

REPORT OF THE ARAPAHOE COUNTY ETHICS COMMITTEE

November 30, 2007^b

Committee members:

Ms. Gale Drexler, Ms. Martha Karnopp, Mr. Myron Spanier,
Mr. Jerry Valdes, Mr. Jim Winchester

We, the Ethics Committee appointed by the Arapahoe County Commissioners, having heard statements from Shannon Carter, Commissioners Dyer and Weddig and from the County Attorney, Kathryn Schroeder, find as follows:

1. Commissioner Dyer has made a request for investigation into whether Commissioner Weddig committed an ethical violation by communicating, by telephone and without authority, with an official of the Centennial city administration, about the Commissioners' views on a ten-year minimum for the Inter-governmental agreement (IGA) with the City of Centennial.
2. We find that the IGA with the City of Centennial was significant to the county's capital improvement program, and we find that the negotiations were delicate due to disagreements between the city and the county over substantial terms of the IGA.
3. Commissioner Weddig has admitted that he made a communication to Sherry Patton, Public Information Officer for Centennial, about the negotiations, and that he did so privately, without notice to Commissioner Dyer, or with authority from the Board of Commissioners to advance the negotiation process.
4. We find it credible that Commissioner Weddig stated in his phone conversation that all terms were negotiable and that at least he was willing to consider a lesser term.
5. Commissioner Weddig has stated that his intentions were to advance the progress of negotiations. We concur that was his intention.
6. Once the Board of Commissioners delegated the negotiations to a specified group, Commissioner Weddig had an ethical duty of non-communication with anyone outside the Board about the matter of the IGA agreement and his view that everything was negotiable.
7. We make no finding that this communication harmed the county's negotiating position.
8. We do find, under our view of ethics for the county under the state statutes and rules of the county adopted on April 11, 2000, under resolution 346, article II, §2, that Commissioner Weddig violated his duty of confidentiality by initiating

communications with staff of the City of Centennial, and that he should have known that his communication might create both an appearance of impropriety and the appearance of harm to the County's bargaining position.

9. We make no recommendation regarding what action, if any, the Board of County Commissioners should take, if any, concerning this finding since the matter involves an elected official in a capacity of head of a governmental agency, rather than an employee.

Finally, we recommend the board of County Commissioners establish a written policy governing communication of information discussed in executive session.

Jerry Valdes, Chair
Ethics Committee

Cc: Ms. Kathryn Schroeder, Arapahoe County Attorney
G. Drexler, Ethics committee member
M. Karnopp, Ethics committee member
M. Spanier, Ethics committee member
J. Winchester, Ethics committee member