have a maintenance job with the city, helping to make sure that city-owned facilities are clean and functional. One of the facilities where I work has been used as emergency housing for the homeless on occasion, which has created more work for me, although my supervisor thinks “it comes with the territory.”

Even more important to me is the fact that I live in a neighborhood where a new shelter for the homeless is being considered and am strongly opposed to this. I have been told that my opposition is a conflict of interest and could jeopardize my job. Can I testify against this?

Answer:

Yes. This is not a conflict of interest as defined in the Code of Ethics. You are not in a position to take direct official action regarding facilities for homeless persons as a part of your job. As a city employee, you do not give up your rights as a citizen to participate in public processes, assuming that you correctly
identify yourself and your job as required. However, it would not be appropriate to give the impression that you were representing an official opinion, rather than your personal feelings regarding this topic. You might also want to notify your supervisor of your intention so that he or she is not surprised.

EXAMPLE 3 (Conflicts of Interest)

Question:
I am an employee of the Department of Human Services, a licensed social worker, who investigates allegations of child abuse. Recently, I was approached by a non-profit organization to serve on its board of directors. This group funds programs related to child protection and stipends for student interns. Can I serve on the board?

Answer:
It depends. While you may generally serve on such a community board, you are not allowed to take “direct official action on a matter in which you have substantial employment, contractual or financial interest.” So, assuming the city is provided grants by this nonprofit or has a service contract with this organization to fund its programs, you should not play any role in these decisions or transactions. You should discuss these issues with the nonprofit prior to joining the board and, if there are potential conflicts, remove yourself from any related activities, such as serving on a grant application review committee. You should probably state these concerns in writing, as a part of your board application and the arrangements/understanding as to how they will be addressed.
WHAT IS A GIFT?
A gift is anything of value you receive without giving adequate and lawful compensation for it. A gift may include meals, tickets to events, travel expenses, honoraria, services, loans, rebates, and discounts (unless offered to the public or all city employees, officers, and officials on the same terms and conditions). (Code Section 2-60)

WHICH GIFTS DO I HAVE TO REFUSE?
You, or your immediate family members, cannot accept a gift if:
1. You are in a position to take direct official action toward the giver, AND
2. The giver has or is about to have a business, contract, or regulatory relationship with the city
3. UNLESS one of the exceptions listed below applies.

WHY?
Because such gifts might lead you to favor, or appear to favor, the giver. You should perform your official duties without being influenced, or appearing to be influenced, by gifts.

WHICH GIFTS CAN I ACCEPT? (Allowed Exceptions)
However, you and members of your immediate family may accept the following EVEN IF you are in a position to take direct official action with regard to the giver, or if the giver is a lobbyist:
• Gifts from other city personnel and their family members on appropriate occasions (for example, birthdays and funerals);
• Campaign contributions as permitted by law;
• Nonmonetary awards for public service that are presented by an organization as long as the award is not extraordinary given your position;
• Meals or event tickets, subject to the following conditions:
  1. The value of meals or event tickets from the same donor shall not exceed $300 per calendar year and shall be reported under the Financial Disclosure Ordinance;
  2. Attendance must be reasonably related to your official or ceremonial duties;
  3. Meals provided to all attendees at a public meeting and consumed while the meeting is in progress, regardless of the $300 cap and need not be disclosed.
    • Unsolicited items valued at twenty-five dollars ($25.00) or less, not including cash or gift cards;
    • Gifts while visiting other places, or hosting visitors from other places, when it would be a breach of protocol to refuse the gift;
    • Reasonable expenses paid by a non-profit organization or government for you to participate in a convention or meeting if you are scheduled to make a speech, presentation, participate on a panel, or represent the city;
    • Appropriate gifts for special and infrequent occasions, such as weddings, funerals, and illnesses;
    • Appropriate gifts to commemorate a public event in which you participated in an official capacity, such as a ground-breaking ceremony;
    • Memberships and passes from the Denver Art Museum, Denver Botanical Gardens, Denver
Museum of Nature and Science and the Denver Zoo;
• Gifts from your family members.

In addition, the Board of Ethics decided in 2017 that, even if you are in a position to take direct official action regarding someone (for example you are a restaurant inspector and a restaurant manager offers you a small beverage or food item, such as a cup of coffee, bottle of water or a doughnut) such an item should not be interpreted as a meal; therefore, you may accept the item and need not disclose it on the Financial Disclosure form and it does not count against the $300 cap.

CAN I ASK OTHERS FOR DONATIONS TO THE CITY OR CHARITIES?
Yes, so long as you or your immediate family member do not keep or use the gift. (Section 2-60(c))

EXAMPLE 4 (Gifts)
Question:
I am a Denver firefighter and active in a non-profit recreational program for underprivileged youth that wants me (and everyone else involved) to solicit donations for this program. Can I do this?

Answer:
Yes. You may solicit donations for a charitable purpose, as long as you or your immediate family members do not keep or use the donations and solicitations and financial records are maintained. Solicitation materials should clearly identify the non-profit. It is not appropriate for you to wear your uniform while soliciting, however, because of the possible appearance of improper pressure. To avoid the appearance of impropriety,
you should not solicit contributions from owners of properties for which you conduct fire inspections.

EMployment

As a public servant, you have to act in the best interests of the city. You should not engage in any activity that would appear to conflict with your duties as a city employee, officer or official. (Code Secs. 2-59, 62, 63, 64)

WHAT ABOUT MY JOBS BEFORE I BEGAN TO WORK FOR THE CITY OF DENVER?

You cannot take any direct official action (for example, approve a contract) with respect to your former employer for a period of six months after you left your former employment.

EXAMPLE 5 (Employment)

Question:
I was recently hired as a buyer in the Purchasing Division. Two months ago, I worked for a company which now wants to sell equipment to the city. Can I approve the purchase of this equipment?

Answer:
No. You cannot take any direct official action, which includes approving, or disapproving a purchase order, with respect to your former employer for six months after you leave that employment.
CAN I TAKE OUTSIDE JOBS WHILE I AM WITH THE CITY OF DENVER?

Maybe. Before you accept paid outside jobs, or engage in other outside business activity, you must report it in writing to, and receive permission from your appointing authority (unless you are an elected officer). If you have received written permission from your appointing authority, and your outside job does not present a conflict of interest under the Code, then you may take the outside job or engage in the outside business activity.

WHAT ABOUT JOBS AFTER I LEAVE MY SERVICE WITH THE CITY OF DENVER?

For six months after you leave office or employment with the city of Denver, you cannot take a job in which you will take direct advantage, unavailable to others, of matters with which you took direct official action during your service to the city. For one year after you leave your service with the city, you (or on behalf of any person or entity) cannot engage in any action or lawsuit in which the city is involved, when it deals with an issue on which you took direct official action while you worked for the city.

EXAMPLE 6 (Employment)

Question:
I recently retired from a city agency after 25 years of service. I have been asked by a non-profit organization with which I had contact while working for the city, if I would be interested in part-time contractual work for them. Can I engage in this work?
Answer:
It depends.
The relevant section of the Code of Ethics states:
Section 2-64. Subsequent Employment.
During six (6) months following termination of office or employment, no former official or employee shall obtain employment outside of the city government in which he or she will take direct advantage, unavailable to others, of matters with which he or she took direct official action during his or her service with the city.

The principal issue which 2-64(a) appears intended to prevent is a conflict between a City employee’s loyalty to the City and his or her loyalty to the person’s next employer. So, the answer depends upon what work you would be performing for the new employer and how that relates to the work you formerly performed with the city. If there is a relationship, and it sounds likely because of the prior contact, then you are required to wait six (6) months before starting this work.

**CAN I HIRE AND/OR SUPERVISE AN IMMEDIATE FAMILY MEMBER?**
No, not unless you’ve obtained a waiver from the Board of Ethics. You must avoid hiring and/or supervising an immediate family member because it is a conflict of interest. If you come into a direct line of supervision (if you are the supervisor or the supervisor’s supervisor) of your immediate family member, you have six months to come into compliance (such as terminate the employment) or obtain a waiver from the Board of Ethics.
EXAMPLE: 7 (Employment) Question:
My son is proposed to be hired and was certified through a competitive process. I am the person who would make the appointment. I did not influence or affect the certification in any way. Can I make the appointment?

Answer:
No. Not unless you apply for and are granted a waiver from the Board of Ethics. (Note: It was the intent of the City Council that the Board not unreasonably withhold waivers of this sort).

PLEASE NOTE: The examples above may not contain the exact facts or assumptions that apply to your specific situation. They are meant only for general and not specific guidance. Contact the Board of Ethics for specific guidance.

PENALTIES FOR VIOLATING THE CODE
If the Board receives a complaint about your conduct and finds that you have violated the Code of Ethics, it may notify your appointing authority of the violation and recommend action, including discipline. If you are an employee or official, your appointing authority, after consulting the City Attorney, will determine which penalty is appropriate. For an elected officer, the Board of Ethics may propose an action, including a recommendation that the person abstain from further action on the matter or seek a waiver, or may adopt a resolution reprimanding the person.
If the Board believes that you have not complied with an Advisory Opinion it issued to you, it shall inform you, your appointing authority and the City Attorney. Your appointing
authority, after consulting with the City Attorney, shall take appropriate action to ensure compliance.

PROCEDURES
The Board of Ethics has adopted Rules of Procedure to be followed by the Board and by parties with cases before the Board, which can be found at www.denvergov.org/ethics.

WHAT IS A REQUEST FOR AN ADVISORY OPINION AND WHO CAN ASK FOR ONE?
A Request for Advisory Opinion is a letter or e-mail from a person asking the Board of Ethics whether his or her proposed conduct or proposed conduct would violate the Code of Ethics. Like the Code itself, a Request for an Advisory Opinion is a tool to use in making ethical choices. Any current, former, or future employee, officer, or official or the appointing authority of a non-elected officer, official, or employee can request an Advisory Opinion from the Board.

HOW DO I FILE A REQUEST FOR AN ADVISORY OPINION?
Submit a written request in the form of a letter or an e-mail directly to the Board of Ethics. The Board will give you a written response within six weeks from the time it received your request. Requests for Advisory Opinions and the resulting Opinions from the Board are matters of public record.

You may also request a quick unofficial opinion from the Executive Director of the Board.
WHAT IS A REQUEST FOR A WAIVER AND HOW DO I FILE ONE?

A Request for a Waiver is a written request asking the Board to allow conduct that would, if undertaken, violate the Code of Ethics. The Board may grant a waiver only if it serves the best interests of the city. Requests from current, former, or future city officers, officials, and employees seeking waivers from compliance with specific provisions of the Code must be submitted directly to the Board of Ethics.

WHAT IS A COMPLAINT AND HOW DO I FILE ONE?

A complaint is a written request from a citizen or a city person asking the Board whether a current officer, official, or employee has violated the Code. The Board cannot consider actions that occurred more than two years before filing the complaint. Anyone can submit a complaint, but it must be on the approved form (See Appendix E). The Board will send a copy of the filed form to the subject of the complaint within 5 days. To minimize frivolous complaints, the Code and the Board's Rules of Procedure require that complaints be in writing and signed by the person filing them, with information sufficiently detailed to describe the nature of the alleged violation. The Board may immediately dismiss complaints that are frivolous, or in which the alleged conduct, if true, would not violate the Code of Ethics.
DO I HAVE TO INFORM MY SUPERVISOR BEFORE FILING A REQUEST FOR AN ADVISORY OPINION, REQUEST FOR A WAIVER OR COMPLAINT?

No. The Code allows employees to send their Requests for Advisory Opinions, Requests for Waivers or Complaints directly to the Board of Ethics without obtaining supervisory clearance, or informing a supervisor of their intent. You are free to discuss questions regarding the Code with other employees, your supervisor, and the City Attorney's Office, but only the Board is responsible for official guidance regarding the intent and meaning of the Code.

Again, this Handbook is intended to provide you with a helpful summary of the Code. If you have specific questions, please refer to the Code and contact the Board of Ethics.
APPENDIX A – SELECTED EXCERPTS OF THE DENVER CODE OF ETHICS

(A few procedural sections have been omitted. The entire text may be found at www.denvergov.org/ethics.)

Denver Revised Municipal Code
ARTICLE IV
(including amendments passed by City Council through March 6, 2017)

Sec. 2-51. Legislative intent.
It is the intent of the city that its officers, officials, and employees adhere to high levels of ethical conduct, honesty, integrity and accountability, so that the public will have confidence that persons in positions of public responsibility are acting for the benefit of the public. Officers, officials, and employees should comply with both the letter and spirit of this ethics code and strive to avoid situations that create impropriety or the appearance of impropriety.

The council and mayor recognize that ethical issues will arise in the course of public service. It is the intent of the code of ethics:

(1) To clarify which actions are allowed and which constitute a breach of the public trust and, specifically relating to the use of public office for private gain, employment and supervision of family members, gifts, conflicts of interest, prior employment, outside employment, subsequent employment, improper use of confidential information or records, and other ethics matters not inconsistent with the Charter;

(2) To establish a board of ethics empowered to issue advisory opinions so that officers, officials, and employees
may seek guidance about ethical issues connected with their service; and

(3) To establish a system that enables citizens to report possible wrongdoing and seek enforcement so that any breach of the public trust may be discovered and dealt with appropriately.

The City Charter addresses the ethical conduct of officers, employees, and officials. It is the intent of this article that it shall serve to enhance and clarify the Charter and to provide practical guidance.

Agencies may adopt a stricter code of ethics for their own use through published rules or policies. Those agencies which wish to adopt a stricter code of ethics are encouraged to consult with the board of ethics, shall provide information and training to employees of the agency and shall provide a copy to the board of ethics.

Sec. 2-52. Definitions.

a) Employee means any person in the employ of the city or of any of its agencies or departments and any person employed without compensation.

b) Direct official action means any action which involves:

(1) Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, business loan or other similar instrument in which the city is a party. With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision making.
(2) Enforcing laws or regulations or issuing, enforcing, or regulating permits, licenses, benefits or payments;

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

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

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

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

(c) Immediate family means husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, father or mother-in-law, son or daughter-in-law, brother or sister-in-law, aunt, uncle, nephew, niece, grandmother, grandfather, grandchildren, brother, sister, domestic partner, any person with whom he or she is cohabiting and any person to whom he or she is engaged to
be married. The term includes any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

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

(e) Official means a member of a city board or commission.

Sec. 2-53. Board of Ethics.

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

(b) Qualifications.

(1) One and only one member of the board of ethics shall be an officer or employee of the city.
(2) At least one member of the board of ethics shall be a former judicial officer.

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

(c) Method of appointment.

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

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

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

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

(d) Terms of appointment.

(1) Members shall be appointed to terms of four years; however, the first member appointed by the mayor and the first member appointed by the council shall initially serve two-year terms to achieve staggered ending dates...
(e) **Removal.**

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

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

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

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

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

Sec. 2-54. Advisory opinions and waivers.

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

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

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

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

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

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

Sec. 2-55. Complaints or inquiries to the board of ethics.
Any person may file an official written complaint or inquiry with the board of ethics asking whether a current officer, official, or employee has failed to comply with this code of ethics. Subject to section 2-56 and the rules adopted by the board pursuant to section 2-56, the board of ethics shall:

(1) Conduct a hearing in a meeting, which shall be open to the public on all official written complaints or inquiries which have not been dismissed pursuant to paragraph (6) of section 2-56 or resolved under paragraph (7) of section 2-56.

(2) Except as otherwise provided in this article, make public written findings and recommendations, if any, on complaints or inquiries. Board findings should characterize the seriousness of the violation, if any.

(3) Inform the person who is the subject of the complaint or inquiry and the person who submitted the complaint or inquiry of its findings, and recommendations; and
(4) If the person who is the subject of the complaint or inquiry is an employee, non-elected officer, or appointed official, and if the board feels corrective action may be necessary, notify the person's appointing authority and recommend that the appointing authority take action, appropriate to the finding, including discipline. If the person who is the subject of the complaint or inquiry is an elected officer, the board may propose actions appropriate to the finding, ranging from a recommendation that the person abstain from further action on the matter or seek a waiver, to adopting a resolution reprimanding the person, or referring the matter to the appropriate authority.

Sec. 2-56. Procedures for complaints or inquiries.
The board of ethics shall adopt written rules for complaints or inquiries that create a process that is fair both to the person who submitted the complaint or inquiry and the person who is the subject of the complaint or inquiry. In addition to rules which the board may in its discretion adopt, the rules shall:

(1) Establish time lines for all aspects of its handling of complaints or inquiries. The time lines shall be sufficiently long to enable a person who is the subject of a complaint or inquiry to have adequate time to understand the complaint or inquiry and prepare a response. The rules shall allow the board to alter the time lines upon a request of the subject of a complaint or inquiry for more time to prepare;

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

(3) Prohibit the board from accepting complaints or inquiries about actions that took place more than two years prior to the date of filing;

(4) Require the board to notify the person who is the subject of the complaint or inquiry that a complaint or inquiry has been filed. The rules shall require the board to provide the notification in a timely manner, but no more than five (5) days from the day the complaint or inquiry was filed, provided that they shall require the board to notify the person who is the subject of the complaint or inquiry immediately if he or she so requests. The rules shall require the notification to include a copy of the full complaint or inquiry; a copy of any portion of this article that is alleged to have been or that may be violated; and the board's rules for dealing with complaints or inquiries;

(5) Require the board to provide the subject of the complaint or inquiry with a copy of the complaint or inquiry before it provides copies to any other parties. The rules shall recognize that distribution to the public of a complaint or inquiry prior to screening by the board as required in (6) below could harm the reputation of an innocent person and is contrary to the public interest;
therefore, the rules shall prohibit the public release of the complaint or inquiry until the screening process in (6) below has been completed;

(6) Require the board or a committee of the board to consult in confidence within thirty-one (31) days of receiving a complaint or inquiry to screen the complaint or inquiry. The rules shall allow the board to immediately dismiss a complaint or inquiry if:

a. It has no jurisdiction;

b. The alleged violation, if true, would not constitute a violation of this article;

c. The alleged violation is a minor or de minimis violation;

d. The complaint or inquiry is, on its face, frivolous, groundless, or brought for purposes of harassment;

e. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer an officer, official, or employee;

f. The person who is the subject of the complaint or inquiry had obtained a waiver or an advisory opinion under section 2-54 permitting the conduct; or

g. The appointing authority has already taken action as a result of finding a violation and the board believes the action was appropriate.
The rules shall require the dismissal and the reason for dismissal to be in writing and available to the public.

(7) Allow the board, at its discretion, to make a finding solely on the basis of written arguments without holding a public hearing, if it determines that there is no significant discrepancy in the facts as presented by the person filing the complaint or inquiry and the person who is the subject of the complaint or inquiry; and the board determines that it doesn't need any additional information. However, the person charged retains the right to request a hearing, which shall be open to the public.

(8) Require the board to have hearings at meetings, which are open to the public on complaints or inquiries, which have not been dismissed pursuant to paragraph (6) of section 2-56 or resolved under paragraph (7) of this section.

(9) Allow any person who is the subject of a complaint or inquiry to designate a representative if he or she wishes to be represented by someone else, to present evidence, and to cross-examine witnesses. The rules shall allow the person who submitted the complaint or inquiry and the subject of the complaint or inquiry sufficient time to examine and respond to any evidence not presented to them in advance of the hearing;

(10) Require deliberations on complaints or inquiries to be conducted in closed session;

(11) Allow the board to dismiss a complaint or inquiry without a finding for or against the subject of the
complaint or inquiry if the person committed the violation due to oversight and comes into voluntary compliance;

(12) Allow the board to dismiss a complaint or inquiry if the person who submitted it does not appear at hearing and if, in the opinion of the board, it would be unfair to the subject of the complaint or inquiry not to have the opportunity to examine the person. The rules shall, however, require the board to schedule the hearing at a time that is reasonably convenient to both the person who submitted the complaint or inquiry and the subject of the complaint or inquiry;

(13) Require the board to base a finding of a violation upon clear and convincing evidence;

(14) Require the board to inform the person who submitted the complaint or inquiry and the subject of the complaint or inquiry in writing if it believes a complaint or inquiry is frivolous, groundless, or brought for purposes of harassment;

(15) Prohibit members who have not been present for the hearing from participating in a recommendation;

(16) Require that findings and recommendations be made only by a majority of the board;

(17) Allow the board to consider, when it makes findings and recommendations, the severity of offense; the presence or absence of any intention to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern;
Allow the board to issue an advisory opinion in response to a complaint or inquiry, in lieu of making findings and recommendations, where deemed appropriate by the board.

Sec. 2-59. Employment and supervision of family members.
The purpose of this section is to avoid favoritism by city officers, employees or officials to their immediate family members.

(a) Unless he or she obtains a waiver pursuant to section 2-54, no officer, official, or employee shall appoint or hire a member of his or her immediate family for any type of employment, including, but not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

(b) No officer, official, or employee shall supervise or be in a direct line of supervision over a member of his or her immediate family. If an officer, official, or employee comes into a direct line of supervision of a member of his or her immediate family, he or she shall have six (6) months to come into compliance or to obtain a waiver pursuant to section 2-54.

(c) When waivers from this section are sought so that a member of the immediate family may be hired or may be in the direct line of supervision, it is the intent of the council that the board of ethics not unreasonably withhold waivers. Examples of circumstances which might result in a waiver include, but are not limited to:
1) The family member who is proposed to be hired was certified through a competitive process conducted pursuant to law and the officer, official, or employee who would make the appointment did not influence or affect the certification.

(2) The officer, official, or employee who would officially make the appointment is acting ministerially and did not select the family member or attempt to influence the person who did.

(3) The family member who would be in the line of supervision was already working in the agency before the officer, official, or employee came into the line of supervision, and the officer, official, or employee can and will abstain from participating in any personnel actions involving the family member.

(d) The phrase "direct line of supervision" shall mean the supervisor of an employee and the supervisor of an employee's supervisor.

Sec. 2-60. Gifts to officers, officials, and employees.
The purpose of this section is to avoid special influence by those who give gifts to city officers, employees or officials.

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

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

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

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

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

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

(6) Travel expenses and lodging;

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

(8) Parking passes except as provided for in subsection (b)(4) of this section.
(9) Meals except as provided for in subsection (b)(4) of this section.

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

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

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

(2) Campaign contributions as permitted by law;

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

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

a. The value of any meals, tickets, or free or reduced-price admissions accepted from the same donor in any calendar year shall not exceed three hundred dollars ($300) and shall be subject to the reporting requirements set forth in Article V of this Chapter 2;

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

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

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

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

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

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

(5) Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of twenty-five dollars ($25.00) or less, such as inexpensive tee shirts, pens, calendars, books, flowers, or other similar items and does not mean cash or gift cards;
(6) Gifts while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries when it would be a breach of protocol to refuse the gift;

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

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

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


(11) Gifts from family members;

(12) Items which are similarly available to all employees of the city or the general public on the same terms and conditions.
(c) It shall not be a violation of this article for an officer, official, or employee to solicit or accept donations to the city or to solicit, accept or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other charitable needs, provided, however, that

If an officer or employee soliciting such a donation is in a position to take direct official action with regard to the donor; and the city has an existing, ongoing or pending contract, business or regulatory relationship with the donor, any donation that is actually made as a result of the officer or employee’s solicitation is reported by the officer or employee as required by Article V of this Chapter 2; and

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

(d) It shall not be a violation of this article for a member of an officer's, official's or employee's immediate family to accept a gift which arises from an independent relationship of an adult member, if:
(1) The officer, official or employee does not use the gift; and

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

Sec. 2-61. Conflict of interest while employed.
The purpose of this section is to avoid influence on the official actions of city officers, employees or officials by their private or family interests,

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

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

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

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

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

A member of his or her immediate family performs more than a nominal portion of the work in the matter, or supervises or manages more than a nominal portion of the work.

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

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

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

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

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

1) The city's annual budget or an amendment to the annual budget; or
2) Establishing the pay or fringe benefit plans of city officers, officials, or employees

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

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

Sec. 2-62. Prior employment.
The purposes of this section are (1) to indicate that persons are not disqualified from a city job because of prior employment; (2) to avoid special advantage being given to former employers of city officers, employees or officials and (3) to avoid special advantage being given to a city officer, employee or official by a former employer.

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

Sec. 2-63 Outside employment or business activity.
The purpose of this section is to avoid possible conflicts of interest and time conflicts between city jobs and outside employment or business activity.

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

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

a. An officer or employee who has received the written permission of the appointing authority may engage in outside employment or other outside business activity. If, however, the board has rendered an advisory opinion to an officer, employee or official and/or an appointing authority and the board has reason to believe that the officer, employee or official has not complied with the opinion, the board shall notify the appointing authority and the appointing authority shall report to the board in executive session regarding the action, if any, taken with respect to the person.

b. Copies of documents arising from this section shall be placed in each officer’s or employee’s departmental personnel file.

c. City resources may not be used for any outside employment or outside business activity.
Sec. 2-64. Subsequent employment.
The purpose of this section is to avoid the actuality or appearance that employers who hire former city officers or employees may get special treatment.

(a) During six (6) months following termination of office or employment, no former officer, official, or employee shall obtain employment outside of the city government in which he or she will take direct advantage, unavailable to others, of matters with which he or she took direct official action during his or her service with the city.

(b) For one (1) year following termination of service with the city, no former officer, official, or employee shall engage in any action or litigation in which the city is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in the service of the city.

Sec. 2-67. Use of public office for private gain.
No officer, official or employee shall use his or her public office or position or disclose or use confidential information in order to obtain private gain for himself or herself, for his or her immediate family, for any business entity with which he or she is affiliated or for any person or entity with whom the officer, official or employee is negotiating or has any arrangement concerning prospective employment.

Sec. 2-68. Use of confidential records
No officer, official or employee may disclose any information or records that are not available to the public, which were acquired in the course of official duties, except in the performance of official duties or as required by law or court order.
Sec. 2-69. Aiding others
No officer, official or employee may knowingly aid or assist any officer, official or employee in the violation of any provision of this code of ethics.
APPENDIX B – Selected Opinions of Board of Ethics
May 1, 2001- December 31, 2017

PLEASE NOTE: This is a selected set of summarized opinions given by the Board of Ethics between May 1, 2001 and December 31, 2017 in response to fact-specific requests for advisory opinions or complaints. These should not be considered conclusive guidance for situations where the facts may differ. The full texts are available for review.

Case 01-3 (Outside Employment, Conflict of Interest)
The Police Department requested an advisory opinion regarding whether there would be a violation of the Code of Ethics if a police officer would operate an off-duty outside business in which he would lease and manage private parking lots for use by people attending concerts and other special events in the police district where the officer was on patrol while on duty.
Under Section 2-61 of the Code of Ethics, an actual conflict of interest would occur only if the officer were required to take “direct official action” regarding persons or situations involving one of the parking lots in which he had a “substantial interest.” The Board urged the Department and the officer to consider whether such outside employment would constitute an “appearance of impropriety” and whether it was wise to place the officer in a situation where he might be forced to choose between his interests as a police officer and his interests as a business owner.
Case 01-4 (Conflict of Interest)
A deputy director of a city agency requested an advisory opinion regarding whether the Code would be violated if his brother applied for a business loan from the agency. There would not be a violation of the Code if the deputy director was not involved in any manner in reviewing, recommending, discussing, or monitoring the loan application or the loan, if granted.

Cases 02-11, 02-12, 02-24, 02-27, 02-28 and 02-29 (Travel Expenses - Waivers Denied)
In these cases, city employees requested advisory opinions or waivers related to accepting travel and lodging expenses for out-of-state conferences or field trips from companies that do business with the city. In each instance, the Board determined that the employee was in a position to take direct official action with regard to the companies offering to pay the expenses, because the employee was able to negotiate, approve, disapprove, administer, enforce or recommend for or against a contract or purchase order or to select or recommend vendors. The Board, therefore, concluded that acceptance of the travel and lodging expenses from those companies would violate Section 2-60 (a).
The Board decided not to grant waivers in these cases, holding that waivers for travel expenses should only be granted when there are emergency, unusual or exigent circumstances.

Case 02-26 (Conflict of Interest)
The Director of the Department of Excise and Licenses asked for an advisory opinion as to whether the Code of Ethics would prevent an inspector in the agency from being assigned to the area of town where his father owns a restaurant which
has a liquor license issued by the Department. An inspector makes reports and recommendations as to whether a business is complying with the requirements of its licenses. The Director has ordered the inspector and the inspector has agreed: 1) to refrain from any involvement in any enforcement regarding his father's restaurant and 2) to resign as an officer in his father's corporation. The Board indicated that Section 2-61 (a) of the Code of Ethics prohibits a city employee from taking direct official action on any matter in which any member of the immediate family (including a father) owns 5% or more of another party to the instrument. Direct official action includes “enforcing laws or regulations or issuing, enforcing or regulating permits,” which would include enforcing license requirements. The Board determined that Section 2-61 (a) of the Code of Ethics will not be violated if the inspector complies with the two conditions stated above.

Cases 02-37 through 02-48 (Gifts)

A citizen filed complaints against twelve City Council members, alleging that they improperly accepted gifts (free passes to allow them access to the Denver Grand Prix automobile races in Denver) from the Denver Grand Prix when those Council members had voted to approve an ordinance that suspended the application of traffic, noise-control and air-pollution-control ordinances for the Grand Prix and another ordinance approving a contract with the Grand Prix. The Board of Ethics also learned that the Council members had been invited to attend a free dinner in connection with the Grand Prix. The Board found that four City Council members attended neither the Grand Prix nor the related dinner and dismissed the complaints against those Council members.
Six members attended either the Grand Prix or the related dinner or both and indicated that they believed their attendance “was reasonably related to their official or ceremonial duties,” which is an exception in Section 2-60(b)(4)d, which permitted at that time up to four such free events or meals per calendar year from the same donor even if the city officer, official or employee is in a position to take direct official action with regard to the donor. (The Board found that the two ordinances passed by City Council did amount to “direct official action.”) The Board consequently dismissed the inquiries against those Council members.

The Board indicated, that, in the future, it will interpret the phrase “official or ceremonial duties” to apply only to all elected officials of the City, members of the Mayor's cabinet who have a direct relationship to an event and other City officials or employees who have a direct relationship to an event. The Board indicated that, if a person is within such a group, the Board will evaluate, among other things, the nature of the event and the job duties of the free or reduced-price attendees to make its determination.

Two other Council members accepted free passes to the Grand Prix, but, instead of attending themselves, gave the passes to others. Those Council members, since they did not use the passes, could not claim the exception for “official or ceremonial duties” and, therefore, violated Section 2-60(a) of the Code of Ethics. However, the Board dismissed the cases against those Council members, pursuant to Section 2-56(11) because the members received little or no benefit from the gifts, and because this was the first time that the Board had considered this issue, and because the Board believed that the members violated the Code through oversight and that they would comply with this ruling in the future.

The Board indicated that, in the future, it will not look favorably at situations in which a person subject to the Code
of Ethics transfers a prohibited gift to one or more persons and there is no applicable exception available under the Code.

Case 03-20 (Conflicts of Interest)

During the municipal election campaign, a candidate for Mayor, John Hickenlooper, requested an advisory opinion “to determine how to deal with any “perceived conflicts” that might arise from his business interests, specifically his interests as a majority shareholder in a company that operates several restaurants within the city of Denver. After he succeeded in being elected Mayor, the Board of Ethics responded to his request.

The Mayor-elect indicated to the Board that, now that he had been elected Mayor, he will play no role in operational decisions of the company, he will place his company shares into a trust or other similar structure and he pledged “not to discuss” business issues with the CEO, board members or any other officers, employees or share-holders of the company.

The Board found that several agencies of the City and County of Denver do or may “take direct official action” with respect to restaurants in Denver.

Examples would be the issuance of building permits by the Building Department, zoning permits by the Zoning Administration, and liquor licenses and restaurant licenses by the Department of Excise and Licenses. Other examples would be fire inspections by the Fire Department, restaurant inspections by the Department of Environmental Health, enforcement by the Police Department against possible disturbances or other lawbreaking by customers, enforcement by the Revenue Department regarding possible overdue sales tax or real estate tax collections and enforcement by Parking Management against nearby parking violators.
Under the conflict of interest provisions of the Code, Section 2-61, there are no stringent barriers to any person's holding elective office and owning businesses in the city. The Board suggested that the Mayor consider taking the steps below, so that he may avoid the appearance of impropriety. He should under no circumstances attempt, directly or indirectly, to influence any city officials, officers or employees with respect to actions or decisions that would specifically affect one or more of the businesses in which he holds an interest. The Board recommended that he communicate to his appointees that he expects them, as he advised the Board that he would, to give his businesses “exactly the same treatment” as any similar businesses. The Board recognized that, as chief executive of the City and County of Denver, the Mayor will be obligated to set general citywide policies for all city agencies and departments, including policies that will affect all restaurants in the city, and the Board recognized that such general policy-making is neither unethical nor inappropriate.

**Case 03-25 (Gifts)**

A lieutenant in the Fire Department requested an advisory opinion regarding acceptance of gifts from citizens. The fire rig to which the lieutenant is assigned has responded several times to calls from a citizen who had an incapacitating health problem. On one occasion, the citizen telephoned the firehouse and asked the lieutenant to bring the rig's firefighters to her home. When the crew arrived, she presented the lieutenant and the other crew members with several handcrafted figurines and gift boxes. The Board of Ethics determined that firefighters generally (except when conducting fire inspections) are not in a position to take direct official action and, therefore, acceptance of gifts presented to the crew by a grateful citizen does not violate Section 2-60 of the Code of

58
Ethics, especially when the gifts were unsolicited and were modest in size.

**Case 03-35 (Supervision of Family Member - Waiver Granted)**

A major in the Sheriff’s Department requested a waiver from the prohibition in Section 2-59(b) of the Code of Ethics against the supervision by a city employee of an immediate family member who is also a city employee. Due to city budget issues, the Department recently added responsibility for an additional facility to the major's supervisory responsibilities. The major's wife, a deputy sheriff, is assigned to the facility recently assigned to the major. The working shifts of the major and his wife significantly overlap. The Board determined that it was in the best interests of the city to grant a waiver to the major so that he and his wife may remain in their assignments, so long as the major abstains from participating in any personnel actions regarding his wife.

**Case 04-12 (Gifts)**

A City Council staff member requested an advisory opinion as to whether a Council member would violate the Code of Ethics by accepting an airline ticket that was awarded in a drawing after a speech at a public meeting made by an executive of the airline company. Anyone who attended the speech was eligible for the drawing. The City Council has responsibility for approving or disapproving contracts or leases with the airline company. The Board of Ethics concluded that acceptance of the ticket was not prohibited by the gift section of the Code of Ethics because “Section 2-60 was not intended and should not be interpreted to prohibit acceptance of prizes awarded by chance, so long as the prizes are not targeted to
officials, officers or employees who are in a position to take direct official action with respect to the donor. In other words, the prizes must be legitimately awarded on a random or chance basis.”

**Case 04-21 (Subsequent Employment)**
The Deputy Fire Chief asked for an advisory opinion concerning a recently retired firefighter, who wished to be employed on a contract basis by the Department of Aviation to conduct fire inspections at Denver International Airport. The firefighter had been conducting fire inspections for many years during his service with the city. The Deputy Chief asked whether such contract employment would violate Section 2-64 of the Code of Ethics, which provides:

**Sec. 2-64. (Subsequent employment)**
During six (6) months following termination of office or employment, no former officer, official, or employee shall obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she took direct official action during his or her service with the city.

The Board concluded that the retired firefighter would not violate the Code and could immediately begin the contract work at DIA, without waiting six months. The Board said that it believed that “the principal problem which 2-64(a) appears intended to prevent is a conflict between a city employee's loyalty to the city and his or her loyalty to the person's next employer. If the next employer is also the city (although a different department or agency), that problem is alleviated.” The Board indicated that it could not discern any conflict in the employee's relationship with the Fire Department and his subsequent employment as a fire inspector at DIA.
Case 04-29 (Conflict of Interest - Board and Commission Members)

A citizen filed a complaint concerning a member of the Mayor's Commission on Homelessness alleging a conflict of interest, among other issues. The Board of Ethics, during its screening process, determined that this case should be dismissed, as well as other complaints filed by the same person against other members of the same Commission. The Board, however, in interpreting Section 2-52(e) of the Code of Ethics, determined that the Code does apply to members of “informal” Denver boards or commissions (those not created by ordinance or charter) as well as to members of boards or commissions created by ordinance or charter. The Board held that “members of informal commissions should not be held to a lesser standard than members of formal commissions and the Board finds that members of all city commissions, both formal and informal, qualify as city officials under the Code of Ethics.”

Case 04-42 (Solicitation of Loans)

A department head filed a complaint and requested the Board of Ethics to investigate the facts and to determine if a violation of the Code of Ethics had occurred by a supervisor in the department who requested and received loans of money from employees under the supervisor's supervision. Preliminary investigation by the Board confirmed that the supervisor had requested and received loans from some of the employees under the supervisor's supervision. The Board reviewed Section 2-60(a) of the Code, which provides that city employees should not solicit or accept gifts (which include loans) from those over whom the employee is in a position to take direct official action. The Board determined to dismiss
this case, without having a hearing because 1) this is a case of first impression for the Board and this issue had not earlier been publicized to city employees; and 2) the amounts of loans which the supervisor received recently were minor and have mostly been repaid.

The Board, however, stated that it strongly believes it is a poor employment practice for a supervisor to solicit or to accept loans of any amount from an employee under his or her supervision. Such loans may lead to the appearance of impropriety, even if no intimidation of the employee is intended by the supervisor. The Board indicated that few employees would feel comfortable in refusing a loan to or requesting repayment of a loan from a supervisor. A supervisor often has a position of power over the employee, namely the power to reprimand, transfer to a less desirable assignment, suspend or terminate. Even if a supervisor is not the appointing authority with power to take such personnel actions directly, a supervisor has power to recommend such actions to the final decision-maker.

Case 04-44 (Gifts - Waiver Granted)

A division chief in the Police Department requested an advisory opinion to determine whether the gift section of the Code of Ethics would permit a police officer to accept a reward from a grateful citizen and, if not, the chief requested a waiver. The chief indicated that a police officer sustained severe cuts from broken glass and other injuries during a scuffle with a person suspected of using a stolen credit card at a store on the officer's beat. The store owner wished to present the officer with gift certificates from a restaurant totaling $100 along with a letter of appreciation.

Acceptance of gifts is governed by Section 2-60 of the Code of Ethics, including:
(a) Except when acceptance is permitted by paragraph (b) below, it shall be a violation of this code of ethics for any officers, officials, or employees or any member of their immediate families to solicit or to accept any of the following items if (1) the officer, official, or employee is in a position to take direct official action with regard to the donor; and (2) the city has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor.

“Direct official action” is defined in Section 2-52(b) of the Code of Ethics and includes: “Enforcing laws or regulations or issuing, enforcing, or regulating permits…..(emphasis added).

Police officers are “in a position to take direct official action” concerning all citizens and businesses within their beat because they “enforce laws” in many different situations. Because of the unique responsibility of a police officer to enforce laws in many different situations on his or her beat, acceptance of a gift over the value of $25.00 by a police officer from the owner of a business on his or her beat would violate Section 2-60(a) of the Code. None of the exceptions in Section 2-60(b) apply to the facts of this case.

Because of the circumstances of this specific case, however, the Board granted a waiver to the officer pursuant to Section 2-54(f), which empowers the Board to grant a waiver “if it finds that the waiver will serve the best interests of the city.” The gift from the store owner was modest in size, was unsolicited, expressed appreciation for service as well as for injury suffered in the line of duty and was not motivated by any desire to gain favor with the officer or the Police Department.
Case 05-11 (Solicitation of Contributions to the City)

For many years, the City and County of Denver has celebrated and recognized city employees through a series of events, formerly known as City Team Week, now known as City Spirit. A city employee who is a volunteer member of the City Spirit fundraising subcommittee requested an advisory opinion about fundraising to pay the costs of a picnic for city employees as a major City Spirit event.

The fundraising subcommittee wished to raise funds from major companies to cover the costs of the lunch. Monetary contributions would be placed in a “special revenue fund” established by City Council for City Spirit and expenditures would be taken from that fund.

The pertinent section of the Code of Ethics, Section 2-60(c) is as follows:

2-60(c) It shall not be a violation of this article for an officer, official, or employee to solicit donations to the city or to solicit or redirect donations for charitable purposes to a 501(c) or other charitable organization or to provide assistance to individuals affected by illness, crime or disaster or who have educational or other charitable needs, provided that solicitation and financial records are maintained and provided that the soliciting person or a member of the soliciting person’s immediate family does not keep or use the gift or receive any monetary benefit therefrom.

This section provides that, even if the terms of the gift section of the Code, Section 2-60(a), would be violated by a specific solicitation or acceptance of a gift, it would not violate the Code so long as the donation is “to the city... or... for charitable purposes.”
Since the donated funds will be placed in a special revenue fund established by the city, donations for City Spirit do constitute donations “to the city.” Therefore, the Board concluded that solicitation and acceptance of gifts by city employees of donations for City Spirit do not violate the Code so long as the city employee doing the soliciting or a member of the employee's immediate family does not keep or use any of the donated items or funds.

The Board strongly recommended, however, in order to avoid the appearance of impropriety, that no city employee or officer should solicit any donations from a person or business if that city employee or officer has any type of regulatory or enforcement or contractual or other type of relationship with the person or business. For example, a restaurant inspector or a police officer who patrols that area should not solicit a restaurant owner. The reason for this is that the restaurant owner and the public should not have any belief that the restaurant owner may receive favorable treatment from the restaurant inspection division or from the police officer if the owner makes a donation or may receive unfavorable treatment if the owner does not make a donation. As another example, if an insurance company does business or wishes to do business with the City and County of Denver, no city employee involved in selecting the insurance company or negotiating or monitoring the insurance contract should solicit a donation from the insurance company.

The Board also recommended that the letter soliciting donations should include a statement to the effect that there will be no consequence, favorable or unfavorable, should the donation be given or not.

The Board of Ethics limited this opinion only to City Spirit events. If the city government or city employees wish to engage in solicitation of donations for other projects, the
Board encourages any parties involved to contact the Board so that issues specific to those projects can be considered.

Case 05-14 (travel expenses)
The director of an agency was requested by a vendor of new equipment purchased by the City for use of the agency to send an agency employee to a users' conference in Omaha to learn about and discuss the equipment with other users. The vendor would pay the travel and lodging expenses for the employee. The director requested an advisory opinion from the Board of Ethics. The Board determined that the employee in question is not “in a position to take direct official action” with respect to the vendor and, therefore, the employee is not prohibited from accepting the travel and lodging expenses by Section 260(a) of the Code of Ethics. The Board indicated that its approval was also based on the understanding that the purpose of the trip was to provide users with education about the new equipment, rather than to be a sales conference for the benefit of the vendor.

Case 07-5 (conflict of interest)
A citizen filed a complaint alleging that a member of the Denver Landmark Preservation Commission (LPC) acted unethically by making an offer to purchase real property which was being considered by the LPC for recommendation to City Council for designation as a landmark district. The price offered (which was not accepted) was substantially less than the owners (who opposed the landmark designation) had listed the property for. After a public hearing, the Board of Ethics decided that the LPC member had not violated the conflict of interest section of the Code of Ethics (2-61) because she abstained from voting on the recommendation that the property should be designated a landmark district. The Board
of Ethics also decided that there was not clear and convincing evidence that she had violated Section 2-67 of the Code of Ethics, which prohibits the use of public office for private gain, because there was no evidence that she would gain financially if she had purchased the property. The Board found, however, that the LPC member had violated the legislative intent of the Code of Ethics (Section 2-51) by creating an appearance of impropriety, stating that “to become personally involved after the petition for designation had been filed was an error in judgment which does not comply with the spirit of the Denver Code of Ethics.”

Case 07 – 14 (no jurisdiction – personnel issues)
A city employee filed a complaint concerning his supervisor, alleging that the supervisor had unfairly reprimanded him, punished him by reneging on a salary promise and treated the employee in an indignant, arbitrary, capricious and biased manner. The employee attempted to get relief through his department and the Career Service Authority appeal process, but was unsuccessful.
The Board of Ethics concluded that the allegations and issues raised by the employee are not addressed by the Denver Code of Ethics and that the Board does not have the ability to hear appeals from departmental personnel actions, which can only be dealt with through the Career Service or Civil Service appeals process.

Case 09 – 1 (conflict of interest)
An employee of the Department of Human Services requested an opinion regarding her relationship with a non-profit organization that provides clothing to needy children, of which she was one of the founders. Many of the children were clients of DHS, such as foster children. The employee had
agreed to write grant applications for the non-profit in her off-duty time. The non-profit had not received any money from DHS in the past and did not expect to do so in the future. The employee was also considering whether she could join the board of directors of the non-profit. The employee did not have “direct official action” power regarding any DHS grants or funds. The Board of Ethics concluded that the employee would not be prohibited by Section 2-61 of the Code of Ethics from grant-writing or board membership for the non-profit and also commended her for her volunteer service for children.

Case 09 – 35 (use of public office for private gain)
A city employee filed a complaint concerning a supervisor (although not his direct supervisor) who had borrowed more than $900 to pay some of her personal bills and had failed to repay any of the debt to him after seven months had elapsed. After a public hearing, the Board determined that the person’s borrowing of a substantial amount of money from an employee at a subordinate level and, in particular, the failure to repay the amount over a lengthy period of time, despite a request from the employee, violated Section 2-67 of the Code of Ethics:

Sec. 2-67. Use of public office for private gain.
No officer, official or employee shall use his or her public office or position or disclose or use confidential information in order to obtain private gain for himself or herself…

The Board recommended that the appointing authority determine appropriate discipline and a corrective plan.
Case 10 – 22 (gifts)

On behalf of the Police Department, a lieutenant requested an advisory opinion, stating:

Today a homeless citizen came into Denver Police Headquarters and wanted to donate a painting that he had made. One of the secretaries accepted the painting and the citizen said it was titled “Unity in the Community.” The secretary took his name and a contact number and told the citizen that she would have to check to see if we could accept the painting. He said that he was donating it to us as a symbol of cooperation between the community and the police department. Can we accept this? Do we need to fill out any paperwork if we can accept it?

Section 2-60 of the Denver Code of Ethics regulates the acceptance of gifts. In particular, Section 2-60(c) provides that “it shall not be a violation” of the Code:

- for an officer, official or employee to solicit donations to the city or to solicit or redirect donations for charitable purposes…provided that the soliciting person, or a member of the soliciting person’s immediate family does not keep or use the gift or receive any monetary benefit therefrom.

Since the citizen’s intent was apparently to donate his painting to the city and not to an individual city employee, the Board of Ethics concluded that there will be no violation of the Code of Ethics for the painting to be accepted on behalf of the city and that the citizen should be thanked for his generous gift.

Executive Order 134 requires that any gift to the city over the value of $2500 must be disclosed to the City Clerk’s Office by the department or agency in question. If the value of the gift is less than $2500, the gift to the city does not need to be disclosed.
Cases 10-24 and 25 (confidential information)

Two separate city employees filed requests for advisory opinions so that they could understand what use of confidential information is permitted and what is not. Both requests concern how the Board of Ethics will interpret Section 2-68 of the Code of Ethics, which was passed by City Council on November 30, 2009:

Sec. 2-68. Use of confidential records

No officer, official or employee may disclose any information or records that are not available to the public, which were acquired in the course of official duties, except in the performance of official duties or as required by law or court order.

Some “information or records” are clearly required to be kept confidential, usually as a result of separate laws, such as:

- Health records
- Social Security numbers or information
- Sealed court records
- Income-tax records
- Personnel files
- Trade secrets
- Attorney-client communications

The Colorado Open Records Act (CORA), Colorado Revised Statutes 24-72-200.1 through 24-72-205, applies to the City and County of Denver and regulates what public records must or may be made available by “the custodian of any public records” to a member of the public upon a proper request. CORA, however, does not appear to regulate non-written “information.” In addition, CORA does not address if and when information can be shared with persons who are not
requesting public records as a member of the public, such as co-workers or acquaintances.

The City and County of Denver’s only ordinance relating to “public records” (2-271 and 2-272) prohibits disclosure of home addresses and telephone numbers of city officers, officials and employees “so that they may perform their duties without fear of reprisal, retribution or intimidation.”

The Board of Ethics decided that these requests provide a good opportunity for the Board to begin to discuss with city personnel the meaning and purpose of section 2-68. In general, the Board stated that:

- Section 2-68 applies to information as well as written “records”
- City personnel should use decorum, professionalism and respect for privacy and not reveal personal information about co-workers or customers to anyone “except in the performance of official duties or as required by law or court order.”
- On the other hand, common sense and good judgment should allow city personnel to communicate respectfully, for example, about a co-worker’s illness in order to show support.

Case 10 – 32 (gifts – travel expenses)
A City Council member requested an advisory opinion and/or waiver. He had been invited to attend an organizational meeting in Texas of the advisory board of a new organization. The organization is a nationwide network of elected and
appointed government officials committed to juvenile justice policy reform and advocacy.

Neither City Council nor the district Council office has sufficient budget to pay for the airfare to this meeting. An airline company has offered to donate airfare to and from the meeting for the Council member. City Council will need to vote in the next few months on a new lease for that airline company at Denver International Airport, which is currently being negotiated. Therefore, the Board of Ethics determined that the Council member is “in a position to take direct official action” regarding the airline company, because the City Council must vote on all leases of city property, including gates and other facilities at DIA. The Board, as a result, determined that for the Council member to accept airfare from the airline company would violate Section 2-60(a) of the Denver Code of Ethics. None of the exceptions listed in Section 2-60(b) apply to this situation.

The Board considered whether to grant a waiver, which would allow the Council member to accept airfare from the airline, but the Board decided not to do so. Although the Board understands that the work of the new organization would be beneficial, the Board determined that that was outweighed by the possible appearance that the gift from the airline could influence the vote regarding the city lease to the airline, even if the Council member recused himself from that vote. The Board encouraged the Council member to look for another donor to pay the airfare that would not pose this conflict of interest.
Case 11 – 15 (gifts)

A supervisor in the Forestry Division requested an advisory opinion. A citizen-homeowner mailed a $500 check to the Forestry office, which she intended to be allocated as a gratuity among the 5 crew members who assisted her by removing a large tree on city property which had been growing into her fence and damaging it throughout the years. The supervisor telephoned the citizen and indicated that city employees could not receive gifts over $25 and then mailed the check back to her. The citizen then sent another check, payable to the supervisor for $125, to be divided among the 5 crew members. He then asked for an advisory opinion from the Board of Ethics as to whether he may cash the check and distribute it to the crew members.

The Board indicated that it is sympathetic to the citizen and to the crew members in this situation for a number of reasons:

- The crew members are not in a position to take direct official action concerning the citizen;
- The citizen’s motive in offering the check was gratitude for work already performed and not an effort to influence the employees;
- The amount of $25 per crew member is modest in size.

However, upon careful reflection and analysis of Section 1.2.12 of the City Charter, the Board decided that it could not approve the acceptance of this gift or grant a waiver in this situation. That section provides:

No official or employee shall solicit or receive any pay, commission, money or anything of value, or derive any benefit, profit or advantage, directly or indirectly for the performance of official duties except lawful compensation or salary as such officer or employee…
In addition, Section 2-60 of the Code of Ethics does not authorize any city personnel to receive cash gifts.

**Case 11 – 18 (gifts, travel expenses)**
The Manager of the Department of Human Services requested advice as to whether she or other DHS personnel may accept travel expenses from non-profit entities to attend or participate in seminars or trainings in various states. In many of those situations, DHS has a contractual relationship with the donor, such as an agreement as to how DHS will administer a grant from a foundation.

Pursuant to Section 2-60(a) of the Code of Ethics, a city official, employee or officer is prohibited from accepting a gift (including, specifically, travel expenses) if the city person is “in a position to take direct official action” regarding the donor and if the city is in a contract, business or regulatory relationship with the donor. However, Section 2-60(b)(7) grants an exception to that rule for:

(7) Reasonable expenses paid by non-profit organizations or other governments for attendance at a convention, fact finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the city;

Most DHS personnel who would be invited to participate in such a “convention, fact-finding mission or trip or other meeting” would likely be in a position to take direct official action regarding the donor if the donor of the travel expenses has made a grant to DHS or has a contract with DHS. “Direct official action” is defined in Section 2-52(b) of the Code of Ethics, in part, as “negotiating, approving, disapproving, administering, enforcing or recommending for or against a
contract...grant or other similar instrument in which the city is a party.” Most of the DHS personnel would likely be involved in negotiating and/or administering grants or contracts.

The Board of Ethics advised the Manager and DHS that:

- Any city person who is in a position to take direct official action regarding a person or entity may not accept any gift, including travel expenses, from that person or entity if the person or entity is in a contract, business or regulatory relationship with the city.
- However, travel expenses paid by a non-profit organization or other government are permitted as an exception (among several other exceptions) to the rule above. The Board believes that “non-profit organizations” should be interpreted to mean formally-organized non-profit organizations.
- Such travel expenses must be “reasonable.”
- Travel expenses paid by the City or by a non-profit organization or another government must be disclosed on the employee’s annual financial disclosure.

**Case 11-48 (gifts)**

A supervisor in the Department of Environmental Health requested an advisory opinion as to whether it would violate the Code of Ethics for his division to offer $25 gift cards to city employees in different departments as “a good motivator for line staff” to encourage various types of environmental-protection activities, such as, for example, safe storage of solvents. He stated that:

Experience has shown that employees respond to a variety of methods to encourage good behavior. While not the only
approach used, gift cards tend to make staff pay attention to improving their behavior... gift cards can be a powerful motivator for people to do the right thing.

The Board of Ethics concluded that incentives of the type described are appropriate tools for a city agency or department to motivate or reward good performance by City employees and do not violate the Code of Ethics.

The Board also reviewed Section 1.2.12 of the Denver Charter, which provides:

No official or employee shall solicit or receive any pay, commission, money or anything of value, or derive any benefit, profit or advantage, directly or indirectly for the performance of official duties except lawful compensation or salary as such officer or employee.

The Board concluded that incentives such as the employee described are included in the term “lawful compensation,” since they are given by a city department or agency for a work-related purpose and are, therefore, not prohibited by Section 1.2.12 of the Charter.

The Board recommended that, in order to avoid the appearance of impropriety in such incentive programs:

1) Such incentives should be modest in value.
2) If such incentives are to be solicited as donations from third-parties, they should not be solicited from entities which the department regulates.
3) The method for selecting the recipients of the incentives should be transparent and the recipients should be disclosed.
Case 11-54 (outside employment – elected office)

An employee in the Auditor’s Office requested an advisory opinion regarding his desire to run for a seat on the Town Council in the municipality in which he lives. The Auditor indicated that he will approve the outside employment request; however, he would like to hear from the Board of Ethics. If the employee were to be elected, he would be paid $600 per month. The Council meets once a week and members also serve on at least one committee that meets weekly. The Board concluded that, because the position on the Town Council is paid, the employee must comply with Section 2-63 of the Code of Ethics, which requires written permission from an employee’s appointing authority before the employee can begin outside employment or business activity. Therefore, the Board of Ethics concluded that the employee must obtain written permission from the Auditor before he could serve on the Council. He also must not use any Denver city resources (including time, computers or other equipment or supplies) for his work on the Town Council. State law also prohibits all governments from using government resources to benefit election campaigns (Colorado Revised Statutes 1-45-117). The Board advised the employee that he will not violate the Code of Ethics if he runs for a position on the Town Council and/or serves on the Council, so long as he:

- Obtains his appointing authority’s written approval for the outside employment on an annual basis;
- Does not use any Denver city resources for his campaign or his Town Council work;
- Abstains from voting on any Town Council issues that could “adversely affect” the interests of the City and County of Denver.
• In addition, to avoid any appearance of impropriety, the Board recommended that:
• If elected, he should keep track of any Denver city time that he spends on work for the Council, so that he will not be paid his Denver salary for non-Denver work;
• He set time outside Denver work hours when he would be available to take telephone calls or other contacts by his constituents.
• He should not attempt to raise or accept campaign funds from any Auditor’s Office employees who report to him.

Case 11-58 (conflict of interest)
A homeowner filed a complaint concerning an architect who is a member of the Landmark Preservation Commission (LPC). One of the functions of the LPC is to review and approve or disapprove plans for proposed additions to structures which are designated individual Denver landmarks or structures within a Denver historic district.
A homeowner who lives next door to the complaining homeowner hired the LPC member’s architectural firm (a 2-person firm with his wife) to prepare plans for an addition to the house, which is within a historic district. The complaining homeowner opposed the plans.
The LPC considered the proposed addition at one of its meetings. The complaining homeowner did not attend the meeting because she says she was not informed of when the meeting would occur. According to the director of the LPC staff, the architect-member said that he was recusing himself from the discussion and went to sit in the back of the room, while his wife/partner made the presentation to the LPC and answered questions from the members. The minutes of the
meeting indicate that the architect-member was in attendance at the meeting and the vote to approve the addition in question was “unanimous in favor, motion carries.” The minutes do not mention any recusal by the architect-member; however, an index of the recording of the meeting indicates that the architect-member “recused.” The LPC staff had recommended approval of the addition.

The complaining homeowner says that she was “disheartened” by the outcome because “the Landmark Preservation Commission should be protecting all of us” and not just clients of Commission members. The architect-member advised the Board of Ethics that “I fully, completely recused myself from the project in question at the meeting where it was approved. Therefore, I cast no vote for the project.”

Section 2-61 of the Code of Ethics relating to conflicts of interest provides:

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

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

(a) Except when advised by the city attorney that the rule of necessity applies, an officer, official, or employee shall not take direct official action on a matter before the city if he or she or a member of the immediate family, a business associate or an employer other than the city of the officer, official or employee has any substantial employment, contractual, or financial interest in that matter...

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

The members of the LPC are in a position to take direct official action (which includes “enforcing laws or regulations or issuing, enforcing or regulating permits…”) concerning additions to buildings in historic districts. As one of the two members of the firm which designed the proposed addition for the home in question, the architect had a “substantial employment, contractual, or financial interest in that matter” and was, therefore, prohibited from taking direct official action. Although the meeting minutes reflect otherwise, the preponderance of the evidence indicates that the architect-member did not vote on the matter and, therefore, he did not take direct official action and, thus, did not violate Section 2-61 of the Code of Ethics.

The Board dismissed the complaint. However, the Board recommended that, in the future, to avoid the appearance of impropriety:

1) All Denver board and commission members should, whenever they abstain from any vote or discussion due to a conflict of interest, verbalize the abstention clearly and state for the record the reason for such abstention.

2) Whenever a board or commission member abstains from participation in a matter because of a conflict of interest, he or she should leave the meeting room for the entire time of the presentation, discussion and voting on the matter.

3) Such abstaining board or commission member should review the minutes from any meeting where he or she abstained due to a conflict of interest and verify that
the minutes correctly reflect the abstention and the reason.

4) Staff members who keep minutes for boards and commission should be trained to record abstentions and reasons in their minutes and whether the member leaves the room so that the public can be aware that city board and commission members understand conflicts of interest and abstain when necessary.

5) Board and commission members or their firms who provide professional services for a livelihood, such as, but not limited to, lawyers, architects, real estate agents, engineers, consultants, and lobbyists should not personally or through their firms represent clients with matters before the board or commission on which they serve or, at least, limit such representation to rare occasions. This would alleviate the public impression that those who hire firms of board and commission members to represent their interests might get a special advantage or the public impression that board and commission members may be using their public office for private gain.

Case 14 – 4 (use of public office for private gain)
The Finance Director of the Police Department requested an advisory opinion as to whether it would violate any section of the Denver Code of Ethics if a police officer who was issued a credit card by the city (known as a PCard) to purchase items for the Police Department “earned” reward points for some or all of those purchases and then redeemed the reward points for personal use.

Eight trusted police officers have been issued PCards by the Police Department, as well as many city employees in other departments. The Finance Director stated that one police
officer accumulated reward points from purchases made for Department purposes with a PCard at Best Buy and then redeemed some or all of those reward points for items such as a television set and/or computer for personal use valued at over $1000. The Board of Ethics did not ask for or obtain any specific facts of this situation, on the assumption that the Department will thoroughly investigate the facts and, if appropriate, may recommend discipline for the officer.

Section 2-67 of the Code of Ethics prohibits “use of public office for private gain:”

**Sec. 2-67. Use of public office for private gain.**

No officer, official or employee shall use his or her public office or position or disclose or use confidential information in order to obtain private gain for himself or herself, for his or her immediate family, for any business entity with which he or she is affiliated… (emphasis added)

The Board advised that, if it can be proven that any city officer or employee redeemed reward points from a city credit card given to him or her to make purchases for the city and used the items from the redeemed reward points for his or her personal use or that of his or her family or affiliated business entities, that would violate Section 2-67 of the Denver Code of Ethics.

**Case 16 -4 (gifts; travel expenses)**

The City Attorney requested an advisory opinion on behalf of the Mayor regarding travel and lodging expenses for Super Bowl 50 in Santa Clara, California, in which the Denver Broncos were competing on February 7, 2016. These travel and lodging expenses (as differentiated from the expenses for Super Bowl 48, dealt with by the Board of Ethics in Case 14-
3) involve payment by the Denver Broncos Football Club for three tickets to the game; payment by the City’s General Fund for the cost of the Mayor’s hotel room, airfare and food costs; and payment for airfare for his wife and daughter to be paid by personal funds.

As the Denver Board of Ethics previously observed in connection with Case No. 14-3, there are appropriate and important reasons for the Mayor to represent the City of Denver at the Super Bowl. The Board recognized that Super Bowl 50 provides an important opportunity to highlight the City and County of Denver and for the Mayor to represent and promote the interests of the city before a national audience.

The Mayor’s use of General Fund monies to provide for his travel and attendance at Super Bowl 50 does not violate any of the provisions of the Denver Code of Ethics. The budgetary decisions of the City and the propriety of the expenditure of monies from the General Fund fall within the jurisdiction and sound discretion of the Mayor, City Council and the Auditor’s Office.

The Board understands that there may be differences of opinion among citizens of Denver about the appropriateness of the use of public funds for travel expenses for public officials. However, that is a proper subject for discussion by policymakers and civic debate, and cannot be decided by the Board of Ethics unless there is an issue specifically regulated by the Denver Code of Ethics. The Board is charged with only enforcement of the existing terms and conditions of the Code.

The Mayor’s use of personal funds to provide for the travel and attendance of his wife and daughter at Super Bowl 50 does not implicate any of the provisions of the Code of Ethics. Further, the receipt by the Mayor of three tickets to the Super Bowl from the Denver Broncos Football Club does not violate
any of the provisions of the Denver Code of Ethics. The Mayor is not in a position to exercise “direct official action” with respect to the Broncos, as that term is defined by the Code. Based on the information available to the Board, the Mayor is not now, nor is he expected to be, involved in the “negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument” with respect to the Denver Broncos. See DRMC Sec. 2-52(b)(1).

**Case 17 – 15 (gifts)**

An Assistant City Attorney requested an advisory opinion about 1) whether small beverage or food items (such as a cup of coffee, a bottle of water, a lemonade, a doughnut or a piece of fruit) should be defined as a “meal” in Section 2-60 of the Code of Ethics and 2) do such items need to be disclosed on officers’ or employees’ Financial Disclosure forms.

City personnel are offered such small food or beverage items in different circumstances. For example:

- A zoning or building or liquor or marijuana inspector may be offered such an item during or after the inspection.
- A police officer or firefighter may be offered such an item after a call.
- Any city person may be offered such an item during a meeting or discussion which does not include a full meal.
- Vendors or applicants for permits or licenses or their attorneys or other representatives may bring a box of doughnuts or fruit for an entire city office to share.
Nowhere in the Code of Ethics is the word “meal” defined, although that word occurs in Section 2-60, the section regulating gifts, several times.

The Board of Ethics determined that the dictionary definition or the common understanding of “meal” does not apply to such small or minimal beverage or food items and the gift section of the Denver Code of Ethics should be interpreted accordingly. The Board decided that such gifts of very small value are minimal and fall below the threshold of what should be regulated. The Board also believes that it would be unnecessarily burdensome to require disclosure of such small gifts.

The Board of Ethics advised that:

- When used in Section 2-60 of the Denver Code of Ethics, the word “meal” does not include beverages or snacks alone, such as coffee, tea, water, soft drinks, lemonade, doughnuts or fruit offered to and/or accepted by city officers or employees.
- Provided that the donor is providing the beverage or snack on an infrequent and isolated basis, and provided further that the item is of modest value, city employees or officers may accept the item, even if they are in a position to take direct official action with regard to the donor.
- The item does not count against the annual $300 limit per donor in Section 2-60(b)(4)
- The item does not need to be disclosed by employees or officers on their Financial Disclosure forms.
APPENDIX C – Other Denver Law Pertaining to Ethics

In addition to the Code of Ethics, Denver has several other sources of law or regulation which relate to what is commonly understood as “ethics,” namely:

- Career Service Rules
- Ordinances
- Charter provisions
- Executive Orders
- Fiscal Accountability Rules.

Although the Board of Ethics does not enforce or interpret these other provisions, the Board wishes to provide a compilation of these provisions for review by Denver employees, officers and officials.

CAREER SERVICE RULE 16 - CODE OF CONDUCT & DISCIPLINE

Summary of Selected Sections as amended February 12, 2016

Section 16-20 Ethics
All employees shall comply with the Denver Code of Ethics, any provisions in the Denver Charter regarding ethical conduct of employees and any stricter Code of Ethics promulgated by an employee’s Department or Agency as authorized by D.R.M.C. § 2-51.

Section 16-23 Retaliation Prohibited
Retaliation against employees for reporting or threatening to report harassment or discrimination or assisting the city in the investigation of any complaint is strictly prohibited.

Section 16-25 Use of City Facilities
Employees may not solicit or distribute any non-job-related material of any kind during working time on city property except for designated city programs.

Section 16-26 Political Activities
Employees are prohibited from engaging in political activities during working hours. Employees also are prohibited from using City facilities and/or resources in connection with campaigns or other political activities. City facilities and/or resources may not be used to solicit monetary political contributions; or any other contribution of services or resources for political purposes from any officer or employee. Employees shall not take any action or make any promise or threat of action to any employee because of the employee’s giving or withholding of a political contribution or service or engage in solicitation or politically motivated behavior that is harassing or discriminatory.

DENVER ORDINANCES PERTAINING TO ETHICS (in addition to Code of Ethics)

2-70 FINANCIAL DISCLOSURE (amended by City Council in 2017)
The Financial Disclosure Ordinance is not a part of the Code of Ethics. If you have questions regarding financial disclosure or need to obtain disclosure forms, contact your personnel administrator. The Financial Disclosure Ordinance requires city officers (those holding elective office and cabinet
appointees) to file an annual disclosure of their business interests, investment holdings and a twice-yearly identification, estimated value and source of gifts they have received under Sections 2-60(b)(4), (7) and (10) of the Code of Ethics from those over whom they may take direct official action.

All city employees are also required to file an annual statement every January 31 which discloses identification, estimated value and source of gifts they have received under Sections 2-60(b)(4),(7) and (10) of the Code of Ethics from those over whom they may take direct official action.

2-106 WHISTLEBLOWER PROTECTION ORDINANCE
(passed by City Council on August 13, 2007)

Sec. 2-106. Legislative Declaration
The city council hereby determines and declares that employees of the City and County of Denver should never suffer retaliation from their supervisors or appointing authorities for communicating information about illegal activities, unethical practices or other forms of official misconduct experienced or witnessed by employees in the scope of their employment. The interests of the City and County and Denver and the larger interests of the citizens of Denver are served by encouraging all employees to speak out fully and frankly on any official misconduct which comes to their attention without fear of retaliation. Therefore, the purpose of this Article VII is to eliminate the possibility or the threat of any adverse employment action that may be taken against any City and County employee for reporting such information to appropriate reporting authorities.
Sec. 2-107. Definitions as used in this Article VII:

a) “Appropriate reporting authority” means any officer, board or commission, or other person or entity vested with legal authority to receive, investigate or act upon reports of official misconduct by officers and employees of the City and County, including, by way of example:

1) The mayor and members of the mayor's cabinet;
2) The city council, any committee of the city council, and individual members of the city council;
3) The auditor and the audit committee;
4) The board of ethics;
5) The district attorney and other law enforcement agencies; or
6) The appointing authority for the officer or employee who is alleged to have engaged in the official misconduct that is the subject of the report.

b) “Adverse employment action” means any direct or indirect form of employment discipline or penalty, including, but not limited to, dismissal, suspension, demotion, transfer, reassignment, official reprimand, adverse performance evaluation, withholding of work, denial of any compensation or benefit, layoff, or threat of any such discipline or penalty.

c) “Employee” means any employee of the City and County of Denver within the meaning of 01.2.11 of the charter.

d) “Official misconduct” means any act or omission that is committed, intended or planned by any officer or employee of the City and County that constitutes:

1) A violation of law;
2) A violation of any applicable rule, regulation or executive order;
3) A violation of the code of ethics as codified in article IV of this chapter or any other applicable ethical rules and standards;

4) The misuse, misallocation, mismanagement or waste of any city funds or other city assets; or

5) An abuse of official authority.

e) “Supervisor” means any person who is authorized to recommend or to impose any adverse employment action upon an employee.

Sec. 2-108. Retaliation prohibited.

a) Except as provided in subsection (b) of this section, no supervisor shall impose or threaten to impose any adverse employment action upon an employee on account of the employee's disclosure of information about any official misconduct to any person.

b) The protections afforded by this Article VII shall not apply to any employee:

1) Who discloses information that the employee knows to be false or who discloses information without regard for the truth or falsity thereof;

2) Who discloses information in a manner prohibited by law including, by way of example, information that is prescribed as being confidential by law; or

3) Who otherwise discloses information in bad faith.

c) It shall be the obligation of an employee who wishes to disclose information under the protection of this Article VII to make a good faith effort to provide to an appropriate reporting authority the information to be disclosed prior to the time of its disclosure. The protection of this Article VII shall not extend to
Sec. 2-109. Remedies.

a) Employees in the career service. Any employee in the career service may file a complaint with the career service board or its designated hearing officer alleging a violation of section 2-108 within thirty (30) days of the alleged retaliatory adverse employment action. The complaint shall be processed in accordance with the rules of the board governing employee appeals; provided, however, that the employee shall not be required to pursue a complaint or grievance within the employee's department or agency prior to appealing the alleged retaliatory adverse employment action to the board or its designated hearing officer. In addition to the foregoing procedure, any employee who is otherwise contesting a disciplinary action before the board or its designated hearing officer in accordance with the rules of the board may defend against the disciplinary action upon a showing by the employee that the disciplinary action constitutes a violation of section 2-108. In either event, if the board or the designated hearing officer finds that a violation of section 2-108 has occurred, the board or the hearing officer shall order appropriate relief on behalf of the employee including, but not limited to, reinstatement, back pay, restoration of all benefits and seniority rights, and the expunging of the records of any retaliatory adverse employment action made in violation of section 2-108.

b) Employees in the classified service.
1) Any employee in the classified service may file a complaint with the employee's appointing authority alleging a violation of section 2-108 within thirty (30) days of the alleged retaliatory adverse employment action. The complaint shall be processed in accordance with any departmental rules of the appointing authority governing employee appeals of disciplinary actions.

2) Any employee in the classified service who contests a disciplinary action before the civil service commission in accordance with charter sections 9.4.14 and 9.4.15 may defend against the disciplinary action upon a showing by the employee that the disciplinary action constitutes a violation of section 2-108. If the hearing officer appointed by the commission finds that a violation of section 2-108 has occurred, the board shall order appropriate relief on behalf of the employee including, but not limited to, reinstatement, back pay, restoration of all benefits and seniority rights, and the expunging of the records of any retaliatory adverse employment action made in violation of section 2-108.

c) Other employees. Any employee who is neither in the career service nor the classified service may file a complaint with the employee's appointing authority alleging a violation of section 2-108 within thirty (30) days of the alleged retaliatory adverse employment action. The complaint shall be processed in accordance with any rules of the appointing authority governing employee appeals of disciplinary actions. In addition to the foregoing procedure, any employee who is
otherwise contesting a disciplinary action by the appointing authority may defend against the disciplinary action upon a showing by the employee that the disciplinary action constitutes a violation of section 2-108. In either event, if the appointing authority finds that a violation of section 2-108 has occurred, the appointing authority shall order appropriate relief on behalf of the employee including, but not limited to, reinstatement, back pay, restoration of all benefits and seniority rights, and the expunging of the records of any retaliatory adverse employment action made in violation of section 2-108.

d) Sanction against supervisors. Upon a determination by the career service board or its designated hearing officer, the civil service commission or its designated hearing officer, or an appointing authority that a violation of section 2-108 has occurred, any supervisor who committed the violation shall be subject to appropriate disciplinary action by the supervisor's appointing authority, up to and including termination from employment.

DENVER CITY CHARTER PROVISIONS REGARDING ETHICS

1.2.8 Holding other office or employment.

a) Employees and Appointed Charter Officers. No employee or appointed Charter officer shall have other employment or hold any public office that is incompatible with his or her duties. Every employee and appointed officer shall notify his or her appointing authority in writing before accepting any other employment or public office; newly hired employees
and appointed officers shall report any outside employment or office immediately upon being hired or appointed.

b) Elected Charter Officers. Elected officers of the City shall not hold any other public elective office or any employment that is incompatible with their duties. Elected officers shall not hold any other employment with the City. Elected officers shall waive any additional compensation when they serve upon the governing board or body of any public body or any municipal or quasi-municipal corporation within which or part of which the City or a part of it is located, or of which the City is an interested or constituent member.

1.2.9 Ethics and Conflicts of Interest.

a) No officer or employee shall have any interest arising by contract or other relationship that creates a substantial conflict of interest with respect to his or her duties, unless the conflict can be avoided by abstention or disqualification from participating in a transaction without adversely affecting the interests of the City. Every employee and appointed officer shall report promptly in writing to his or her appointing authority any business activity or situation that may be or may become a substantial conflict of interest.

b) No officer or employee shall have a direct interest in a contract or similar instrument with the City if he or she participated in approving or establishing the contract or instrument or its terms or conditions; provided, however, that subject to the conditions that may be established by ordinance or other applicable law, any officer or employee may purchase City
property or financial instruments in a public sale at a fixed price or a public auction.

c) The City Council shall establish by ordinance a Code of Ethics for officers, employees, and members of boards and commissions relating to the use of public office for private gain, employment and supervision of family members, gifts, conflicts of interest, prior employment, outside employment, subsequent employment, and other ethics matters not inconsistent with the Charter. The Code of Ethics shall also establish a Board of Ethics to inform and assist officers, employees, and members of boards and commissions in interpreting the provisions of the Code of Ethics, investigate complaints, issue advisory opinions and waivers, assist agencies in conducting ongoing ethics programs, and perform other duties, not inconsistent with the Charter, as may be provided by ordinance. The Mayor and the Council shall each appoint an equal number of members of the Board of Ethics, and if the Board consists of an odd number of members, one member shall be nominated by the Mayor and confirmed by ordinance. If there is a conflict between the Code of Ethics and another rule or regulation, the Code of Ethics shall prevail but nothing herein shall be construed to impair the power of appointing authorities to adopt standards of conduct more stringent than the Code of Ethics for employees under their control.

1.2.10 Contributions for political purposes.
No officer or employee shall initiate any disciplinary action against, discharge or change the rank or compensation of any officer or employee, or promise or threaten to do so for giving,
withholding or neglecting to make contributions or any service for any political purpose. No person shall, in any room or building occupied for the discharge of official duties, solicit or receive any contribution for political purposes.
(Charter 1960, C5.74; Charter 1904; amended November 4, 1986)

1.2.12 Officials or employees confined to lawful salary.
No official or employee shall solicit or receive any pay, commission, money or anything of value, or derive any benefit, profit or advantage, directly or indirectly for the performance of official duties except lawful compensation or salary as such officer or employee. No officer or salaried employee of the city and county shall accept or use, unless authorized by law or ordinance to do so for some public purpose, directly or indirectly, from any railroad, telegraph, telephone company, or from any owner of any public utility franchise in the city and county, any pass, frank, free ticket, free service or other services upon terms more favorable than those granted to the public generally. Any violation of this section shall ipso facto work a vacancy in the office or employment of such persons so offending.

EXECUTIVE ORDER 64 - RECORDS MANAGEMENT POLICY
Summary - City and County of Denver records are the property of the City and County of Denver. No Denver official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.
EXECUTIVE ORDER 94 – ALCOHOL AND DRUG POLICY
Summary – Employees are prohibited from consuming, being under the influence of or impaired by alcohol or illegal drugs while performing city business, while driving a city vehicle or while on city property.

EXECUTIVE ORDER 112 – VIOLENCE IN THE CITY WORKPLACE
Summary - Violence in any of the City and County of Denver’s work locations is strictly prohibited. Violence committed by any employees of the city, whether on-duty or off-duty, reflects poorly on the city and is strictly prohibited.

EXECUTIVE ORDER 134 – GIFTS TO THE CITY
Summary: Any gift worth $2500 or more to a city department or agency must be reported to the Clerk and Recorder.

FISCAL ACCOUNTABILITY RULE 10.1 – REPORTING FISCAL MISCONDUCT
Summary: The city of Denver is committed to maintaining the highest professional standards in its administrative operations, promoting ethical practices among its employees, and ensuring a level of accountability appropriate for a public institution.
Definition: Fiscal Misconduct is an expenditure of city resources, including assets or personnel, without proper authorization or for purposes other than city business; knowingly violating fiscal rules or financial policy; or manipulating or falsifying data or documentation so as to misrepresent or inaccurately report city transactions or city business with a monetary impact.
Rule: Any city employee who has reason to believe that another city employee(s) is engaging in or has engaged in fiscal misconduct shall promptly notify their appointing authority of such fiscal misconduct. Any city employee who has reason to believe that their appointing authority is engaged in or has engaged in fiscal
misconduct shall promptly notify the Auditor’s Office or the Controller’s Office of such fiscal misconduct.
APPENDIX D – Complaint Form
I believe that, to the best of my knowledge, information and belief formed after reasonable reflection, the information given in this inquiry/complaint is true. I request the Denver Board of Ethics to evaluate the information given here and to take appropriate measures in accordance with the procedures outlined in the Denver Revised Municipal Code, Section 2-56. (Type, or print please)

__________________________________
My name – printed                      My address (please indicate home or business)

__________________________________
My home telephone
City, state, zip code

__________________________________
My work telephone

__________________________________
My e-mail address, if any

Denver officer, official or employee that I wish the Denver Board of Ethics to review:

__________________________________
Name                                      Position or job title, if known

__________________________________
Department or Agency                       Work address, if known

__________________________________
Work telephone, if known
Please note:

If you wish to file an inquiry/complaint about more than one person, you must file a separate inquiry form (and any attachments) for each person.
Please describe the facts that you believe constitute a violation of the Denver Code of Ethics in sufficient detail so that the Board of Ethics and the person who is the subject of the inquiry can understand the nature of the alleged violation. Give as much detail as possible, including approximate dates, names, etc. Add extra sheets if needed and attach copies of any pertinent documents.

My signature  Date

Also Note: A copy of the inquiry/complaint will be sent to the person who is the subject of the inquiry/complaint and may be made available to the public.
APPENDIX E – Request for Outside Employment Form

REPORT OF OUTSIDE EMPLOYMENT OR BUSINESS ACTIVITY AND REQUEST FOR APPROVAL

To: ________________________________
(Appointing Authority)

____________________________________
(Supervisor)

From: ________________________________ Date: __________________
(Employee)

I have read and understand the provisions of Sections 2-61(g) and 2-63 of the Denver Code of Ethic.

1. I hereby request permission to (please check one):

   □ engage in new outside employment or business activity

   □ change the nature or terms of my existing outside employment or business activity

   □ continue my previously-approved outside employment or business activity under the same terms and conditions as last year (if so, describe briefly in #2 below.)

2. Description of the outside employment or business activity I wish to engage in:

   Type of employment or business:

   ________________________________________________________________

   Title or position:

   ________________________________________________________________
Description of my duties: (or change in my duties, if applicable)
____________________________________________________________
____________________________________________________________

Outside employment supervisor’s name and number:

____________________________________________________________

Number of hours per week I expect to work: ________

Expected schedule:
__Mon __Tues ___Wed ___Thurs ___Fri ___Sat ___ Sun

3. Description of any actual or potential conflict of interest between my responsibilities for the City and my proposed outside employment or business activity (if none, please write “none”):

____________________________________________________________

Signature of employee:

Reviewed by: _________________________________
(Appointing Authority or Supervisor)

Approved:_____   Disapproved:_____

Date of Review: ______________________

[NOTE: Report must be renewed annually]

Comments or conditions:
____________________________________________________________
____________________________________________________________