

**Sec. 2-XX - Formal Complaint and Resolution Process.**

(a) Definitions

1. *Appointee* shall mean any person who is serving on a Council-appointed board or commission.
2. *Colorado Open Records Act* shall mean [insert cite here], as the same may be amended from time to time.
3. *Covered person* shall mean any appointee or liaison.
4. *Liaison* shall mean the councilmember appointed to serve as council liaison to a given board or commission.

(b) The City Council encourages any person who is a witness to a violation of the Code of Conduct to immediately bring the violation to the attention of the City, in accordance with the following procedures.

(c) Confidentiality and Privacy Interests.

- (1) Covered person must be accountable to the City Council the City organization and the public they serve. The public deserves to have access to some information about complaints and complaint trends, but this must be balanced with the needs of the parties to have a safe, fair, and impartial process with appropriate confidentiality. The complaint resolution process is a confidential process. Those involved in the complaint process must ensure that reporting parties can communicate privately and confidentially with them in discussing their complaints. Complaints and information about the investigation must be kept confidential by all parties, witnesses, those who handle the complaints, and those who recommend discipline or remediation, to the fullest extent possible. Information received through the complaint process shall not be disclosed pursuant to an open records request except in accordance with the Colorado Open Records Act.

(d) Complaints.

- (1) Any person who believes that a covered person has violated any provision of the Code of Conduct may file a complaint with the City Clerk. Complaints may be filed by any City board of commission member, a member of the public, a member of City Council, a City staff member, a City contractor or vendor, or a person whose employment gives them access to or contact with the board or commission at issue.
- (2) The complaint must contain all facts available to the reporting party regarding the alleged violation.

- (3) No action may be taken under this section on any complaint that is filed later than twelve months after discovery of the facts supporting an allegation that a violation of the Code of Conduct has occurred.
  - (3) Upon receipt of the complaint, the City Clerk shall immediately notify the City Manager's Office, the covered person named in the complaint, the City Council, and the City Attorney. Each complaint shall name only one individual as its subject.
  - (4) The City Attorney or City Manager or their designee shall review the complaint to determine whether the alleged misconduct falls within the scope and purpose of the Code of Conduct and whether the complaint warrants investigation in light of commonly known and documented facts and circumstances. If investigation is warranted, the City Attorney shall develop facts relevant to the complaint and interpret and apply the provisions of the Code of Conduct. The City Attorney may select and retain one or more qualified attorneys to review complaints as his or her designee.
  - (5) After investigation, the City Attorney shall issue written findings of fact and conclusions of law to the City Council, which shall be filed with the City Clerk and available for public inspection.
- (d) Sanctions and Remedies for Violation.
- (1) If the party conducting an investigation pursuant to this section finds that a member has violated any provision of the Code of Conduct, the City Council may take any of the following actions:
    - a. In the case of a liaison, a motion of censure or a motion to remove the particular council member from the role of liaison;
    - b. In the case of an appointee, removal from the applicable board or commission;
    - c. In the case of either a liaison or an appointee:
      - i. Issue verbal or written direction to cease the violative conduct;
      - ii. Direct (for appointee) or encourage (for liaison or appointee) corrective training; or
      - iii. Require (appointee) or encourage (liaison) the violator to issue a written or verbal apology to the reporting party if the latter consents to such an apology.

- iv. Any other actions determined appropriate by City Council
- d. While a violation of the Code of Conduct shall not constitute a violation of the City Code, as such, this provision is not intended to impair or supersede such other action as may be appropriate under applicable state statutes, the City Charter, ordinances, resolutions, or rules and policies of the City or City Council.

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