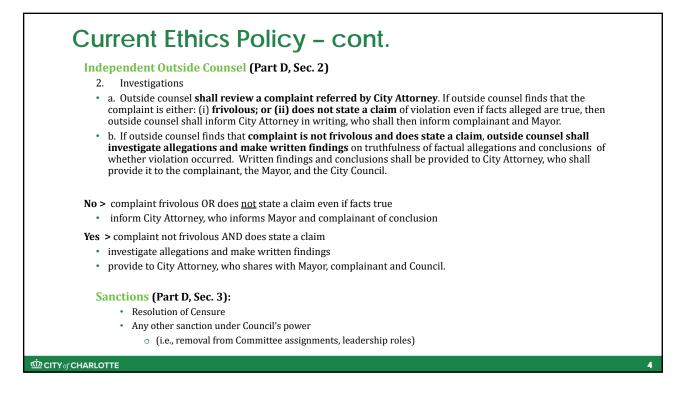




| Potential | Conflicts of Interest (Part A, Sec. 3.b.) |
|------------------|--|
| | potential conflict may be misunderstood, councilmember <i>should</i> seek City Attorney's advice and publicly isclose facts and steps taken |
| Review of | Complaints, Investigations and Sanctions (Part D, Sec. 1) |
| • C | ity Attorney's 3-prong review for complaints: |
| • 1 | . Complaints (Part D, Sec. 1) |
| | • <i>a.</i> Complaints shall: (i) identify the complainant ; (ii) state with specificity the facts that form the basis for the alleged violation ; and (iii) cite the provision that has allegedly been violated. |
| | b. Clerk forwards complaint to the City Attorney for initial review. |
| | • c. City Attorney shall review the complaint to determine whether it provides the information required in subsection a. If City Attorney determines complaint fails to provide required information, the complainant informed and given chance to provide it. If City Attorney determines complaint does provide the required information, complaint <i>shall be</i> referred to outside counsel. |
| • 3 | -prong not met > complainant informed |
| • 3 | -prong met > refer to independent outside counsel |



Pre-2015 Ethics Policy Previous policy (May 2010) Code of Ethics and Harassment Policy adopted per 2009 law Complaints process under 2010 Code of Ethics Complaint may be filed with Council, may refer to City Attorney; reported to Mayor or MPT Council may direct City Attorney to investigate apparent violation and report findings to Council Complaints process under 2010 Harassment Policy Complaints brought to City Manager and Mayor (or MPT) . May be formal or informal (in employee and City Manager's discretion) If informal, Mayor and City Manager may meet directly with individual whose conduct in question Informal, mayor and Gity Manager may meet directly with individual whose conduct in question If formal, Mayor and City Manager develop process for investigation and consider: Nature of complaint; City's legal exposure; need to protect identify/confidentiality of employee; right of accused (notice and fair treatment); extent of employee involvement investigation; determine if multiple complaints/pattern of behavior Investigation · City Manager and Mayor consult with City Attorney & HR; jointly develop process for investigation of complaint Sanctions Issued by Council after investigation of Mayor or councilmember Resolution of Censure, or Any other lawful sanction within Council's power . For boards, sanction may include removal of member CITY of CHARLOTTE

NC Peer City Policy Comparisons

| City | Complaint Review | Investigations | Sanctions |
|--|---|---|--|
| Durham (Adopted 2018) | "Financial," "personal interest" and "personal advantage" defined; Council may assess violations by councilmembers or staff; no formal review process | Council may hold hearings, conduct investigations and take action deemed appropriate; not city attorney's role | By charter, council may remove mayor or councilmembers from office for "misfeasance, malfeasance, corruption, neglect of duty or other misconduct," or Adopt resolution of censure, resolution/letter of reprimand, or warning letters |
| Raleigh (Adopted 1988) | "Interest" defined; complaints filed with council; no specific review process | Council may direct city attorney to investigate allegations and report findings to council Upon city attorney's findings, council may schedule hearing; official charged may present evidence, cross-examine witnesses, including complainant and have legal counsel present | Intentional and repeated improper conduct may be reprimanded or formally censured by vote of full council If violation found from hearing, council may adopt resolution of censure by ¾ vote of Council (excluding charged official) If resolution of censure adopted, violations shall be referred to district attorney (for criminal prosecution) |
| Winston- Salem (Amended 2015) | Violation of policy filed with city attorney, who conducts initial investigation, OR Ethics complaints of elected official investigated by ethics officer and only forwarded to council if further action necessary All complaints are confidential records | From initial investigation, if city attorney finds violation, then reports it to council If majority of council agree with city attorney, council shall open investigation by directing city attorney to retain outside investigator to conduct extensive investigation and report findings to council All information, including finding of reasonable cause, shall be shared with council upon completion of investigation. | When investigation complete, council may adopt censure resolution If investigation shows criminal violation, council shall refer to district attorney (criminal act) If ethics violation and ¾ of council votes to proceed with censure, then hearing at regular or special meeting; meeting notice shall include detailed allegations for public inspection; open hearing session; charged official may have legal counsel, witnesses, present evidence including "evidence of bias of any other city council member or the presiding officer."; meeting recorded. Upon completion of hearing closed by vote, council may move fo non-binding censure; charged official may join in debate but shall not vote on motion of resolution; non-binding resolution adopted by ¾ vote of present and voting quorum |



