

Ethics Review Board Meeting Minutes
March 21, 2017
3:00 p.m.

Members in Attendance: Board members Ray Martinez, Gino Campana and Kristin Stephens and Ross Cunniff (alternate)

Staff in Attendance: Carrie Daggett, City Attorney; Jeanne Sanford, Paralegal.

A meeting of the City Council Ethics Review Board (“Board”) was held on Tuesday, March 21, 2017, in the City Attorney’s Office Large Conference Room, for review of and possible recommendation regarding City Code amendments in follow up to and as discussed in Ethics Opinion 2017-01.

The meeting began at 3:00 p.m. The Board reviewed the Agenda which contained the following items:

1. Review and approval of the February 14, 2017 Minutes of the Ethics Review Board.
2. Review of and possible recommendation regarding City Code amendments in follow up to and as discussed in Ethics Opinion 2017-01.
3. Other Business.
4. Adjournment.

Chair Martinez stated that this was an Ethics Review Board meeting on March 21, 2017 at 3:00 p.m., and after roll call, declared that all members of the Board were present. Also present were Carrie Daggett, City Attorney, Jeanne Sanford, Paralegal. Ross Cunniff, as alternate, was also present.

City Attorney Daggett pointed out and called for the record to reflect that Councilmember Cunniff, as alternate, was not acting as a member of the Board, but rather as attending as an audience member.

Councilmember Campana called for the approval of the Minutes of the February 14, 2017 meeting of the Ethics Review Board.

Councilmember Campana made a motion to approve the February 14, 2017, Minutes. Chair Martinez seconded the motion. The Board unanimously approved the February 14, 2017, Minutes.

Chair Martinez called for and read the second agenda item, which was review of and possible recommendation regarding City Code amendments in follow up to and as discussed in Ethics Opinion 2017-01.

Discussion was made about the Agenda Item Summary sheet used in the packet. Councilmember Campana stated this was a great format to use, but perhaps change the color of the form and make sure it states Ethics Review Board in the title so it stands out next time.

City Attorney Daggett stated she would like to recap the events leading up to this latest meeting. There was the ethics opinion last summer that related to board member activity after declaring a conflict. The follow on to that was a Code revision that addressed permitted board member actions after declaring a conflict and that action was adopted on 2nd reading on March 7th, so that action was completed. That issue had prompted a discussion about a Councilmember's activities along with specific question that had come up related to Councilmember Campana. The question that came up was what Councilmember actions are permissible once a Councilmember has declared a conflict.

City Attorney Daggett explained that currently, we have a Code provision shown as the struck out portion of the Code language the Board had in its packet. Ms. Daggett read the Code provision and explained that after the discussion in the last Ethics Review Board meeting, she was asked to explore other options, so she has provided with the Agenda Item Summary, four different examples of how this issue could be approached. Ms. Daggett further explained that Attachment 3 illustrated examples of what other Colorado jurisdictions have done on this subject.

Councilmember Campana asked if other jurisdictions are allowing what the City is currently proposing. City Attorney Daggett responded that many jurisdictions are silent on the issue and this leaves open the question we have struggled with. One jurisdiction sets up a process where the remainder of council votes on whether that Councilmember should be allowed to present in front of Council.

Councilmember Campana replied he did not like that as it could get very political.

The Board read and discussed the options presented.

Option 3 was discussed at length with questions on relatives and family members and the need to state a broad definition. City Attorney Daggett stated our Charter definition of *relative* includes spouse, minor children, any person claimed as a dependent for tax purposes or any person sharing expenses of a household. Definition of *relative* in the Charter is narrower than the list of *relatives* included in Option 3. Ms. Daggett stated Option 3 could be modified to strike the rest of sentence after, "...his or her own interest or that of a relative," in order to tie in to the term "relative" as it has been defined already.

City Attorney Daggett recapped what she was hearing from the Board in that there seemed to be a coalescing around option #3 modified to eliminate the laundry list of family members.

Councilmember Campana made a motion to recommend to Council to adopt amendment No.3 less the text beyond "relative" in the last line.

Chair Martinez asked if all in favor. Since there were no opposed, Chair Martinez moved to unanimously approve the amendment #3 version.

City Attorney Daggett brought up the one other question which was not addressed by this language and she apologized for not jumping in sooner before the vote, but asked if there was any desire to consider interactions covered in a private vs. public setting?

The Board members discussed the matter and stated they believed the language of the Code revision “before City Council or any board or commission” was clear enough and would cover that the intent is for a public setting and anything else would be construed as an attempt to influence.

City Attorney Daggett stated an additional sentence would be needed to tie in everything so the amendment #3 would read as follows:

“With respect to any matter regarding which a Councilmember has declared a conflict of interest, said Councilmember is prohibited from discussing with, or otherwise attempting in any capacity to influence, directly or indirectly, any City officer or employee, and from representing any person or interest before the City Council or any board of commission of the City or in dealing with any City officer or employee, except that such Councilmember may represent with any City employee or before the City Council or a board or commission of the City his or her own interest or that of a relative provided said Councilmember does not violate Section 2-568(c)(4) or (c)(5).”

Councilmember Campana made a motion to modify the recently approved amendment #3 to include what City Attorney Daggett just read. Councilmember Stephens seconded the motion. Chair Martinez stated the board unanimously approved the amendment #3 as Ms. Daggett had just read it.

Chair Martinez called for other business. As there was no other business, Chair Martinez made a motion to adjourn and Councilmember Campana seconded the motion.

The Board voted unanimously to adopt Chair Martinez’s Motion to adjourn the meeting.

Meeting adjourned at 3:44 p.m.

Carrie M. Daggett, City Attorney