

RESOLUTION NO. 41-13

A RESOLUTION APPROVING THE PAYMENT OF LEGAL EXPENSES FOR ETHICS COMPLAINTS UNDER THE CITY CODE OF ETHICS.

WHEREAS, City Council adopted the Code of Ethics by Ordinance No. 07-59 on April 10, 2007, creating the Independent Ethics Commission for the purpose of rendering recommendations and advisory opinions on ethical issues; and

WHEREAS, the Independent Ethics Commission has jurisdiction to investigate complaints and make recommendations to City Council regarding ethics complaints involving an elected official, an appointee including members of boards, committees, and commissions appointed by City Council, the President of Council or the Mayor, or an independent contractor; and

WHEREAS, City Council has determined that elected officials, appointees including members of boards, committees, and commissions appointed by City Council, the President of Council and the Mayor should be represented by legal counsel at the City's expense subject to a full reservation of the City's right to reimbursement for all legal expenses if the subject is found to have committed a violation of the City's Code of Ethics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Any elected official, appointee including members of boards, committees, and commissions appointed by City Council, the President of Council or the Mayor, who is the subject to an investigation as a result of a complaint(s) brought before the Independent Ethics Commission pursuant to the City Code of Ethics § 1.3.101 et seq., upon the Independent Ethics Commission's finding that it has jurisdiction over the complaint(s) and that the complaint(s) is non-frivolous, is entitled to independent legal representation of their choice at the City's expense, subject to the limitations herein. The amount of legal expenses paid for by the City shall not exceed ten thousand dollars (\$10,000.00) per investigation unless good cause is shown to exceed this limit. City Council shall have sole discretion to determine whether good cause exists to extend the payment of legal expenses beyond the ten thousand dollar (\$10,000.00) limit. No decision with regard to legal expenses may be appealed or challenged.

Section 2. The term "legal expenses" shall include attorney fees, witness fees, stenographer fees, investigator fees, and other direct costs in connection with defending the individual against an ethics complaint.

Section 3. Requests for payment of legal expenses shall be submitted to the City and, once verified, paid within ten (10) days, subject to the monetary limitations of Section 1.

Section 4. Before the City shall pay any such legal expenses, the subject party shall acknowledge in writing the City's full reservation of right to reimbursement for all legal expenses if the subject is found to have committed a violation of the City's Code of Ethics.

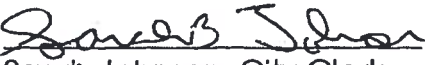
Section 5. Within thirty (30) days of the expiration of exhaustion of all rights to appeal any final decision by City Council concerning the ethics complaint, a subject party found to have committed a violation of the City's Code of Ethics shall be required to reimburse the City for all legal expenses paid by the City for the subject's defense.

DATED at Colorado Springs, Colorado this 9th day of April, 2013.



Scott Hente, Council President

ATTEST:



Sarah Johnson, City Clerk