

AGENDA ITEM SUMMARY

September 3, 2019

City Council

STAFF

Carrie Daggett, City Attorney

SUBJECT

Second Reading of Ordinance No. 102, 2019, Amending Section 2-569 of the Code of the City of Fort Collins Regarding the Ethics Review Board.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 20, 2019, changes City Code Section 2-569(d)(1) to extend the time for initial screening of an ethics complaint by the Ethics Review Board from ten working days to thirty working days, plus an additional fourteen days in the event of extenuating circumstances.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, August 20, 2019 (w/o attachments) (PDF)
2. Ordinance No. 102, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

August 20, 2019

STAFF

Carrie Daggett, City Attorney

SUBJECT

First Reading of Ordinance No. 102, 2019, Amending Section 2-569 of the Code of the City of Fort Collins Regarding the Ethics Review Board.

EXECUTIVE SUMMARY

The purpose of this item is to consider a change to City Code Section 2-569(d)(1) to extend the time for initial screening of an ethics complaint by the Ethics Review Board from ten working days to thirty working days, plus an additional fourteen days in the event of extenuating circumstances.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Ethics Review Board process for consideration of ethics complaints is governed by City Code Section 2-569(d)(1).

Under City Code Section 2-569(d)(1), after an ethics complaint is filed with the City Clerk, "no more than ten (10) working days after the date of filing of the complaint, the Review Board shall meet and consider the complaint." This screening process was added in 2014 and only a few complaints have been filed since that time. The Ethics Review Board has now had the opportunity to use the screening process and it has been determined that it is difficult to accomplish the scheduling and preparation of materials for discussion in ten working days.

The Ethics Review Board met on July 29, 2019, and considered options for modifying the timeframe for the screening process, and unanimously recommended amending Section 2-569(d)(1) to provide that the Ethics Review Board shall conduct the initial screening of ethics complaints within thirty working days, with an extra fourteen days in the event of extenuating circumstances.

ORDINANCE NO. 102, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-569 OF THE CODE OF THE CITY OF
FORT COLLINS REGARDING THE ETHICS REVIEW BOARD

WHEREAS, the review of ethics complaints by the Ethics Review Board is governed by City Code Section 2-569(d)(1); and

WHEREAS, under City Code Section 2-569(d)(1), after a complaint is filed with the City Clerk, no more than ten (10) working days after the date of filing of the complaint, the Review Board shall meet and consider the complaint; and

WHEREAS, this screening process was added in 2014 and only a few complaints have been filed since that time; and

WHEREAS, based upon the experience of the Ethics Review Board with the screening process, the timeframe of ten working days is not enough time for the scheduling and preparation of materials needed for the Board's review of ethics complaints; and

WHEREAS, at its meeting of July 29, 2019, the Ethics Review Board recommended that Council modify the timeframe for the screening of ethics complaints as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-569(d)(1)a of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-569. Board of ethics.

...

(d) Complaints and inquiries shall be submitted to the Review Board only according to the following procedures:

(1) *Complaints.*

a. Any person who believes that a Councilmember or board and commission member has violated any provision of state law or the Charter or Code pertaining to ethical conduct may file a complaint with the City Clerk, who shall immediately notify the chairperson of the Review Board, the Councilmembers or board and commission members named in the complaint and the City Council. The complaint shall be promptly scheduled for consideration by the Review Board as soon as

reasonably practicable. No more than thirty (30) working days after the date of filing of the complaint, the Review Board shall meet and consider the complaint. In the event extenuating circumstances arise in the scheduling and preparation for such meeting, the time for meeting shall be extended by fourteen (14) calendar days. All Councilmembers or board and commission members named in the complaint, as well as the complainant, shall be given written notice of such meeting at least three (3) working days prior to the meeting. A notice of the complaint, including the identity of the complainant shall be posted along with the meeting notice.

...

Introduced, considered favorably on first reading, and ordered published this 20th day of August, A.D. 2019, and to be presented for final passage on the 3rd day of September, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 3rd day of September, A.D. 2019.

Mayor

ATTEST:

City Clerk