

**BOARD OF ETHICS
RIVER CITY HALL, 1235 CAMINO DEL RIO
01/15/2020
3:30 PM**

A G E N D A

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - 3.1. Review and Approval of the January 8, 2020 Meeting Minutes
4. Public Comments
5. Reports and Announcements
6. Old Business
 - 6.1. Request for an Advisory Opinion from Councilor Baxter - Continued
7. New Business
8. Addendum Items
9. Adjournment

CITY OF DURANGO
BOARD OF ETHICS
949 E. 2ND AVENUE, CITY HALL, CITY MANAGER'S CONFERENCE ROOM
WEDNESDAY, JANUARY 8, 2020
3:00 PM

Meeting Minutes

I. Call to Order

The meeting was called to order at 3:00 p.m. by Chair Katherine Burgess.

II. Roll Call

The following Board of Ethics (BOE) members were present: Chair - Katherine Burgess, Gail Harris and Roger Haar.

Also present was City Attorney, Dirk Nelson; and Legal Coordinator, Suzanne Sitter.

III. Approval of Minutes

Gail made a motion to approve the April 9, 2019 meeting summary, seconded by Katherine. The motion carried. Roger made a motion to approve the October 9, 2019 meeting summary. Seconded by Gail. The motion passed.

IV. Public Comments

None

V. Reports and Announcements

Katherine reported on the City Council/BOE breakfast held on December 12, 2019 at Carver's Restaurant. (Attending from the BOE were Katherine, Roger and Pat). Katherine stated that there was discussion of how the recent ethics complaint(s) were handled, possible ideas for revisions to the Ethics Code and how the appointment process for board positions for the BOE might be handled.

VI. Old Business

Roger stated that both Katherine and Pat's terms were expiring at the end of January. Katherine said that she and Pat have reapplied for another term on the BOE. This brought up a discussion about board appointment recommendations to City Council. BOE members wondered whether there should be an amendment to the Ethics Code to reflect recommendations for appointments to Council. Dirk stated that City Council is reviewing Boards and Commissions on a larger scale. Dirk mentioned that formal changes in the process may be part of that global review of the Boards and Commissions by City Council. He also mentioned that language regarding appointments could be amended in the Boards and Commission manual. Roger made a motion to recommend to Council that they reappoint the two existing BOE members; seconded by Gail. The motion carried.

VII. New Business - Review and discuss Advisory Opinion request from Councilor Baxter.

Katherine stated the BOE received a request on December 26, 2019 for an advisory opinion from Councilor Baxter regarding an upcoming City Council study session and decisions to be made related to the Durango Mesa Park, where her husband John Baxter serves on the Durango Mesa Park Foundation. Dirk gave a brief overview of the Durango Mesa Park conceptual plan. Katherine remarked that her initial reaction was that there was an appearance of a potential conflict of interest. Gail stated that public perception is important and so is recusing oneself from voting. Roger stated at the very least the councilor should state her potential conflict before any participation. Before an advisory opinion could be rendered, BOE members said they would like more information regarding the situation and proposed the following questions: What is the foundation’s purpose? Is foundation a non-profit? Is John Baxter receiving any compensation while serving on the foundation board? The source of fundraising for the foundation? And if there is any financial impact to the City? BOE members discussed setting a meeting for next Wednesday, January 15, 2020 at 3:30 p.m. to continue the review of the advisory opinion request.

Gail made a motion that Katherine would contact Councilor Baxter on behalf of the BOE to ask the questions regarding the advisory opinion request and to invite Councilor Baxter to the BOE meeting on January 15th. The motion passed.

Dirk raised the question as to who would draft the advisory opinion. Katherine mentioned that she and Pat could possibly write it.

VIII. Addendum Items

Gail stated that she will be continuing her school studies and will be out of town beginning mid-January. Gail was curious if she should resign if she was not attending the meetings in person. Gail said she will be available by phone for BOE meetings. Dirk stated that phone participation is allowed but the person participating by phone is not allowed to vote when topics involve quasi-judicial issues and decisions that will be voted on by the BOE.

The next regularly scheduled BOE meeting is set for April 8, 2020 at 3:00 p.m. Roger stated that he would not be able to attend that meeting.

Adjournment

IX Roger made a motion to adjourn the meeting; seconded by Gail. The meeting adjourned at 3:27 p.m.

Chair Katherine Burgess

Submitted by Suzanne Sitter, Legal Coordinator