



Legislation Text

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City Attorney's Office

Reference: Resolution to Appoint Independent Ethics Counsel and Hearing Officer

To: Mayor Gregory Mills and Members of City Council

Through: Michael P. Martinez, City Manager

Prepared By: Alicia Calderón, City Attorney

Date Prepared: December 29, 2022

PURPOSE

To appoint the Independent Ethics Counsel and Hearing Officer for a two-year period.

BACKGROUND

On October 4th, 2022, City Council passed a comprehensive Ethics Code that included a process to review complaints and obtain opinions prior to taking actions, Ordinance #2397. The new Ethics Code contains a process for investigation and review of complaints, as well as adjudication of a violation of the Ethics Code. The City of Brighton is a home rule municipality and has the authority to adopt its own process for the review of complaints.

Section 2-10-100 of the Brighton Municipal Code creates the position of an "Independent Ethics Counsel" whose purpose is to oversee the complaint, investigative, and enforcement process in response to ethics complaints and to render a written recommendation for each complaint. The Independent Ethics Counsel must be appointed by a two-thirds majority of the members of City Council in office at the time the vote is taken. The Independent Ethics Counsel must be a Colorado licensed attorney in good standing. The Independent Ethics Counsel shall serve until a successor is appointed by City Council. The Resolution making the appointment sets out an initial period of two years for the appointment, which may be renewed for another two years if all agree.

William A. Tuthill III has agreed to serve in the role of Independent Ethics Counsel. He has been advising and assisting municipalities since 2018 through his firm WATLegal. During this time, he served as the Interim City Attorney for Thornton in 2021. From 2005 to 2018 he served as City and County Attorney for Broomfield. From 2001 to 2004 he was the Jefferson County Attorney after being an Assistant County Attorney since 1989. He is a licensed attorney in Colorado and has great experience in municipal law.

Section 2-10-140(d) states that City Council may appoint by resolution with a two-thirds vote of all the members in office at the time an independent hearing officer to preside over a hearing when the Independent Ethics Counsel recommends proceeding to a hearing. Rather than wait until there is a complaint that the Independent Ethics Counsel recommends proceed to hearing and appoint the hearing officer at that time, the Resolution before you would approve an engagement letter with a licensed attorney for an independent hearing officer for a two-year period, which may be renewed if all agree. This way, if a complaint proceeds to a hearing, there is already an attorney engaged to act as the independent hearing officer.

Geoff Wilson of WilsonWilliams LLP has agreed to serve as an independent hearing officer if that is needed. His firm has provided a letter of engagement. Mr. Wilson served as general counsel for the Colorado Municipal League for almost three decades, and he has a wealth of experience in municipal law. His current clients include Woodland Park, Salida,

and Fort Morgan.

FINANCIAL IMPACT

Unless there are many complaints, the financial impact is anticipated to be within the City Attorney's budget for professional services.

STAFF RECOMMENDATION

The City Attorney recommends both of these individuals for appointment and approval, and for authorization for the City Attorney to execute engagement letters with each of them.

OPTIONS FOR COUNCIL CONSIDERATION

Approve the Resolution
Modify the Resolution
Deny the Resolution

ATTACHMENTS

Resolution