



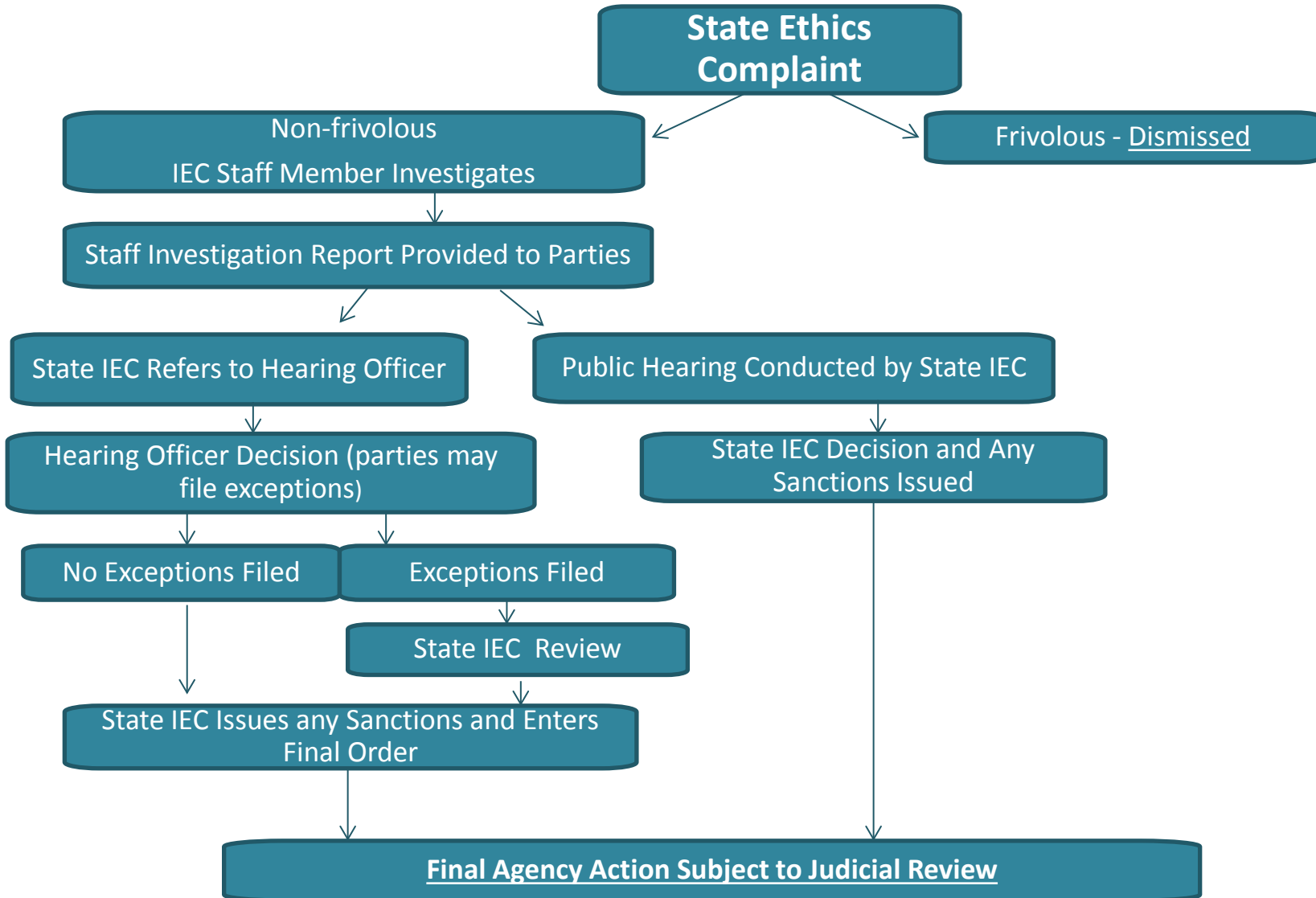
Proposed Amendments to the City Code of Ethics

City Council Work Session
July 11, 2016

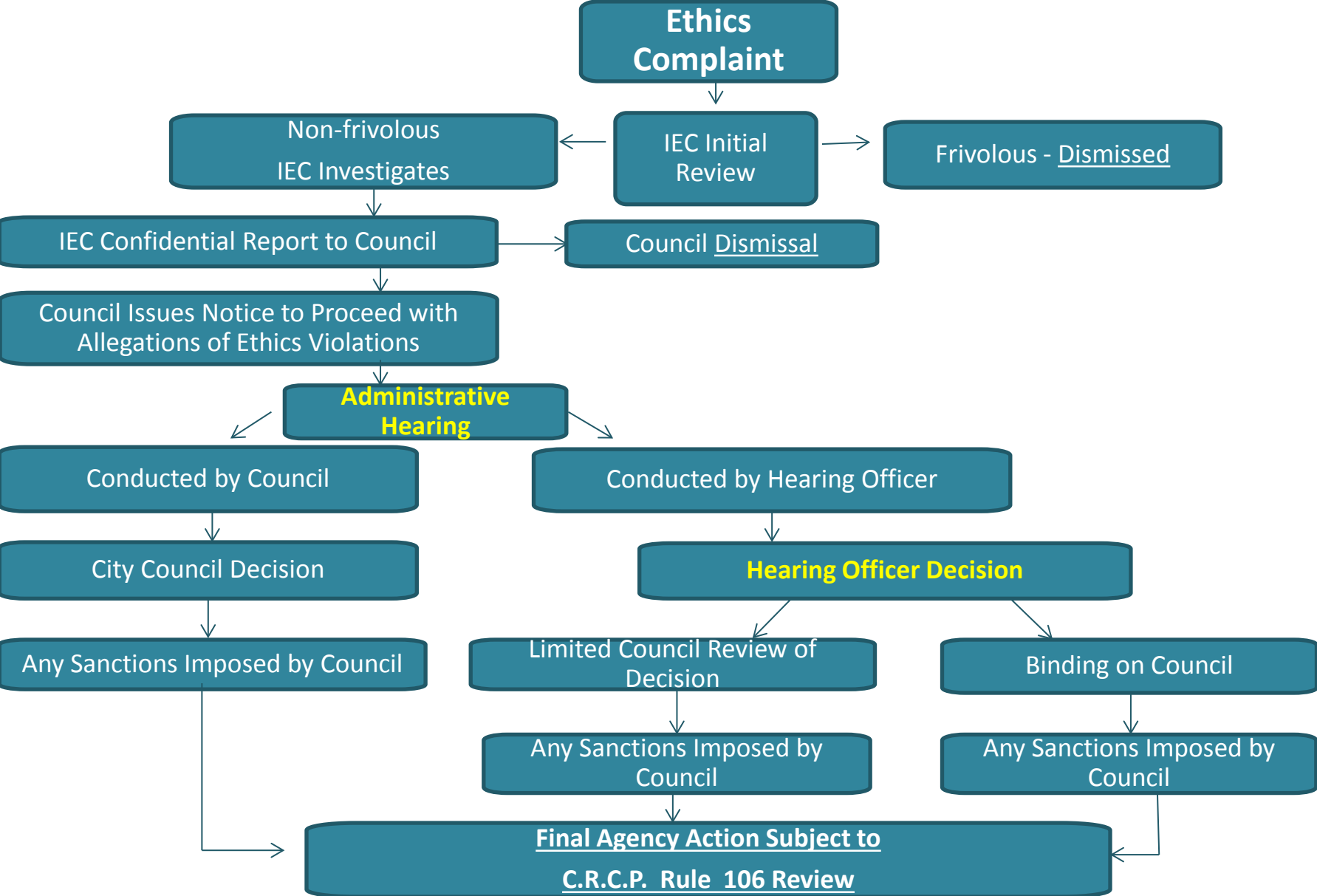
Introduction

- Overview of Code of Ethics revision process.
- Goals of July 11th Work Session:
 - Draft of revisions.
 - Council direction on open issues.
- Plan for adoption of Code of Ethics revisions.

State of Colorado Independent Ethics Commission Complaint Process



City of Colorado Springs Code of Ethics Complaint Process Options



Issue #1: Council's Options Following IEC Recommendation – Current

- Issue ethics charges.
- Dismiss for insufficient evidence.
- Dismiss because no substantial likelihood of success at hearing.
- Dismiss and refer to another agency.
- Dismiss in the interests of justice.
- Dismiss as moot because accused no longer a covered person.

(Res. No. 58–13, § 3)

Issue #1: Council's Options Following IEC Recommendation – Proposed

- Issue notice to proceed with allegations of ethics violations.
- Dismiss for insufficient evidence.
- Dismiss because no substantial likelihood of success at hearing.
- Stay/dismiss and refer to another agency.
- Dismiss in the interests of justice.
- Dismiss because violation was an oversight or later voluntary compliance.
(Draft Ord. §1.3.104(A))

Issue # 1: Council's Options Following IEC Recommendation – Open Issues

- Stay or dismiss and refer to another agency.
- Dismiss in the interests of justice.
- Dismiss because violation was an oversight or later voluntary compliance.

(Draft Ord. § 1.3.104(A))

Issue # 2: Role of Council After Ethics Investigation – Current Process

- Commission issues recommendation to Council (City Code § 1.3.104(M)).
- Council may dismiss the complaint or issues ethics charges (Res. No. 58–13, § 3).
- If Council issues ethics charges and the accused requests a hearing, Council votes to hear the matter or refer it to a Hearing Officer (Res. No. 58–13, § 5).

Issue # 2: Role of Council After Ethics Investigation – Current Process

- If Council chooses to hear the matter:
 - Council conducts hearing, renders decision, and imposes sanctions (if any) (Res. No. 58–13, §§ 5, 6).
 - Council decision is final agency action (City Code § 1.3.104(O)).

Issue # 2: Role of Council After Ethics Investigation – Current Process

- If Council votes to appoint Hearing Officer:
 - Hearing Officer conducts hearing, renders decision, and recommends sanctions (if any) (Res. No. 58–13, § 5).
 - Council reviews decision, votes on final decision, and imposes sanctions (if any) (Res. No. 58–13, § 5).
 - Council decision is final agency action (City Code § 1.3.104(O)).

Issue # 2: Role of Council After Ethics Investigation – Options

- Do not change current process.
- All hearings conducted by a Hearing Officer:
 - Hearing Officer decision binding on Council; OR
 - Council conducts limited review of Hearing Officer decision (no competent evidence to support the findings).

Issue # 2: Role of Council After Ethics Investigation – Options

- Keep current process but allow accused to choose Council/Hearing Officer:
 - Hearing Officer chosen:
 - Hearing Officer decision is binding on Council, OR
 - Council conducts limited review of Hearing Officer decision.
- Under all scenarios, Council retains current authority over sanctions.

(Draft Ord. § 1.3.104(C))

Issue # 3: Sanctions – Current Options

- Monetary fine: limited to double the amount of financial benefit to the individual.
- Censure: City Councilmembers only.
- Removal: Council appointees, boards and commissions only; may recommend removal of Mayoral appointees.

(Res. No. 58-13, § 6)

Issue # 3: Sanctions – Proposed Options

- Oral or written reprimand.
- Monetary fine: limited to double the amount of financial benefit to the individual or immediate family member.
- Censure: City Councilmembers only.
- Suspension/Removal: Council appointees, boards/commissions only; may recommend removal of Mayoral appointees.

(Draft Ord. § 1.3.104(D))

Issue # 3: Sanctions – Open Issue

- Monetary fine: limited to double the amount of financial benefit to the individual or immediate family member.
 - Should Council have the option to impose a monetary fine even if there is no financial benefit?

(Draft Ord. § 1.3.104(D)(2))

Issue # 4: Exceptions to Gift Prohibition– New Proposed Exception

- A non-pecuniary award of reasonable value and frequency publicly presented by an IRC 501(c)(3) organization in recognition of public service.

(Draft Ord. § 1.3.105(B)(17))

Issue # 4: Exceptions to Gift Prohibition – Current

- Reasonable cost and frequency of vendor sponsored or other professional educational conferences, seminars, or meetings, so long as the conferences, seminars, or meetings are documented.

(City Code § 1.3.104(B)(11))

Issue # 4: Exceptions to Gift Prohibition – Proposed

Reasonable cost (e.g., fees, meals, lodging, and/or transportation) and frequency of conferences, seminars, events, or meetings, so long as the conferences, seminars, events, or meetings are documented and:

- a. The person is scheduled to deliver a speech, participate in a presentation, participate on a panel, or receive an award;
- b. The cost of the conference, seminar, event, or meeting is paid pursuant to a vendor agreement or contract; or
- c. The cost of the conference, seminar, event, or meeting is paid by a governmental entity or a IRC 501(c)(3) organization. (Draft Ord. § 1.3.104(B)(10))

Issue # 4: Exceptions to Gift Prohibition – Open Issue

Proposed gift exceptions:

1. Non-profits only (includes IRC 501(c)(4));
2. IRC 501(c)(3) only; OR
3. All organizations (includes private entities).

Thank You!

