



COLORADO • SINCE 1878

***City Council
Legal Review Committee
Meeting Agenda***

**April 26, 2019
City Hall, Council Chambers
749 Main Street
10:00 AM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes April 5, 2019
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction - Process/Procedures for Consideration of Complaints Against Employees Appointed Directly by the City Council
- VII. Discussion Items for Next Meeting - Subdivision Entryway Improvements
- VIII. Adjourn

***City Council
Legal Review Committee
Meeting Minutes***

**April 5, 2019
749 Main Street
8:00 AM**

Call to Order – Councilmember Leh called the meeting to order at 8:06 am.

Roll Call: The following members were present:

***Committee Members: Chris Leh, City Council
Sue Loo, City Council***

Absent Bob Muckle, Mayor

***Staff Present: Meredyth Muth, City Clerk
Heather Balsler, City Manager
Kathleen Kelly, City Attorney***

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

The minutes were approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

DISCUSSION/DIRECTION – PROCESS FOR ANNUAL EVALUATIONS OF APPOINTED OFFICIALS

Members discussed the rating scales. Councilmember Leh noted scales can be unnormed and variable based on who is using it. He wants to make sure the Committee emphasizes to those being reviewed that it is not the only criteria they are looking at.

Councilmember Leh suggested that prior to completing the reviews, the Committee members should discuss among themselves how to use the rating score.

Members reviewed the evaluation forms and the rating scale and made suggested changes.

Staff will incorporate the feedback from this meeting into the final draft forms that will go the full City Council for consideration on May 7.

PROCESS/PROCEDURES FOR CONSIDERATION OF COMPLAINTS

Members reviewed the draft provided by the City Attorney.

Councilmember Leh stated Councilmember Stolzmann had asked for her email to be included in the record:

Hi Chris,

Thank you for all of your work on the Legal Committee.

I think that the process for filing a complaint should be slightly amended. The section where it says: "the Complaint should be dismissed, the Reviewer shall file with the City Clerk a written report stating the reasons for such determination." should be amended to read "City Council" rather than "City Clerk." The Clerk is not our employee & it could present an odd situation where the Clerk knows about an incident (even a dismissed one) about their boss, but the City Council does not know about the incident. Many times even when there is no legal requirement to improve, or no laws were broken, there are opportunities to coach employees to improve.

Thank you for considering the change,
Ashley Stolzmann

Members discussed a variety of issues about to whom and how a complaint should be made and what the record keeping and distribution issues might be. Members also discussed how complaints would be processed depending about whom the complaint is made.

A draft of the process and form will come back to the committee for another review.

DISCUSSION ITEMS FOR NEXT MEETING

Councilmember Loo made a motion for the Legal Committee to begin work with the City Attorney on subdivision entryway improvements and determining who is responsible for what in those areas. The Parks Board is already working on this issue and it will be something Council will need to address. Councilmember Leh seconded the motion. Voice vote: all in favor.

ADJOURN

The meeting was adjourned at 9:40 am.

**SUBJECT: PROCESS/PROCEDURES FOR CONSIDERATION OF
COMPLAINTS AGAINST EMPLOYEES APPOINTED DIRECTLY
BY THE CITY COUNCIL**

DATE: APRIL 26, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Attached is an updated draft form prepared by the City Attorney's Office to be used if someone would like to file a complaint against one of the City's Officers. This draft incorporates input from the April 5 Committee meeting. Staff is seeking Committee input on this process.

Once the Committee has finalized a proposal on the complaint processes, this will go to the full City Council for review and approval at the May 21 City Council meeting.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Draft Complaint Form



COMPLAINT FORM

This Complaint form should be used for Complaints against the following City of Louisville officers:

- City Manager
- City Attorney
- City Prosecutor
- Municipal Judge

Please read the [Instructions and Information](#) that accompanies this Form. You may state your Complaint below or in a letter attached to this Form. Please attach any documents relevant to your Complaint.

SUBJECT OF COMPLAINT

Officer Name:

Officer Title:

Date(s) of Incident(s):

COMPLAINING PARTY

Name:

Street Address:

City, State, and Zip Code:

Primary Phone: _____

Email: _____

Nature of Complaint: _____

By signing below, I declare under penalty of perjury that the statements set forth in this Complaint are true and accurate, and that the Complaint is filed in good faith and not out of malice or any other improper motive or purpose.

Signature:

Date:

Complaint Form: Instructions and Information

The Complaint shall state the alleged facts of the incident(s) giving rise to the Complaint, and shall contain a statement signed by the Complainant declaring under penalty of perjury that the information in the Complaint is true and accurate, and that the Complaint is filed in good faith and not out of malice or any other improper motive or purpose. Any Complaint that does not contain such a signed statement shall be returned forthwith to the Complainant without action. **A Complaint against a municipal judge will have no effect on rulings of the Municipal Court.**

The Complaint and any related documentation may be submitted to the Mayor or any Councilmember at the following address:

City of Louisville
749 Main Street
Louisville, CO, 80027

Upon receipt, the Complaint shall be forwarded to the City Clerk for dissemination to the entire City Council with a copy to the City Attorney; provided, however, if the Complaint concerns the City Attorney, a copy shall instead be forwarded to the City Prosecutor.

The City Attorney or the City Prosecutor, as the case may be, shall engage a disinterested, third-party factfinder ("Reviewer") for evaluation to determine whether the facts as alleged by the Complainant warrant an investigation. Complaints that are groundless or frivolous shall be dismissed. If the Reviewer determines a Complaint should be dismissed, the Reviewer shall notify the City Council of such determination.

The subject of the Complaint will be notified of the Complaint only if the Reviewer determines an investigation is warranted. Except as may be required by applicable law, the written Complaint will not be shared with the subject of the Complaint and the Complaint and the papers and reports of the Reviewer shall be kept confidential.

Before completing the investigation, the Reviewer shall provide the officer against whom the Complaint is made an opportunity to provide information concerning the Complaint. Following the investigation, the Reviewer shall report to the City Council the findings of the investigation.

For questions about this process or for additional information, please contact the City Clerk at 303.666.6565.