



Agenda Memorandum

Agenda Item – 11.B.

City Council Meeting
March 17, 2025



Strategic Priority 2: Community Empowerment and Engagement

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life.

Subject: First Reading of Councillor's Bill No. 3 Authorizing the City Clerk to Refer Local Campaign Finance Complaints to the Colorado Secretary of State for Investigation When Such Complaints Present an Actual or Potential Conflict for the City Clerk or the City Clerk's Staff

Prepared By: Mathew Munch, Assistant City Attorney II
Greg Graham, Deputy City Attorney

Recommended City Council Action:

Pass Councillor's Bill No. 3 on first reading to authorize the City Clerk to refer local campaign finance complaints to the Colorado Secretary of State for investigation when such complaints present an actual or potential conflict for the City Clerk or the City Clerk's staff.

Summary Statement:

A recent change in Colorado law allows a municipality to refer a campaign finance complaint to the Colorado Secretary of State's office if that complaint presents an actual or potential conflict of interest for the City Clerk or the City Clerk's staff. However, in order to do so, the municipality must have passed an ordinance declaring its option to do so.

Fiscal Impact:

\$0 in expenditures

Source of Funds:

Not applicable

Policy Issue(s):

Should City Council pass Councillor's Bill No. 3 on first reading to approve an ordinance authorizing the City Clerk to refer local campaign finance complaints to the Colorado Secretary of State for investigation when such complaints present an actual or potential conflict for the City Clerk or the City Clerk's staff?

Alternative(s):

City Council could choose not to pass Councillor's Bill No. 3 on first reading to approve this ordinance. This is not recommended because the City Clerk would then retain jurisdiction and responsibility for investigating campaign finance complaints despite the existence of an actual or potential conflict of interests.

Background Information:

Colorado House Bill 24-1283, codified in Section 1-45-111.7 of the Colorado Revised Statutes, allows for a City Clerk to refer local election campaign finance complaints to the Colorado Secretary of State if the complaint presents an actual or potential conflict for the City Clerk or the staff of the City Clerk. Such an actual or potential conflict may occur when a sitting Mayor or City Councillor is the subject of the campaign finance complaint, and the City Clerk's Office is obligated to conduct an investigation into the campaign finance practices of such sitting Mayor or City Councillor. In those instances, concerns about bias on the part of the City Clerk's Office may be avoided if the City Clerk can refer such complaints to the Secretary of State. In order for the City Clerk to refer such a potentially conflicting investigation to the Secretary of State, the City must first pass an ordinance allowing for such referral.

The proposed ordinance does not require that any particular action be taken on any particular campaign finance complaint, nor does it require that any particular campaign finance complaint be referred to the Secretary of State. It instead provides only the *option* of making such a referral when action by the City Clerk or the City Clerk's staff might be inappropriate due to an actual or potential conflict.

Passing this ordinance aligns with the City's Strategic Priority of Community Empowerment and Engagement by enhancing operational transparency and strengthening community trust in campaign finance complaint protocols that fosters public confidence in the integrity of local elections and helps prevent concerns of bias within the City Clerk's Office.

Respectfully submitted,



Jody L. Andrews
City Manager

Attachments:

Councillor's Bill No. 3 Authorizing the City Clerk to Refer Local Campaign Finance Complaints to the Colorado Secretary of State for Investigation When Such Complaints Present an Actual or Potential Conflict for the City Clerk or the City Clerk's Staff