

CITY OF CENTENNIAL,
COLORADO

ORDINANCE NO. 2012-O-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO APPROVING A CODE OF ETHICS

WHEREAS, pursuant to Section 2.12 of the Home Rule Charter of the City of Centennial ("City"), the City Council is authorized to adopt an Ordinance governing conflicts of interests, recusals from voting and other standards or code of conduct or ethics.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, ORDAINS:

Section 1. Code of Ethics Adopted. The City Council for the City of Centennial hereby approves a Code of Ethics attached hereto.

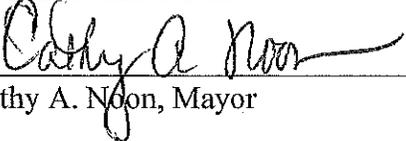
Section 2. Severability. Should any one or more sections or provisions of this Ordinance or the Code of Ethics be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the Code of Ethics, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Resolution No. 2003-R-20 is hereby repealed in its entirety. Any and all other ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance, resolution, or code hereby repealed prior to the effective date of this Ordinance.

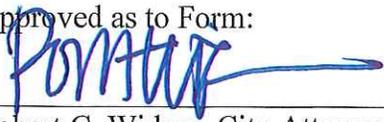
Section 4. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 12TH DAY OF MARCH, 2012.

CITY OF CENTENNIAL

By: 
Cathy A. Noon, Mayor

Approved as to Form:



Robert C. Widner, City Attorney

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of March 12, 2012 and ordered published one time by title only in *The Villager* newspaper on March 15, 2012, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

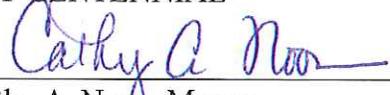
SEAL

ATTEST:

By: 
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 16th DAY OF April, 2012, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.

CITY OF CENTENNIAL

By: 
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of April 16, 2012, and ordered published by title only, one time by *The Villager* newspaper on April 19, 2012 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL



ATTEST:

By: 
City Clerk or Deputy City Clerk

CITY OF CENTENNIAL, COLORADO

CODE OF ETHICS

I. Mission Statement.

A mission of the City of Centennial is to assure that the public has confidence in the integrity of all aspects of City government and the Public Servants that exercise discretionary powers.

II. Framework and Purpose of Code of Ethics.

A. Framework. This Code of Ethics should evoke a commitment to maintain high ethical standards. The following provisions form the framework of the essential principles of Centennial public service conduct and ethics:

1. Public Interest. Treat public service as a public trust, only using the power and resources of public service to advance public interest and not to attain personal or private benefit.
2. Objective Judgment. Employ independent, objective judgment in performing duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
3. Accountability. Assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold Public Servants accountable.
4. Democratic Leadership. Honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
5. Respectability. Safeguard public confidence in the integrity of government by being honest, fair, caring and respectful, and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a Public Servant.

B. Purpose of Code of Ethics. The purpose of the Code of Ethics is to:

1. State principles of conduct and ethics which are to be applied in public service;
2. Help motivate Public Servants to pursue productive conduct and ethical ideals which exceed minimum standards;
3. Provide a process by which Public Servants may identify and resolve conduct and ethical issues;

4. Identify minimum standards of ethical conduct for Public Servants;
5. Inform the public of the minimum standards to which their Public Servants are expected to adhere;
6. Promote public confidence in the integrity of Public Servants;
7. Encourage members of the public to serve Centennial and its public by seeking public office or employment and to take pride in participating in the governmental process;
8. Establish penalties, when appropriate, for Public Servants who violate the public trust; and
9. Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of the Code of Ethics.

III. Applicability.

This Code of Ethics applies to Public Servants of the City of Centennial. A "Public Servant" includes:

- The elected or appointed Mayor; and
- Any elected or appointed Council member; and
- Officials appointed by the City Council to serve as: City Manager, City Attorney; Municipal Judge, or Associate or Assistant Municipal Judge; and
- Employees of the City.

IV. Definitions.

- A. "Board of Ethics" means the Mayor and the City Council, except the Board of Ethics shall not include any person being investigated by the Board of Ethics.
- B. "Business Entity" means any of the following entities, whether or not carried on for purposes of profit, and whether or not in lawful standing or insolvent: business, sole proprietorship, firm, partnership, unincorporated association, venture, trust or corporation.
- C. "Conflict of Interest" shall mean any situation in which a Public Servant has a Substantial Interest in any transaction with the City for which the Public Servant will or may perform an Official Action.
- D. "Contract" means any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred. For purposes of considering violations of this Code of Ethics, "Contract" does not include:

1. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures.
 2. Merchandise sold to the highest bidder at public auctions.
 3. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys.
 4. Contracts with a Public Servant or Business Entity in which a Public Servant has a Substantial Interest if, because of its geographic restrictions, the City could not otherwise reasonably afford itself of the subject of the Contract. It shall be presumed that the City could not otherwise reasonably afford itself of the subject of a Contract if the additional cost to the City is greater than ten percent, or if the Contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.
 5. Contracts in which a Public Servant who has a Substantial Interest has disclosed a personal interest and has not taken official action thereon or with respect to which any member of the City Council who has a Substantial Interest has voted thereon in accordance with Section 24-18-109(3)(b) or Section 31-4-404(3), C.R.S. Any such disclosure shall be made to the City Council and to the Colorado Secretary of State.
 6. Contracts with a corporation in which the Public Servant exercising an official action holds a minority interest.
- E. “Employee” means any person holding any paid position of employment with the City but excluding the Mayor, City Council, City Manager, City Attorney, Municipal Judges, and Independent Contractors.
- F. “Gift of Substantial Value” or “Gift of Substantial Economic Benefit Tantamount to Gifts of Substantial Value” includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services, and also includes any pecuniary gift of any value associated in any way with a Contract over which the Public Servant has or may perform an Official Action.

The following shall not be considered Gifts of Substantial Value or Gifts of Substantial Economic Benefit Tantamount to Gifts of Substantial Value unless they involve a pecuniary gift associated with a Contract over which a Public servant performs an Official Action:

1. Campaign contributions and contributions in kind reported as required by Section 1-45-108, C.R.S.
2. An occasional non-pecuniary gift of fifty dollars (\$50.00) or less in value.
3. A non-pecuniary award publicly presented in recognition of public service.

4. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting.
 5. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to the Public Servant which is not extraordinary when viewed in light of the position held by the Public Servant.
 6. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events.
 7. Payment for speeches, appearances, or publications reported pursuant to Section 24-6-203, C.R.S.
 8. Payment of salary, benefits, or reimbursed expenses from employment, including other government employment, in addition to that earned by reason of service as a Public Servant.
 9. Pecuniary or non-pecuniary gifts or contributions to programs or events sponsored by the City in which multiple Public Servants may participate.
- G. "Independent Contractor" means a person or entity paid for services rendered to the City pursuant to a contract for services which recognizes the person or entity as an independent contractor.
- H. "Mail" or "Mailing" shall mean and include deposit as first class mail addressed to the intended recipient with the United States Postal Service with another comparable alternative service such as but not limited to a local business courier, United Parcel Service, or Federal Express. For any Public Servant, "mail" or "mailing" shall also include the use of electronic mail addressed to the Public Servant's City-provided electronic mail address.
- I. "Official Action" means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which includes use of discretionary authority of any Public Servant.
- J. "Relative" means any person related to a Public Servant by blood, marriage or adoption, in any of the following degrees: parents, spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A divorce or separation between spouses shall not be deemed to terminate relationships described herein.
- K. "Substantial Interest" means an economic, pecuniary, or financial stake in the outcome of an Official Action which, considering all of the circumstances, would tend to influence the decision of a reasonable person faced with taking the same Official Action. A Substantial Interest of a Relative of the Public Servant shall constitute a Substantial Interest of the Public Servant. A Substantial Interest held

by another individual or a Business Entity shall constitute a Substantial Interest of a Public Servant if the Public Servant is:

1. An owner, director, officer, or employee of the individual or Business Entity;
2. A creditor or debtor of the individual or Business Entity;
3. An applicant for employment with the individual or the Business Entity or the Public Servant has commenced negotiations with an individual or Business Entity for an employment or contract opportunity; or
4. A lobbyist, attorney, representative, agent, or other professional working on behalf of the individual or Business Entity.

V. Mandatory Standards of Ethical Conduct.

The following requirements shall constitute the Centennial Code of Ethics and establish reasonable standards for the ethical conduct of Public Servants. Failure to abide by these standards shall be deemed a violation of the Code of Ethics and may subject the Public Servant to an investigation, review, and hearing processes, and, where found appropriate, disciplinary action and penalty. Violations may also constitute a separate violation of state law.

A. General Requirements.

1. Duty. All Public Servants have a duty to use their public positions to contribute to the public good. This Code of Ethics shall not preclude Public Servants from acting in any manner consistent with their official duties or from providing assistance or public services to anyone who is entitled to them. All Public Servants, however, also have a fiduciary duty to refrain from using their positions in any manner for personal or private gain or which is detrimental to the public good. Public Servants must be mindful that the appearance of impropriety can be as corrosive of public confidence as an actual impropriety, and must strive to avoid situations which may create an appearance of impropriety.
2. Non-Partisan Public Servants. Public Servants of the City of Centennial are expected to serve the public in a manner unaffiliated with political party or political partisanship. There shall be no references to political party affiliation or campaigning for political office at meetings of the City Council. Political party affiliation shall not be a factor in any Official Action of any Public Servant.
3. State Statutory Requirements. All Public Servants shall comply with all applicable provisions of the Colorado Revised Statutes regarding ethics, including Sections 24-18-101, *et seq.* and Section 31-4-404, C.R.S., in addition to the requirements of the Code of Ethics.

- B. The following provisions are specific requirements and obligations governing ethical behavior:

1. Confidential Information. It shall be a violation of the Code of Ethics to disclose or use confidential information acquired in the course of official duties that is not generally available to the public to further the Public Servant's personal or financial interests, including any information obtained in a City Council Executive Session, unless such disclosure is authorized by City Council. This section is not intended to impair or limit disclosure of information that is otherwise publicly available or to limit the disclosure of information to law enforcement officials in order to prevent or report a crime or unlawful conduct.
2. Gifts of Substantial Value. It shall be a violation of the Code of Ethics to accept Gifts of Substantial Value or of Substantial Economic Benefit Tantamount to a Gift of Substantial Value which would tend to improperly influence a reasonable person in a public position to depart from the faithful and impartial discharge of the Public Servant's public duties, of which the Public Servant knows, or which a reasonable person should know, is primarily for the purpose of rewarding an Official Action the Public Servant has taken or could take.
3. Engaging in Financial Transactions. It shall be a violation of the Code of Ethics to engage in a financial transaction of substantial value for the Public Servant's private business purposes with a person the Public Servant inspects or supervises in the course of the Public Servant's official duties.
4. Benefiting Business Interests. It shall be a violation of the Code of Ethics to perform an Official Act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the Public Servant either has a Substantial Interest or is engaged as counsel, consultant, representative or agent. It shall be a violation of the Code of Ethics for a Public Servant to attempt to influence the actions of members of any City board, commission, committee, or authority in order to directly and substantially affect, to its economic benefit, a business or other undertaking in which the Public Servant either has a Substantial Interest or is engaged as counsel, consultant, representative or agent.
5. Personal Interest. It shall be a violation of the Code of Ethics to vote on or attempt to influence members of the City Council, or any City board, commission, committee, or authority, regarding any proposed or pending matter in which the Public Servant has a Substantial Interest. A member of the City Council may vote on such matter notwithstanding this prohibition if his or her participation is necessary to obtain a quorum and allow the Council to vote and if he or she complies with the disclosure requirements of Section 24-18-110, C.R.S.
6. Crimes. It shall be a violation of the Code of Ethics to be convicted (including a plea of nolo contendere or no contest) of a crime that reasonably demonstrates an unfitness for public service or intentional disregard for the public trust or public property. Such offenses include, but are not limited to, crimes against fellow Public Servants or their

property, theft or vandalism of public property, offenses involving fraud (see Article 5, Title 18, C.R.S.), offenses relating to morals (see Article 7, Title 18, C.R.S.), or offenses involving governmental operations (see Article 8, Title 18, C.R.S.). It is not the intent of this section to recognize as an ethical violation, traffic offenses or misdemeanors which are unrelated to the Public Servant's official duties or employment.

7. Discrimination. It shall be a violation of the Code of Ethics to be found guilty of violating any federal, state or City laws prohibiting discrimination or to be found civilly liable for discrimination.
8. Sexual Harassment. It shall be a violation of the Code of Ethics to be found guilty of violating any federal, state or City laws prohibiting sexual harassment or to be found civilly liable for sexual harassment.
9. Retaliation. It shall be a violation of the Code of Ethics to be found guilty of violating any federal, state or City laws prohibiting retaliation, or to be found civilly liable for retaliation, including retaliation against whistleblowers or those filing claims against the City.
10. Personal Benefit. It shall be a violation of the Code of Ethics for any Public Servant to engage in personal or private activities at the same time such Public Servant is being compensated by the City except for such personal or private activity that is both insignificant in duration and customarily accepted in employment.
11. Use of Public Property. It shall be a violation of the Code of Ethics for a Public Servant to use or authorize the use of City time, facilities, equipment or supplies for personal or private benefit. The use of City facilities or equipment to communicate or correspond with a Public Servant's constituents, family members, or co-workers shall not be a violation of this section.
12. Special Consideration. It shall be a violation of the Code of Ethics to request or grant to any person any special consideration, treatment, or advantage beyond that which would be made available to every other person in similar circumstances or need.
13. Employment and Contracts with Officials. It shall be a violation of the Code of Ethics for the Mayor or any City Council member to accept at any time within his or her term, or for six (6) months after he or she leaves elected or appointed office, a paid position as a City Employee or an Independent Contractor. Nothing in this provision shall prevent or prohibit a former mayor or former council member from participating in City government as a volunteer or, for example, from appointment to a board or commission for which no compensation is paid other than a meeting per diem or reasonable and ordinary expenses.
14. Improper Influence in Employment. It shall be a violation of the Code of Ethics for any member of the City Council to require the hiring, promotion, suspension, transfer or termination of any person by the City Manager.

15. Nepotism. It shall be a violation of the Code of Ethics for the Mayor or the City Council to appoint a Relative of the Mayor or a Relative of any member of the City Council to a permanent or interim position of City Manager, City Attorney, Municipal Judge, or to any position on any City board, commission, committee, or authority other than the Senior Commission or Youth Commission.

VI. Conflicts of Interest and Appearances of Impropriety.

A. Conflicts of Interest Prohibited. No Public Servant shall take or participate in the taking of any Official Action in which he or she knows or should have known that he or she would have a Conflict of Interest. A Public Servant shall disclose any Conflict of Interest and disqualify him or herself from participating in the relevant action as provided in section (C) below titled "Disclosure and Recusal Procedure."

B. Appearances of Impropriety Discouraged.

1. This subsection is intended to establish ethical goals and principles to help Public Servants determine if their actions may cause an appearance of impropriety that will undermine the public's trust in local government. Violations of this subsection (B) shall not constitute a violation of this Code of Ethics. Compliance with this section shall not constitute a defense for violation of another subsection or section of the Code of Ethics.
2. An appearance of impropriety is created when a Public Servant will or may take an Official Action that, although not constituting a Conflict of Interest, will create a reasonable perception that the Public Servant's ability to carry out his or her official duties with integrity, impartiality, and competency is impaired. For example, such appearance may be created in the following circumstances:
 - (a) When the Official Action will involve a close friend of the Public Servant.
 - (b) When the Public Servant is a recipient of an official notice of a quasi-judicial hearing due to the Public Servant's ownership or lease of property to be affected by such hearing.
 - (c) When the Public Servant will be called upon to consider taking Official Action of a quasi-judicial nature and the Public Servant has previously expressed an opinion, position, or bias regarding the matter.
3. A Public Servant who determines that his or her actions may cause an appearance of impropriety should consider, but is not required to, disclose the appearance of impropriety as provided by subsection (C)(1) below and, if deemed appropriate by the Public Servant, to recuse themselves from participation as provided by section (C)(2) below.

C. Disclosure and Recusal Procedure.

1. Disclosure.

- (a) Mandatory disclosure of a potential or actual Conflict of Interest, or a voluntary disclosure of an appearance of impropriety, shall be made when the conflict or appearance is first reasonably known to the Public Servant. For members of the City Council, disclosure shall be made either orally during a public meeting or in writing to all other members of the City Council. For the City Manager or City Attorney, disclosure shall be made either orally during a public meeting or in writing to the City Council. Employees shall make disclosure in writing to their immediate supervisor.
- (b) A disclosure shall identify whether the matter is a Conflict of Interest or an appearance of impropriety, the general nature of the interests involved, whether the matter will create or potentially create an economic, pecuniary, or financial benefit or detriment for the Public Servant, and the approximate value of any potential benefit or detriment.

2. Recusal. When recusal is required due to a Conflict of Interest or is voluntarily elected due to an appearance of impropriety, the Public Servant shall:

- (a) Refrain from communicating with any other Public Servant regarding the matter and attempting to influence any other Public Servant's Official Action concerning the matter;
- (b) Refrain from voting upon or taking any Official Action concerning such matter; and
- (c) Physically leave any room or premises at which the matter is being considered.

The City Council may require the recusal of a Council Member in accordance with section (D)(1) below and the City Manager may require the recusal of an Employee in accordance with section (D)(2) below. In the event that recusal is required, it shall be a violation of this Code of Ethics to fail to act in accordance with this section (C)(2).

Notwithstanding the prohibition against participation and voting where a Conflict of Interest exists, a City Council member may participate and vote on matter notwithstanding a Conflict of Interest if participation is necessary to obtain a quorum or otherwise enable the City Council to act and if the City Council member complies with the voluntary disclosure procedures of Section 24-18-110, C.R.S.

D. Challenges for Conflict of Interest.

1. Challenge of City Council Member. Any person may challenge a City Council member's failure to declare a Conflict of Interest or failure to recuse himself or herself in the event of such an interest as provided by this Code of Ethics. A challenge must be submitted to the City Council in writing or orally made during a public meeting stating the facts in support of the challenge. The City Council shall promptly inquire into the basis and facts of the challenge and may request an opinion from the City Attorney regarding the challenge. The City Council may by majority vote of those present and voting (excluding any challenged member) render a determination whether a Conflict of Interest exists and/or whether recusal of the challenged Council member is required. The City Council's decision regarding a Conflict of Interest or recusal shall be final and not subject to appeal.
2. Challenge of Employee. Any person may challenge an Employee's failure to declare a Conflict of Interest or failure to recuse himself or herself in the event of such an interest as provided by this Code of Ethics. A challenge must be submitted in writing to the City Manager stating the facts in support of the challenge, with a copy to the Mayor. The City Manager shall promptly inquire into the basis and facts of the challenge and render a determination whether a Conflict of Interest exists and/or whether recusal of the Employee is required. The City Manager's decision regarding a Conflict of Interest or recusal shall be final and not subject to appeal.

- E. Advisory Opinions. Any Public Servant may request a written advisory opinion of the City Attorney whenever a question arises as to the applicability of this section VI to a particular situation. Provided that the factual basis of the City Attorney's advisory opinion is accurate and the circumstances are fully disclosed to the City Attorney by the Public Servant, the City Attorney's advisory opinion shall provide the Public Servant a specific defense from prosecution for the failure to disclose a Conflict of Interest or to recuse themselves as may be required by this Code of Ethics.

VII. Enforcement of Allegations Made Against Elected and Appointed Officials.

A. General.

1. Flexibility in Enforcement Process Intended. Enforcement of this Code of Ethics is intended to balance the severity of the alleged violation, the need for efficiency and effectiveness in reaching conclusions as to allegations of ethical wrongdoing, fairness to the parties, and the availability of public resources necessary to address alleged ethical wrongdoing. For that reason, this section allows for flexibility in determining the appropriate means of enforcement to be determined by the City Council sitting as the Board of Ethics.

2. Definitions for Section VII.

“Business day” means a day other than Saturday, Sunday, or a recognized City holiday during which the City offices are closed for public business.

“Complainant” means the person filing a Verified Complaint with the City in accordance with this section VII.

“Respondent” means the person who is alleged by a Verified Complaint to have violated the Code of Ethics.

“Verified Complaint” means a written complaint meeting the content requirements of section VII (C) below.

3. General Rules.

Where the Complainant is a Public Official, Employee, Volunteer, Independent Contractor, or is otherwise engaged in service to the City of Centennial, such person shall not participate in the processing of the Verified Complaint except as a witness.

- (a) Where the Respondent is the Mayor or a member of the City Council, such person shall not participate as a member of the Board of Ethics.
- (b) After a Verified Complaint has been filed, neither the Respondent, Complainant, nor their representatives may communicate with members of the City Council, Board of Ethics, Ethics Subcommittee, Hearing Body, or Hearing Officer on any matter pertaining to the Verified Complaint except as specifically provided by this section VII. Correspondence or other general inquiries shall be directed only to the City Attorney who shall act as the advisor to the Board of Ethics, the Ethics Subcommittee, and the Hearing Body or Hearing Officer. Where the City Attorney is the Respondent in any Verified Complaint or is unable to participate due to a Conflict of Interest, the Board of Ethics shall designate another person to serve as the Board's advisor.
- (c) Members of the Board of Ethics are expected to be unbiased and neutral in their processing of the Verified Complaint prior to rendering any formal action notwithstanding that they may be acquainted with the Respondent. An appearance of impropriety shall not arise solely from a professional relationship between a member of the Board of Ethics and the Respondent. However, a member of the Board of Ethics unable to remain unbiased and neutral or who has a Conflict of Interest shall recuse themselves from participation in accordance with section VI(C) of this Code of Ethics.

- (d) General administrative meetings of the Board of Ethics shall be held during a properly posted regular or special meeting of the City Council; provided, however, that an Informal Administrative Review or a Formal Hearing may be held on another date and time determined by the Board of Ethics announced during a general administrative meeting of the Board. For all actions of the Board of Ethics, a quorum shall be three (3) or more members of the Board. Unless otherwise provided by this Code of Ethics, a majority of a quorum present shall be required for any decision of the Board.

B. Verified Ethics Complaint.

1. A complaint regarding the ethics of a Public Official shall be commenced only by a formal written ethics complaint ("Verified Complaint") filed with the City in accordance with this section.
2. Any person, either individually or on behalf of an organization, may file a Complaint with the City in accordance with this section.

C. Content of Verified Complaint. A Verified Complaint shall set forth the following:

1. The name of the individual, either personally or on behalf of an organization, submitting the Verified Complaint, together with mailing address, telephone number and, if available, electronic mail address. A Verified Complaint may not be anonymously submitted.
2. The name of the person(s) alleged to have committed a violation of the Code of Ethics.
3. A full description of the facts known to the person filing the Complaint which are alleged to constitute a violation of the Code of Ethics together with a citation of the requirements of the Code of Ethics that are alleged to be violated.
4. The names of other persons who have knowledge of such facts, together with information sufficient to contact the persons identified.
5. A signature of the person submitting the Complaint with a verification stating the following:

"The undersigned hereby certifies or affirms that the information contained within this Verified Complaint is true to the best of my knowledge, information, and belief formed after reasonable reflection. I have not filed this Verified Complaint for the purpose of harassment or to falsely disparage the individual(s) claimed to have committed violations of the Centennial Code of Ethics."

D. Filing of Ethics Complaint. A copy of the Ethics Complaint shall be filed by delivery to any one of the following:

1. Mayor (or where such Complaint concerns the Mayor, the Mayor Pro Tem); or
2. City Clerk (or where such Complaint concerns the City Clerk, to the City Manager); or
3. City Attorney (or where such Complaint concerns the City Attorney, to the City Manager).

The Complaint shall be deemed filed with the City as of the date of receipt of the Complaint by the person listed above.

E. Initial Processing of Verified Complaint. A Verified Complaint shall be processed in the following manner:

1. Notice Required. Within five (5) business days of the date filed with the City, the City Attorney shall cause to be mailed or otherwise delivered a copy of the Verified Complaint to the person(s) alleged to have violated the Code of Ethics. Such Notice shall inform the person(s) alleged to have violated the Code of Ethics that they may submit within twenty-one (21) days a written explanation or response ("Answer") to the allegations and that such Answer will be considered by the Board of Ethics prior to the Initial Council Administrative Review set forth below. Such Notice shall also include a copy of the Code of Ethics.
2. Board of Ethics Notice. Within five (5) business days of the date filed with the City, the City Attorney shall cause to be delivered a copy of the Verified Complaint to all members of the Board of Ethics and the City Manager.
3. Initial Administrative Review. No sooner than thirty (30) days following the date the Complaint is filed with the City, the Board of Ethics shall convene during a regular or special public meeting for the purpose of administratively considering the allegations of the Verified Complaint and any Answer submitted by the Respondent. The Board of Ethics shall, based solely on the contents and allegations of the Verified Complaint and any Answer and upon a vote of a majority of a quorum present, make one or more of the following determinations:
 - (a) That a claim or claims stated in the Verified Complaint allege facts that may be sufficient to constitute violations of the Code or Ethics.
 - (b) That a claim or claims stated in the Verified Complaint shall be dismissed without further action because:
 - (i) The Board has no jurisdiction over the individual(s) alleged to have violated the Code of Ethics; or
 - (ii) The alleged violation, even if true, would not constitute a violation of this Code of Ethics; or

- (iii) The allegations of the Verified Complaint were previously asserted in another Verified Complaint and is already being considered or was resolved by the Board of Ethics; or
- (iv) The alleged violation, even if true, is minor in nature and fails to justify the use of public resources to prosecute; or
- (v) The allegations of the Complaint involve actions or events that occurred more than one year prior to the date of the filing of the Complaint and, due to the passage of time and the likely unavailability of evidence, witnesses, and witnesses' recollections, prosecution of the Complaint will not justify the use of public resources; or
- (vi) The Complaint is, on its face, frivolous, groundless, or brought for purposes of harassment; or
- (vii) The alleged violation is unlikely to be proven by the required standard of preponderance of the evidence due to the evidence consisting of conflicting oral testimony and unverifiable statements; or
- (viii) The person who is the subject of the Complaint has admitted wrongdoing and made or committed to make sufficient redress or remedy satisfactory to the Board of Ethics; or
- (ix) The matter has become or will become moot because the person who is the subject of the Complaint is no longer a Public Servant or will no longer be a Public Servant prior to the conclusion of any consideration or investigation of the Complaint's allegations; or
- (x) The person who is the subject of the Complaint previously obtained an advisory opinion under section VI(E) that identified the conduct as not being in violation of the Code of Ethics; or
- (xi) The Board of Ethics elected to refer the Complaint to another agency with jurisdiction of the allegations of the Complaint and such referral will better serve the public interest (e.g., law enforcement, District Attorney, state or federal Attorney General; or Department of Justice).

Dismissal of any claim or allegation and the reason for dismissal shall be made in writing and made available to the public. The Board of Ethics shall maintain continuing jurisdiction and authority to dismiss any allegations at any time.

F. Prosecution of Allegations. If following the Initial Administrative Review the Board determines the Verified Complaint alleges facts that may be sufficient to constitute violations of the Code or Ethics, the Board of Ethics may direct that one or more of the following processes be initiated:

- Assignment to Ethics Subcommittee. An Ethics Subcommittee is intended to facilitate the prompt resolution of simple or largely uncontested ethical allegations. The Ethics Subcommittee will permit the

Board of Ethics to better understand the contested issues in order to fashion an appropriate review or hearing process, if necessary.

- Assignment to Investigation. Investigation may be warranted where there are serious and contested factual issues associated with ethical behavior which may be conclusively established through independent evidence review and the interview of witnesses.
- Informal Administrative Review. Informal Administrative Review is the appropriate method to balance the need to resolve serious or important ethical allegations with the reasonable allocation of public funds. The Informal Administrative Review process is intended as the more common procedure used in adjudicating ethical allegations.
- Formal Hearing. A Formal Hearing is reserved for resolving exceptionally serious and contested allegations of ethical behavior which necessitates the use of public funds to restore the public confidence in the City's government and its Public Servants.

G. Ethics Subcommittee.

1. If following the Board of Ethics' Initial Administrative Review, the Board determines the Verified Complaint alleges facts that may be sufficient to constitute violations of the Code or Ethics, the Mayor (or Mayor Pro Tem where the Mayor is the subject of the Verified Complaint) may administratively appoint two (2) members of the City Council and one (1) resident of the City to serve as a Ethics Subcommittee. The resident appointee shall be selected randomly from a pool of persons expressing interest in serving as an Ethics Subcommittee member and who demonstrates that they are capable of serving in an unbiased manner regarding the Respondent. All members appointed shall execute an Acknowledgement of Role and Responsibility in the form appended as Attachment A.
2. Challenge of Member of Ethics Subcommittee for Bias or Prejudice. The Respondent or Complainant may challenge any appointed member of the Ethics Subcommittee for bias or prejudice by submission of a written challenge containing the specific reasons for such challenge. A challenge must be made within seven (7) days of the date of notice of the appointment of the member of the Ethics Subcommittee; thereafter, no challenge shall be considered. The Board of Ethics shall consider all timely challenges and shall remove any appointed member upon a finding of reasonable bias or prejudice under Colorado law. The Board shall promptly appoint another member to fill the position of a removed member with notice of such appointment to the Respondent and Complainant.
3. Following appointment, the Ethics Subcommittee shall promptly convene for the purpose of:

- (a) Reviewing the Verified Complaint and any Answer to the Verified Complaint.
 - (b) Requesting the Respondent to meet with the Ethics Subcommittee for the purpose of discussing potential resolution to the allegations. The Ethics Subcommittee is authorized to prepare a proposed written settlement of allegations which may include admissions or conditional admissions of wrongdoing together with mutually acceptable sanctions or penalties. Any proposed settlement shall bear the signature of the Respondent and the Chairperson of the Ethics Subcommittee and shall be submitted to the Board of Ethics for consideration and approval or rejection.
 - (c) Making recommendations to the Board of Ethics for the processing of the Verified Complaint, such as but not limited to, recommending dismissal of specific allegations, identifying issues appropriate for investigation, or referring allegations to other agencies with jurisdiction of the allegations of the Complaint (e.g., law enforcement, District Attorney, state or federal Attorney General, or Department of Justice).
 - (d) Preparing a report to the Board of Ethics of the Ethics Subcommittee's findings together with any recommended resolution of the Verified Complaint. Such report shall be confidential work product not subject to public disclosure as an inter-agency advisory or deliberative report assembled for the benefit of the City Council which expresses an opinion or is communicated for the purpose of assisting the City Council in reaching a decision within the scope of the Council's authority. See Section 24-72-202 (6.5), C.R.S. No portion of the Ethics Subcommittee's report or statement, admission, finding, or recommendation contained in such report shall be admissible in any judicial or quasi-judicial proceeding or hearing pertaining to the Verified Complaint.
4. Unless dissolved by the Board of Ethics, the Ethics Subcommittee shall remain authorized to meet with the person alleged to have violated the Code of Ethics during the enforcement process to discuss potential resolution of the Verified Complaint and to prepare report(s) in accordance with this section for submission to the Board of Ethics.
5. The Board of Ethics may consider and accept the recommendation of the Ethics Subcommittee and/or a mutual settlement of allegations in order to resolve all or any portion of the allegations of the Verified Complaint. With consent of the Respondent, a recommended settlement of allegations may be amended or modified prior to acceptance by the Board of Ethics.

H. Investigation.

1. In the event that one or more allegations are not dismissed by the Board of Ethics following Initial Administrative Review, the Board of Ethics may direct further investigation of the allegations. A determination that an investigation shall be performed must also identify:
 - (a) The person, firm, or agency assigned to perform the investigation; and
 - (b) The scope and purpose of the investigation including the specific issues of importance to the Board of Ethics; and
 - (c) The maximum cost and expense to be incurred by the City for such investigation; and
 - (d) The deadline for conclusion of the investigation and delivery of any report or work product(s) of the investigation. An investigation shall not typically exceed forty-five (45) days unless approved by the Board of Ethics; and
 - (e) The City staff member or contractor to administratively assist and oversee the person, firm, or agency assigned to perform the investigation.

The Board of Ethics shall be authorized to enter into one or more contracts for the conduct of an investigation.

2. The appointed investigator shall prepare a written report for the Board of Ethics. Such report shall be a confidential work product and shall not be subject to public disclosure as an inter-agency advisory or deliberative report assembled for the benefit of the City Council which expresses an opinion or is communicated for the purpose of assisting the City Council in reaching a decision within the scope of the Council's authority. See Section 24-72-202 (6.5), C.R.S.
3. The appointed investigator is authorized to prepare and serve an administrative subpoena in a form approved by the City Attorney to compel an interview or to compel the production of evidence or documents relevant to the investigation. Any subpoena shall specify the nature of the interview including, if available, particular questions to be asked and/or identify the general topic of documents to be produced. A party's failure to comply with a subpoena shall be noted in the investigator's report and the Board of Ethics may make reasonable inference from such failure as deemed appropriate by the Board of Ethics.
4. Upon conclusion of the investigation and production of the report, the investigator shall assume no other role in the processing of a Verified Complaint other than as a witness.

I. Informal Administrative Review.

1. Generally. An Informal Administrative Review is intended to permit the Board of Ethics the opportunity to consider allegations of a Verified Complaint and use an expedited and cost effective process to reach conclusions concerning allegations contained in a Verified Complaint. The Board shall endeavor to act on the best evidence available to the Board in rendering any conclusions or decisions and the Board should consider the relative reliability of all available evidence. The Informal Administrative Review process may be modified for any review without formally amending this Code of Ethics at the Board's direction given the particular nature of the allegations.
2. Notice. Notice of the date, time, place, and purpose of the Informal Administrative Review shall be provided to the Respondent and the Complainant not less than twenty-one (21) days prior to the date of the hearing. Notice of the Informal Administrative Review may also be posted on the City's website to advise those persons generally interested in the proceeding.

The notice shall state a date and time by which affidavits or statements of witnesses and any documentation supporting or refuting the allegations shall be submitted to the Board of Ethics for consideration during the administrative review. Submission of documentation following the stated deadline shall be prohibited. The notice shall inform the parties that they may have in attendance at the administrative review any persons they may wish to respond to questions asked by the Board of Ethics; provided, however, that no formal opportunity for testimony shall be scheduled.

3. Administrative Review. At the designated time and place of the Informal Administrative Review, the Board of Ethics shall consider timely submitted documentation. The Board of Ethics may ask questions of individuals in attendance should they be willing to respond. No person shall have a right to present statements or testimony to the Board and formal presentations are not required. No cross-examination is permitted.

At the conclusion of the Informal Administrative Review, the Board shall deliberate and reach conclusions as to whether the allegations of the Verified Complaint are established by a preponderance of evidence available to the Board. A majority vote of a quorum present shall be required for any decision made by the Board of Ethics. For those allegations that are established by a preponderance of evidence, the Board may impose one or more of the following penalties as approved by a majority of all members of the Board of Ethics:

- (a) Oral or written reprimand delivered to the individual;
- (b) Oral or written reprimand announced or read publicly during a meeting of the City Council;

- (c) Suspension or removal of the Respondent from any committee, board, liaison or representative position of the City;
- (d) Payment of a monetary amount as restitution or reimbursement for all or a portion of actual damages incurred by the City and/or another party damaged or harmed by the ethical violation of the Respondent which amount shall not exceed the salary to be earned by the Respondent for their remaining term in office; and/or
- (e) Such penalty as deemed just and appropriate depending on the seriousness of the violation and the mitigating circumstances.

No penalty involving suspension or removal from elected office may be imposed following an Informal Administrative Review.

J. Formal Hearing. In the event that one or more allegations are not dismissed by the Board of Ethics, the Board of Ethics may direct that the matter proceed to a Formal Hearing in accordance with the following procedure:

1. Dissolution of the Ethics Subcommittee. The Board of Ethics shall dissolve any previously appointed Ethics Subcommittee.
2. Selection of Ethics Prosecutor. Subject to approval of a form of contract by the City Council, the Board of Ethics may appoint an unbiased and neutral person to serve as the Ethics Prosecutor of the Verified Complaint. The Ethics Prosecutor is authorized to perform in accordance with the provisions of this section VII and the approved contract. Following the appointment of the Ethics Prosecutor, notice of the name of the Ethics Prosecutor appointed shall be hand delivered or mailed to the Respondent. The Ethics Prosecutor shall be subject to challenge for bias or prejudice in accordance with subsection (6) below.
3. Notice of Formal Hearing. A Notice of Formal Hearing setting forth in reasonable detail the alleged violations of the Code of Ethics and the facts supporting the allegations shall be mailed to the Respondent and the Ethics Prosecutor. The Notice shall inform the Respondent that he or she may consult with or be represented by an attorney or other representative of his or her own choosing and at his or her own cost. The Notice of Formal Hearing shall inform the Respondent and the Ethics Prosecutor that a representative of the Board of Ethics shall contact the parties for the purpose of scheduling an available hearing date. The Notice shall invite the Respondent to file an Answer to the allegations contained in the Verified Complaint, or to update any Answer previously filed pursuant to section VII (E) above, within twenty-one (21) days of the date of the receipt of the Notice. When received by the Board, the Answer shall be mailed or delivered promptly to the Ethics Prosecutor.
4. Selecting the Hearing Body and Chairperson or Hearing Officer. The Board of Ethics shall appoint one of the following to hear and decide the allegations of the Verified Complaint:

- An unbiased Hearing Officer; or
- A Hearing Body comprised of one of the following:
 - A 3-person panel comprised of members of the Board of Ethics;
 - The Board of Ethics; or
 - An odd-numbered panel of unbiased citizens (not to exceed 7) selected at random from among persons expressing interest in serving as a hearing body for matters arising under the Code of Ethics. The Board may select alternate members to be available in the event that appointed members are later unavailable to participate.

The Board of Ethics shall designate a chairperson for an appointed Hearing Body from those persons appointed as the Hearing Body. The chairperson of a Hearing Body or the Hearing Officer shall be authorized to hear and decide pre-hearing matters and to act as chairperson at the hearing. Following the Hearing Body or Hearing Officer selection, notice of the name(s) of those persons appointed shall be mailed to the Respondent and the Ethics Prosecutor. Persons appointed as the Hearing Body or Hearing Officer shall be subject to challenge for bias or prejudice in accordance with subsection (6) below.

5. Challenge of Hearing Officer, Hearing Body Members, or Ethics Prosecutor for Bias or Prejudice. The Respondent or Complainant may challenge any appointed member of the Hearing Body, Hearing Officer, or the Ethics Prosecutor for bias or prejudice by submission of a written challenge containing the specific reasons for such challenge. A challenge must be made within seven (7) days of the date of notice of the appointment of the member of the Hearing Body, Hearing Officer, or Ethics Prosecutor; thereafter, no challenge shall be considered. The Board of Ethics shall consider all timely challenges and shall remove any appointed member or the Ethics Prosecutor upon a finding of reasonable bias or prejudice under Colorado law. The Board shall promptly appoint another member to fill the position of a removed person with notice of such appointment to the Respondent and Complainant.
6. Setting of Hearing Date. As a representative of the Hearing Body or Hearing Officer, the City Attorney or a Board of Ethics-appointed representative shall contact the Respondent and Ethics Prosecutor to set a date and place for the Formal Hearing taking into consideration the timeline for pre-hearing matters. A reasonable attempt will be made to accommodate the parties' schedules in selecting a hearing date. The City Attorney or representative shall mail a notice of the date and time of the Formal Hearing to the Hearing Body or Hearing Officer, the Respondent, the Ethics Prosecutor, and the Complainant. Rescheduling of the noticed date of Formal Hearing shall require approval of the Hearing Body or Hearing Officer.

7. Pre-Hearing Matters. At least twenty-one (21) days before the date of the Formal Hearing, the Respondent and the Ethics Prosecutor shall exchange and shall submit to the chairperson of the Hearing Body or Hearing Officer a proposed list of witnesses and documentary evidence to be introduced at the hearing, and an estimate of the length of time needed to present the testimony and evidence. The chairperson of the Hearing Body or Hearing Officer may choose to set a pre-hearing conference, at which time a schedule and hearing order may be adopted. Such hearing order shall include the exchange of proposed exhibits and witness lists. The chairperson of the Hearing Body or Hearing Officer may determine any outstanding procedural or evidentiary issues at the pre-hearing conference.
8. Subpoena Authorized. The chairperson of the Hearing Body or the Hearing Officer may authorize the issuance of subpoenas for documents and witnesses, but only after a written request to appear or provide records has not been complied with and after consultation with the City Attorney. Subpoenas shall provide not less than seven (7) days for appearance or production. Persons who are subpoenaed or whose records are subpoenaed may object to testimony or the production of documents on the grounds that such information is protected or privileged from production under Colorado law. Objections to production shall be decided by the chairperson of the Hearing Body or the Hearing Officer in consultation with the City Attorney or other representative assigned by the Board of Ethics to assist in the Formal Hearing process.
9. Hearing Process. At the hearing, the Ethics Prosecutor may make an opening statement and present the evidence and witnesses in support of the allegations set forth in the Notice of Formal Hearing. The Respondent shall be entitled to cross-examine witnesses called by the Ethics Prosecutor and to make objections to evidence presented by the Ethics Prosecutor. At the conclusion of the evidence offered by the Ethics Prosecutor, the Respondent shall have the opportunity to make an opening statement and present the evidence and witnesses in defense of the allegations set forth in the Notice of Formal Hearing. The Ethics Prosecutor shall have the opportunity to cross-examine witnesses called by the Respondent and to make objections to evidence presented by the Respondent. At the conclusion of the evidence, the parties may make closing arguments or, with the consent of the chairperson of the Hearing Body or Hearing Officer, submit briefs or written summaries of their respective positions.
10. Additional or New Evidence. Either party shall be allowed sufficient time to examine and respond to any evidence not presented to them in advance of the hearing. The Hearing Body or Hearing Officer may continue or recess the hearing to allow sufficient time for response, or may exclude or strike the evidence if determined irrelevant or repetitious, more prejudicial than probative, or if unfairness would result to a party that cannot be remedied.
11. Chairperson to Preside. The chairperson of the Hearing Body or the

Hearing Officer shall preside at the hearing, administer oaths or accept affirmations from witnesses and decide all points of order, procedure and evidence unless overruled by the majority vote of the Hearing Body. The hearing need not be conducted according to technical or strict rules of evidence, and the chairperson of the Hearing Body or Hearing Officer may admit any relevant evidence of probative value, including hearsay or unauthenticated documents. The chairperson of the Hearing Body or Hearing Officer may exclude or strike incompetent, immaterial or unduly repetitious evidence.

12. Record. An electronic or stenographic record of the hearing shall be made by the City as the official record of proceeding and retained in the Office of the City Clerk for two (2) years after the matter is concluded. No other recording or record shall be made or recognized as official or accurate.
13. Deliberation. As soon as practicable but in no event later than twenty-one (21) days after of the conclusion of the hearing, the Hearing Body or Hearing Officer shall review the evidence and determine if the allegations in the Notice of Hearing have been proven by a preponderance of the evidence. Only members who have been present for the hearing may participate in the deliberations and any findings and recommendations must be adopted by a 2/3rds majority vote of a quorum of the Hearing Body present and voting. The Hearing Body or Hearing Officer may consider, when making findings and recommendations, the severity of the offense, the credibility of witnesses and reliability of evidence, 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. The Hearing Body or Hearing Officer shall dismiss any allegation or claim of the Verified Complaint if it determines there was no violation of the Code of Ethics.
14. Penalties. Following a Formal Hearing conducted in accordance with this section and a finding of violation of one or more of the provisions of the Code of Ethics, penalties may be imposed by the Board of Ethics or may be recommended to the Board of Ethics by any other Hearing Body or Hearing Officer which may include any one or more of the following:
 - (a) Oral or written reprimand delivered to the individual;
 - (b) Oral or written reprimand announced or read publicly during a meeting of the City Council;
 - (c) Suspension or removal from any committee, board, liaison or representative position of the City;
 - (d) Prohibition against being eligible for any future appointment to a committee, board, liaison or representative position of the City (e.g., ineligibility for appointment as mayor pro tem);

- (e) Payment of a monetary amount as restitution or reimbursement for all or a portion of actual damages incurred by the City or another party damaged or harmed by the ethical violation of the Respondent;
 - (f) Recommendation to the City Council that the Respondent be suspended for a specified term from elected or appointed office or from an appointment as an officer of the City;
 - (g) Recommendation to the City Council that the Respondent be removed from elected or appointed office or from appointment as an officer of the City; and/or
 - (h) Such penalty as deemed just and appropriate depending on the seriousness of the violation and the mitigating circumstances.
15. Findings and Order. The Hearing Body or Hearing Officer shall prepare written Findings and an Order which shall include penalties for any violation of the Code of Ethics. The Findings and Order shall be delivered to the Board of Ethics and scheduled for formal acceptance and approval by the Board of Ethics at a public meeting. Such formal acceptance and approval shall require a 2/3rds majority vote of a quorum of the Board of Ethics. The Board of Ethics shall mail a written copy of the Board's accepted and approved findings, conclusions, and order to the Respondent, Complainant, and the Ethics Prosecutor and shall make the findings, conclusions, and order public in accordance with the Colorado Open Records Act.
16. Recommendations of Suspension or Removal. In the event that the findings, conclusions, and order recommend suspension or removal of the Respondent from elected or appointed office or from an appointment as an officer of the City, the City Council shall promptly consider such recommendation in a public meeting. Where the Respondent is the Mayor or a member of the City Council, the Respondent shall be recused from participation due to a Conflict of Interest. Any decision by the City Council to suspend or remove a Respondent from public service shall require a unanimous vote of all City Council members present and voting.
17. Appeal. The Respondent or Complainant may appeal any decision resulting from a Formal Hearing in accordance with C.R.C.P. 106(a)(4). For purpose of appeal, the date of final decision shall be the date of hand delivery or certified mailing of the findings, conclusions, and order.

VIII. Enforcement of Ethical Violations Committed by Employees.

City Manager to Determine Process for Enforcement. The method and manner of enforcement of this Code of Ethics for allegations made against Employees shall be subject to the discretion of the City Manager who, pursuant to Centennial Charter Section 8.8, is responsible for the supervision of Employees and the suspension, transfer, or termination of any Employee. When enforcing this Code of Ethics for ethical allegations against Employees, the City Manager may

be guided by the purpose and intent of section VII and its processes and procedures to effectuate a fair and effective result which instills confidence in the Employees.

IX. No Private Right of Action.

Nothing in this Code of Ethics is intended to, or does, create a private right of action against the City of Centennial or against any Public Servant based upon noncompliance with its provisions. Authority to enforce compliance with this Code of Ethics is vested exclusively in the Board of Ethics and in any person specifically delegated duties of enforcement by the Board of Ethics.

BEFORE THE CITY OF CENTENNIAL BOARD OF ETHICS

IN RE: VERIFIED COMPLAINT CONCERNING _____

**ETHICS SUBCOMMITTEE:
ACKNOWLEDGEMENT OF ROLE AND RESPONSIBILITY**

The undersigned member of the Ethics Subcommittee in the above captioned matter hereby states as follows:

1. I have read the City of Centennial Code of Ethics;
2. I have no Conflict of Interest in this matter as defined in the Code of Ethics Section ____;
3. Although I may be professionally acquainted with either the person who is the subject of the Verified Complaint ("Respondent") or the person who filed the Verified Complaint ("Complainant"), I will serve on this Ethics Subcommittee with utmost impartiality. I am not biased or prejudiced either for or against the Respondent regarding the allegations contained in the Verified Complaint;
4. I acknowledge that I may seek the advice and counsel of the City Attorney to assist me and the Ethics Subcommittee in understanding the purpose and intent of the Code of Ethics and in following the requirements of the Code of Ethics;
5. I will maintain strict confidentiality in all aspects of my service as an Ethics Subcommittee Member. I will not participate in any ex parte communications with the Respondent, Complainant, or any other person except as expressly permitted by the Code of Ethics Section ____;
6. I recognize the importance of my role and responsibility as a Member of the Ethics Subcommittee and I am committed to attend and participate in the process as proscribed in the Code of Ethics Section ____;

I have read this statement in full, signed this statement below, and wish it to be made part of the formal record in the matter.

Dated this ____ Day of _____, _____.

_____, Ethics Subcommittee Member