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# ETHICS CODE UPDATE


CITY COUNCIL MEETING – September 20, 2022

City Staff Representatives: Alicia R. Calderón, City Attorney

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## Why is an update needed?

- Article XXIX of the State Constitution's Interpretation of the home rule exemption by the Statewide Independent Ethics Commission (IEC)
- The City of Brighton has an Ethics Code, but it contains some exceptions to the gift ban that do not align with Article XXIX.
- The City of Brighton does not have a complaint and investigation process.
- The City of Brighton does not have an independent decision-maker.
- The penalty provision does not require repayment of twice the amount of the financial equivalent of any benefits obtained.

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## Reviewed in Previous Meetings

- Definition of a gift – what is and is not a gift.
- The process to review a complaint, investigation, and enforcement, including the appointment of an Independent Ethics Counsel every two years.
- The process for making a recommendation with findings of fact regarding whether a violation appears to have occurred and that City Council appoint an independent hearing officer to preside over the hearing.
- Hearing procedures.
- Sanctions.
- Request for an advisory opinion regarding any ethics question that can be relied upon if the person follows the advice in good faith.

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## Changes

- Appointment of the Independent Ethics Counsel by a two-thirds majority at a regular city council meeting.
- Appointment of the Independent Hearing Officer by a two-thirds majority at a regular city council meeting.

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## Options for City Council

Brighton City Council has the following options in this matter:

- ☐ Approve the Ordinance.
- ☐ Modify the Ordinance
- ☐ Deny approval of the Ordinance.

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