

May 5, 2025, 3:30 pm
ETHICS REVIEW BOARD MEETING MINUTES

COMMITTEE MEMBERS PRESENT: Mayor Jeni Arndt, Councilmember Julie Pignataro, Councilmember Tricia Canonico

STAFF PRESENT: Rupa Venkatesh, Sarah Kane, Briana McCarten

OTHER PRESENT: Halee Wahl

A. Call Meeting to Order

B. Roll Call

C. Approval of April 7, 2025, Minutes

Councilmember Pignataro moved, seconded by Mayor Arndt, to approve the April 7, 2025, minutes. The motion passed unanimously.

D. Gift and favors Restrictions

Jenny Lopez Filkins reviewed the Ethics Review Board's (ERB) desire to discuss gifts and favors restrictions in the Code that applies to elected officials and employees.

- **Value Restrictions**

Lopez Filkins explained that the current City code does not provide for a value restriction and provided examples of other Colorado cities' code provisions and other states' statutes around gifts and favors restrictions. Some Colorado cities do not have a value restriction, some provide a dollar limit, some follow the Colorado constitution.

Arndt clarified that no gift of any value is allowed under the current code. Lopez Filkins discussed that the City's current code requires an official or employee to decide if a gift would impair their judgment. Some entities allow gifts under a certain dollar limit. Lopez Filkins asked if the ERB desires to use the examples as a model for changes to City code.

The ERB clarified with the CAO that they would like to have a conversation about the topics for discussion rather than hear the CAO's presentation and then ask for feedback.

Pignataro asked what the CAO sees as the problem that these discussions and potential code changes address. Councilmember Canonico expressed their opinion that there is a lack of clarity and predictability around these topics and suggested an update to the code that allows for a dollar limit that adjusts with inflation. Arndt expressed frustration with the current practice of reporting every small value item received and the interpretation that an official may not accept items given to all attendees at an event. City Attorney Daggett explained that there is a conflict between the City's gift restriction and reporting requirements in that there is a restriction on any gifts but that any gift of significant value

must be reported. Arndt stated that the contradiction should be clarified. Lopez Filkins stated that staff has the same concerns.

Pignataro brought up that a member of the public can always utilize the ethics complaint process if they ever question an official's actions around the receipt of gifts. Arndt and Daggett discussed that an official may also ask the ERB for an advisory opinion.

Lopez Filkins reiterated that the City Council has a desire to enact a value restriction on gifts.

Lopez Filkins gave an overview of several other Colorado cities' codes. Lopez Filkins highlighted the City of Colorado Springs's code exception for event tickets that are documented. Lopez Filkins clarified for Pignataro that "documented" means anything reported on disclosures.

Arndt asked if the CAO found any of the cities' examples particularly reasonable. Lopez Filkins stated her opinion that Colorado Springs has a well written and reasonable code. Daggett pointed out that Colorado Springs's code specifies that a ticket given to an official's guest is a gift. Arndt clarified that a ticket to an event given to an official for the purpose of the official to act in their official capacity means an event that the official wouldn't otherwise attend. Lopez Filkins highlighted Colorado Springs's provision around tickets or gifts given to the City. ERB and CAO discussed that Colorado Springs relies on Colorado's gift restriction statute and automatically adjusts for inflation every four years.

Lopez Filkins asked for the ERB's opinion on value restrictions. Pignataro stated they liked the idea of relying on the Colorado constitution.

Lopez Filkins moved on to discuss prohibited gifts and whether the ERB would like to enact a dollar threshold or specifically prohibit gifts from a donor who has a decision pending before the Council. Arndt and Pignataro discussed certain scenarios in which a prohibition on gifts from a donor who has a decision pending before Council and suggested that a code provision to this effect would be helpful.

Additional Exceptions

Lopez Filkins highlighted subsections of Colorado Springs's gift restriction code that provide exceptions to its gift restrictions. Lopez and Arndt discussed a situation in which an official or employee wins a drawing at a conference. Canonico expressed a desire to allow employees to accept a prize.

Daggett highlighted Colorado Springs's provision about allowing the acceptance of the cost of attending a conference and suggested it would be helpful in the City's code. Arndt expressed that they liked that provision. Canonico stated that a scenario in which the cost for officials and employees to spend the night in another city while visiting to observe that city and its council should fall into this category.

ERB stated that they did not have concerns about any of the other provisions in Colorado Springs's code.

Additional Restrictions

Lopez Filkins provided some examples of restrictions that appear frequently in other cities' codes that do not appear in the City's gift restriction code. ERB discussed scenarios that could fall into those categories.

Definitions

Lopez Filkins suggested that the City code would not need to expand its definition if the City decides to adopt a provision that specifically addresses gifts given to the City that will be distributed to officials or employees. Daggett clarified that the purpose of this discussion topic is to differentiate between gifts given to the City for the purpose of distributing to an official or employee versus gifts given to the City that will not be distributed. Pignataro expressed concern that for the City to accept event tickets and then distribute to officials or employees is a workaround to the gift restriction rules. Lopez Filkins described that the subsections of Colorado Springs's code that address gifts given to the city that are meant to become property of the city would address the workaround described by Pignataro. Daggett agreed. Arndt and Canonico expressed that they liked the process of distributing event tickets given to the City.

Role of City Councilmembers of In Official Capacity

Lopez Filkins suggested that it would be helpful to add language to the code that clarifies when a councilmember is acting in their official role when attending an event. Arndt highlighted that Colorado Springs's code and Colorado's statute specifies that an official is attending an event in their official capacity when they are listed on the event program with their official title. ERB discussed when a councilmember is acting as a councilmember versus when they are acting as a political candidate.

E. Other Business

Daggett asked to confirm that the August 4 meeting is scheduled. Lopez Filkins stated that the CAO intended to have code language around gift restrictions prepared to present at the June 2 meeting. Arndt clarified that they would like to discuss the proposed code language as well as gift reporting at the June meeting.

F. Adjournment

The meeting adjourned by unanimous consent at 4:21 p.m.

Minutes approved by the Chair and a vote of the Board on June 2, 2025.