

COLORADO INDEPENDENT ETHICS COMMISSION

Minutes of the October 6, 2014 Meeting
1300 Broadway, Room 1F, 9:00 am
Denver, Colorado

Present: Rosemary Marshall, Chair; Matt Smith, Vice-Chair; Bill Pinkham; and William Leone (by telephone). Bob Bacon excused.

Also Present: Amy C. DeVan, IEC Executive Director; and Kyle Dumler of the Colorado Attorney General's Office.

I. GENERAL BUSINESS

1. Commissioner Marshall called the meeting to order at 9:00 a.m.
2. There were no public comments.
3. It was moved, seconded and passed unanimously to approve the minutes of the September 8, 2014 meeting.
4. Staff Report
 - a. Activity was light during the month of September. There were four CORA requests; one request for advisory opinion, to be considered in November; and three new complaints, two of which were on the agenda for this meeting, one to be considered in November due to the date of receipt.
 - b. There is now a vacancy in IEC staff with the resignation of the Assistant to the Director. Amy DeVan updated the Commissioners regarding the status of operations of the IEC, and requested additional time to weigh staffing needs before a replacement decision is made for an administrative assistant.
5. The Commission considered the draft of Letter Ruling 14-02 (Acceptance of Subsequent Employment or Contract). The Requester was present. It was moved, seconded and passed unanimously to approve Letter Ruling 14-02 as revised.
6. The Commission considered the adoption of the IEC Employee Handbook with revisions requested at the September 8 meeting. It was moved, seconded and passed to adopt the IEC handbook as revised. (Commissioner Smith dissenting.)
7. The Commission considered the adoption of a policy for record retention. It was agreed that IEC staff will work to draft a policy based on State law and policies in use by other State entities.

8. The Commission considered a revision to its CORA policy and reflection of that policy on the IEC website. It was agreed that IEC staff will work to draft a policy based on State law and policies in use by other State entities.

9. The Commission considered issues related to confidentiality and the IEC website. It was agreed that IEC would change the website's confidentiality language to be consistent with case law and statutory requirements regarding redaction of names and identities of Letter Ruling and Advisory Opinion requesters.

10. The IEC discussed the proposed 2016 budget and strategic plan, specifically as they relate to requests for a budgetary increase for technology. It was agreed that a budget increase for technology would be requested in order to provide Commission members with laptops or tablets for use in meetings.

11. The IEC discussed a schedule for meetings through June 2015. The following meeting schedule was established: Monday, November 3, 2014; Thursday, November 20, 2014; Monday, January 5, 2015; Friday, February 13, 2015; Monday, March 9, 2015; Friday, April 10, 2015; Friday, May 8, 2015; and Monday, June 8, 2015.

12. At 10:39, it was moved, seconded and passed unanimously to enter into Executive Session pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding a potential open meetings lawsuit.

II. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:39 a.m. to 10:46 a.m. pursuant to C.R.S. §24-6-402(3)(a)(II) and §13-90-107(1)(b) concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding a potential open meetings lawsuit.

III. GENERAL BUSINESS

13. The Commission returned to open session at 10:49 a.m.

14. At 10:49 a.m., it was moved, seconded and passed unanimously to enter into Executive Session to discuss Complaints 14-21 and 14-22 filed with the Commission, which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

IV. EXECUTIVE SESSION BUSINESS

The Commission met in Executive Session from 10:49 a.m. to 11:12 a.m. to discuss Complaints 14-21 and 14-22 which are required to be kept confidential pursuant to Article XXIX, section 5(3)(b) of the Colorado Constitution.

V. GENERAL BUSINESS

15. The Commission returned to open session at 11:12 a.m.

16. It was moved, seconded and passed unanimously to dismiss Complaint 14-21 as frivolous pursuant to IEC Rules 7.G.1 and for lack of jurisdiction pursuant to Rule 7.G.2.

17. It was moved, seconded and passed unanimously to dismiss Complaint 14-22 as frivolous pursuant to IEC Rule 7.G.1, for lack of jurisdiction pursuant to IEC Rule 7.G.2 and based on the face of the complaint itself pursuant to IEC Rule 7.F.

18. Having no further business, the Commission adjourned at approximately 11:15 a.m. The next meeting is scheduled for November 3, 2014 at 9 a.m., room 1F.

Respectfully Submitted,

Amy C. DeVan
IEC, Executive Director