

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1960  
Series of 2020

1806  
Series of 2020

A BILL FOR AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 13 OF THE NORTHGLENN MUNICIPAL CODE REGARDING CAMPAIGN FINANCE COMPLAINTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 13, Article 4 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 13-4-1. Campaign finance complaints.** In addition to the campaign finance duties outlined in C.R.S. § 1-45-112 for a municipal clerk, the City Clerk shall have the responsibilities set forth in this Article related to campaign finance complaints.

**Section 13-4-2. Complaint process.** Any person who believes that a violation of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance has occurred in municipal campaign finance matters may file a complaint with the City Clerk.

(a) A "municipal campaign finance matter" has the meaning defined in C.R.S. § 1-45-111.7(9)(b) and 8 C.C.R. 1505-6, both as amended. The process for review and handling of complaints related to a municipal campaign finance matter shall be as set forth in this Article in a manner consistent with the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, specifically C.R.S. § 1-45-111.7, as amended, and the rules promulgated by the Colorado Secretary of State at 8 C.C.R. 1505-6, specifically Rule 23, as amended.

(b) A complaint must be filed no later than one hundred eighty (180) days after the date on which the complainant either knew or should have known, by the exercise of reasonable diligence, of the alleged violation and must meet the minimum requirements set forth in 8 C.C.R. 1505-6, Rule 23.1, as amended. A complaint must be filed in writing and signed by the complainant on the form provided by the City. A complaint may be submitted via fax, email, regular mail, or in person. The complaint must identify one or more respondents and shall include the following information:

1. The name, address, e-mail address, telephone number and signature of the complainant. If the complainant is represented by counsel,

include counsel's name, address, email address, telephone number, and signature.

2. The name and, if known, the address and telephone number or other contact information for the person alleged to have committed a violation (the "respondent").

3. The particulars of the violation. Details about the violation, including how and when complainant became aware of the violation and what is known about the violation must be included.

4. Any available documentation or evidence supporting the allegation.

(c) Upon receipt of a complaint, the City Clerk shall notify the respondent of the complaint by e-mail or by regular mail if e-mail is unavailable.

(d) Documents related to a complaint will be publicly available as set forth in 8 C.C.R. 1505-6, Rule 23.2, as amended.

**Section 13-4-3. Initial determination.** The City Clerk shall conduct an initial review of a complaint to determine whether the complaint was timely filed, specifically identifies one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance; and alleges sufficient facts to support a factual and legal basis for the violations of law alleged in the complaint.

Within ten (10) business days of receiving a complaint, the City Clerk shall take one or more of the following actions:

(a) If the City Clerk determines that the complaint was not timely filed, has not specifically identified one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance, or does not assert facts sufficient to support a factual or legal basis for an alleged violation, the City Clerk shall notify the complainant and respondent of such determination by e-mail or by regular mail if e-mail is unavailable. The City Clerk's determination hereunder is a final action subject only to judicial review pursuant to C.R.C.P. 106(a)(4).

(b) If the City Clerk determines that the complaint alleges one or more curable violations, the City Clerk shall notify the respondent and provide the respondent an opportunity to cure the violations. The process for curing shall be as set forth below.

(c) If the City Clerk determines that the complaint has specifically identified one or more violations of Article XXVIII of the Colorado Constitution, the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq.*, or the Secretary of State's rules concerning campaign and political finance, and has alleged facts

sufficient to support a factual or legal basis for each alleged violation, and that either a factual finding or a legal interpretation is required, the City Clerk shall forward the complaint to a hearing officer appointed by the City Council.

**Section 13-4-4. Process for curing.**

(a) Upon the City Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or alleges another curable violation, the City Clerk shall notify the respondent by e-mail or by regular mail if e-mail is unavailable of the curable deficiencies alleged in the complaint.

(b) The respondent has ten (10) business days from the date the notice is e-mailed or mailed to file an amendment to any relevant report that cures any deficiencies specified in the notice.

(c) The respondent shall provide the City Clerk with notice of the respondent's intent to cure on the form provided the City Clerk and include a copy of any amendments to any report containing one or more deficiencies.

(d) The City Clerk may ask the respondent to provide additional information and may grant an extension of time to file a notice of intent to cure in order to respond to such a request.

(e) After the period for cure has expired, the City Clerk shall determine whether the respondent has cured any violation alleged in the complaint and, if so, whether the respondent has substantially complied or acted in good faith.

(1) If the City Clerk determines that the respondent has substantially complied or acted in good faith, the City Clerk will dismiss the complaint.

(2) If the City Clerk determines that the respondent neither substantially complied nor acted in good faith, the City Clerk will refer the matter to a hearing officer.

(3) The City Clerk's determination under this subsection is a final decision subject to review under Rule 106, C.R.C.P.

**Section 13-4-5. Hearing procedure.** The hearing officer shall schedule a hearing on a complaint referred by the City Clerk within thirty (30) days of the filing of the complaint. The hearing may be continued upon the motion of any party for up to thirty (30) days or a longer extension of time upon a showing of good cause. The hearing shall be in compliance with C.R.S. § 1-45-111.7(6), as amended. Testimony shall be given under oath, and the hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within sixty (60) days after the petition is filed. No later than five (5) days after the conclusion of the hearing, the hearing officer shall issue a written determination. The hearing officer's written determination is a final action subject only to judicial review

pursuant to C.R.C.P. 106(a)(4).

**Section 13-4-6. Penalties.** The City Clerk or a hearing officer, as appropriate, may impose penalties and sanctions as set forth in C.R.S. § 1-45-111.5, and 8 C.C.R. 1505-6, Rule 23.3.3, both as amended. Recovery of a party's reasonable attorney fees and costs shall be as set forth therein.

INTRODUCED, READ AND ORDERED POSTED this 23<sup>rd</sup> day of November, 2020.

  
MEREDITH LEIGHTY  
Mayor

ATTEST:

  
JOHANNA SMALL, CMC  
City Clerk

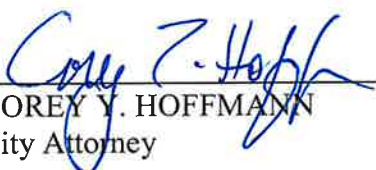
PASSED ON SECOND AND FINAL READING this 14<sup>th</sup> day of December, 2020.

  
MEREDITH LEIGHTY  
Mayor

ATTEST:

  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

  
COREY Y. HOFFMANN  
City Attorney