

**Complaints; mediation; investigation penalties.**

(a) *Complaints.*

- (1) For any apparent violation of [specified acts in code or council policies] by a councilmember, the city council may initiate an investigation or impose penalties under this section on its own accord or based on a complaint.
- (2) Complaints of a possible violation of [specified acts in code or council policies] by a councilmember may be initiated by any person other than the council or an individual councilmember and shall be submitted to the city clerk.
- (3) No action may be taken on any complaint that is filed later than one month after the discovery of facts supporting an allegation that a violation occurred.
- (4) Unless specified as punishable as provided in this section, these policies as they apply to the conduct of councilmembers are intended as guides to conduct and a failure of a councilmember to abide by these policies shall not be punishable except a caution, reprimand, or censure.

(b) *Mediation.* When a violation of council policy occurs that involves a dispute between councilmembers, the councilmembers involved will discuss or mediate the matter in good faith before a neutral person. The councilmembers may agree to rely on the city manager, city attorney, or, if requested by either councilmember, a third party not employed by the city. Failure of either councilmember to participate in the mediation may result in the imposition of penalties under this section. All mediations must comply with the Colorado Open Meetings Law. The mediation must occur before the council initiates any investigation or imposes penalties under this section based on the ~~dispute~~~~interaction~~, unless the mediation does not occur due to non-participation.

(c) *Investigation.* For any apparent violation of [specified acts in code or council policies] by a councilmember, the city council may review the allegations and make such investigation or determinations as it deems appropriate. If recommended by the city attorney, the city council shall appoint special counsel to investigate and present any violation to the council for decision to avoid any conflict of interest, appearance of impropriety, or any violation of a rule of professional responsibility. Otherwise, the city attorney shall conduct the investigation. The city council may, in its discretion, authorize the subject of the alleged violation to retain special counsel, at the city's cost.

(d) **Finding of Violation & Penalties.** In addition to any other penalty provided for a violation of any other provision of the charter, this code, or any other applicable law, any councilmember found to have violated [specified acts in code or council policies] by a majority of the city council in office at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable) is subject to the following penalties:

- (1) Any combination of the following, as solely determined by a majority of the city council in office at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable):

- (i) Official caution, reprimand, or censure;
  - (ii) Termination of any appointment to any subcommittee, board, or external body; and
  - (iii) In addition to any other available penalty, any councilmember who is found to have disclosed or used confidential information in violation of this article may be prevented from receiving confidential information, including participating in executive sessions, concerning the same or similar subject or of the same or similar type.
- (2) Any combination of the following, as solely determined by a two-thirds majority of the city council in office at the time the vote is taken (excluding councilmembers whose conduct is in question, if applicable):
- (iv) Any of the penalties identified in subsection (d)(1), above;
  - (v) Termination, restriction, or suspension of any privileges or support provided to councilmembers relating to any of the following: use of city facilities; travel and attendance at events and conferences; use of discretionary funds; and staff support and contact;
  - (vi) Deduction from the councilmember's stipend of costs expended by the city that the councilmember was required, but failed, to reimburse; and
  - (vii) Any other penalty otherwise deemed appropriate by the city council.

For purposes of this subsection, a councilmember's conduct will be deemed to be in question if the question is: to determine a violation of by that councilmember; to determine a penalty to be imposed against that councilmember; or similar to an alleged violation or penalty pending or decided concurrently against a councilmember arising out of the same underlying event.

- (3) No penalty imposed under this section shall remove a councilmember from office or restrict a councilmember's ability to vote or participate in any council meeting, except where required by the Charter, to avoid voting on a matter in which the member has a prohibited interest, or to enforce express penalties authorized by this section.