BY AUTHORITY

ORDINANCE NO. 8
SERIES OF 2006

COUNCIL BILL NO. 9
INTRODUCED BY COUNCIL
MEMBER WOODWARD

AN ORDINANCE AMENDING TITLE 1, CHAPTER 8, OF THE ENGLEWOOD MUNICIPAL CODE 2000, BY THE ADDITION OF A NEW SECTION 7 ENTITLED CONTRIBUTIONS.

WHEREAS, the passage of this proposed Ordinance will allow City of Englewood candidates to accept contributions from corporations and labor organizations; and

WHEREAS, the Colorado Attorney General addressed how rules in the Amendment 27 initiative, approved by Colorado voters on November 5, 2002, apply in elections in home rule counties and municipalities; and

WHEREAS, the initiative amends both the Colorado Constitution and Colorado’s Fair Campaign Practices Act (FCPA), now Article XXVIII of the Colorado Constitution; and

WHEREAS, the Colorado Attorney General’s opinion states that the “rules about contributions in local elections by corporations and labor organizations do not apply to local elections” in Home Rule cities; and

WHEREAS, the Colorado Attorney General also stated, “the legislative history of this part of the amendment says that it is intended to apply to elections for statewide officials.”; and

WHEREAS, the City of Englewood, Colorado is a Home Rule City, thus following the Colorado Attorney General’s opinion that the Englewood candidates would be allowed to accept contributions from corporations and labor organizations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood hereby approves amending Title 1, Chapter 8, of the Englewood Municipal Code 2000, with the addition of a new Section 7, which shall read as follows.

1-8-7: Contributions.

Candidates will be allowed to accept contributions from corporations and labor organizations.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further
determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 1st day of May, 2006.

Published as a Bill for an Ordinance on the 5th day of May, 2006.

Read by title and passed on final reading on the 15th day of May, 2006.

Published by title as Ordinance No. 8, Series of 2006, on the 19th day of May, 2006.

ATTEST:

Loucrishia A. Ellis, City Clerk

Oliga Wolosyn, Mayor

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 8, Series of 2006.
RESOLUTION NO. 86
SERIES OF 2006

A RESOLUTION CONCERNING ETHICS, RECEIVING GIFTS AND GRATUITIES
APPLYING TO THE ENGLEWOOD CITY COUNCIL, BOARD AND COMMISSION
MEMBERS AND ALL CITY EMPLOYEES.

WHEREAS, Ballot Question 41, of the November 2006 Election proposed an Amendment
concerning ethics in government to the Colorado Constitution; and

WHEREAS, Section 7, of the proposed Article XXIX allows Home Rule Municipalities to
adopt their own ethical rules; and

WHEREAS, the City has had an effective Administrative Policy concerning gifts for decades;
and

WHEREAS, the Englewood City Council desires Englewood’s Policy to directly apply to
them as well as Board and Commission Members and City employees;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ENGLEWOOD, COLORADO, THAT:

Section 1. The following Policy concerning ethics, receiving gifts and gratuities shall apply to
the Englewood City, Board and Commission Members and all City employees.

POLICY
City Council, Board and Commission Members and City Employees will not solicit or accept any
personal gift, gratuity, favor, entertainment, loan or any other item of monetary value from any
organization, business firm or person who has or is seeking to obtain business with the City or
from any organization, business firm or individual whose interests may be affected by the City
Council, Board and Commission Members and City employee’s performance or non-performance
of official duties. If a City Council Member, a Board or Commission Member, or a City
employee receives any gift or gratuity or other thing of value under this section which practically
cannot be returned, it will immediately be turned over to the City and become City property.

Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or
illness, food and refreshments in the ordinary course of business meetings; unsolicited advertising
or promotional material, e.g., pens, notepads, calendars, etc. or social courtesies which promote
good public relations is permitted.

Contributions may be made for flower funds or special gifts for co-workers. Participation in such
activities, including contributions for nominal gifts to supervisors, must be voluntary on the part
of each City Council Member, Board and Commission Member or City employee.

Supervisor’s will not borrow money or accept favors from subordinates. Supervisors must avoid
placing themselves in a position that could interfere with, or create the impression of interfering
with, the objective evaluation and direction of their City employees.
City Council, Board and Commission Members, or City employees should avoid relationships that might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

This policy does not preclude receipt of awards or expenses paid for papers, talks, demonstrations, or appearances made by City employees with the approval of the City Manager, or on their own time for which they are not prohibited by this policy. A City Council Member should notify the other Members of Council of the foregoing.

Receipt of capital items should be received by the City Council as provided for in Section 80 of the City Charter.

AMENDED, ADOPTED AND APPROVED this 4th of December, 2006.

ATTEST:

Loucrishia A. Ellis, City Clerk

Olg Wolosyn, Mayor

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. 86, Series of 2006.

Loucrishia A. Ellis, City Clerk