

CODE OF ETHICS AND CONDUCT
REVIEW AD HOC COMMITTEE
MONDAY, JUNE 15, 2015, 5:30 P.M.
MAYOR'S CEREMONIAL ROOM

MINUTES

PRESENT: Chair Blumenthal and Members Zarate, Stahovich, Macias, House, Webb, Vaughn-Blakely, and Alternates Greene, Barth, and Sayavong

ABSENT: Members Pacheco, Palacios, and Manning

STAFF PRESENT: Colleen Nicol, Bob Hansen, and Lorena Verduco

Chair Blumenthal convened the meeting at 5:36 p.m. Alternates Greene, Barth, and Sayavong served as voting members in the absence of Members Pacheco, Palacios, and Manning.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one present wishing to address the Committee.

APPROVAL OF MINUTES

Following discussion, it was moved by Member House and seconded by Member Webb to approve the minutes of May 18, 2015, as presented. Motion carried unanimously.

JUNE 9, 2015, UPDATE TO CITY COUNCIL

Chair Blumenthal reported on the Committee update to the City Council on June 9, 2015, and the City Council's approval of the requested time extension to September 1, 2015, to complete the Committee's work. A further extension may be requested with anticipated completion of work by the end of 2015. No formal action was required or taken.

RULES OF PROCEDURE REVIEW

For documentation purposes, Members Zarate and Stahovich distributed the draft meeting rules of procedure written earlier in the year. No formal action was required or taken.

CODE OF ETHICS RESOLUTION REVIEW

Following discussion, the Committee, by unanimous consensus, made the following amendments to the draft resolution:

1. Page 10, lines 14 and 15, replace "influence" with "coerce" throughout.
2. Page 11, line 3, number paragraph as "B".
3. Page 11, double indent paragraphs numbered 1, 2, 3, and 4.
4. Page 11, amend new B.1. to read, "All elected or appointed officials upon election or reelection, or reappointment, shall be given a copy of the code and required to affirm in writing that they have received the code and understand its provisions."
5. Page 11, amend first sentence of renumbered B.2. to read, "Within ninety days of taking office, all new elected or appointed officials shall be provided a training session which shall clarify the provisions and application of the code."
6. Page 11, amend renumbered B.4. to read, "Complaints alleging a violation of Section II.D. shall be submitted on the complaint form available from the City Clerk."
7. Page 11, amend renumbered B.5. to read, "Complaints shall be filed with the City Clerk within 180 days of discovery of an alleged violation of section II, subsection D of the Code of Ethics and Conduct, but in no event shall the complaint be filed later than three (3) years from the date of the alleged violation." ("Discovery" is defined as when the complainant knew or reasonably should have known of the alleged violation through exercise of reasonable diligence.)
8. Page 11, lines 25 and 26, amend to read, "Upon receipt of the complaint form, the City Clerk will review the submittal for completeness only."
9. Page 11, beginning on line 27, amend third sentence of paragraph to read, "Once the filing is deemed complete, the City Clerk will schedule a hearing before the adjudicating body..."

The claim form and instructions currently in use were distributed to the Committee. Discussion of the complaint process and the forms will be scheduled for the next agenda. Chair Blumenthal requested Committee members to forward ideas on the complaint hearing body to the City Clerk for inclusion in agenda materials for the next meeting. When adjudicating body options are identified, the City Clerk will provide the fiscal impact. Member Barth will provide Boulder, Colorado's Code of Conduct for distribution by the City Clerk to all Committee members.

The City Attorney will verify if filing of complaints under penalty of perjury can be required.

The meeting adjourned at 6:47 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk