



City of Olathe

Legislation Details (With Text)

File #: G19-1242
Type: New Business-Administration **Status:** Passed
File created: 11/22/2019 **In control:** City Council
On agenda: 12/3/2019 **Final action:** 12/3/2019
Title: Consideration of an ethics complaint.
Sponsors: Ron Shaver

Indexes:

Code sections:

Attachments: 1. Attachment A - Olathe City Council Policy A-3, Code of Ethics for Elected and Appointed Officials and Employees, 2. Hoedl complaint, 3. Brownlee Response

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	approved	Pass

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver

SUBJECT: Consideration of an ethics complaint.

ITEM DESCRIPTION: This item follows the procedure for the handling of the ethics complaint filed by Brett Hoedl against Councilmember Brownlee.

SUMMARY:

On November 21, 2019 a complaint was submitted to the City Attorney's Office by Mr. Brett Hoedl (the "Complaint"). The Complaint makes allegations that Councilmember Karin Brownlee violated City Council Policy A-3, the Code of Ethics for elected and appointed officials and employees of the City of Olathe (the "Code of Ethics"). The Code of Ethics is attached as Attachment A.

Section Five of the Code of Ethics provides that "allegations of a violation of the Code of Ethics shall be investigated by the Governing Body for members of the Governing Body, members of boards, commissions, City Manager, City Auditor and municipal judges. In all cases, the rights to due process of the official shall be respected."

In accordance with Section Five, C., of the Code of Ethics, the Complaint was provided to Councilmember Brownlee, the City Manager, and all other members of the City Council. The Complaint was provided on the same day that the Complaint was filed in the City Attorney's Office. Councilmember Brownlee has seven (7) days from the receipt of the complaint in which to file a written response to the complaint with the City Attorney. Because the response deadline coincides with the Thanksgiving holiday when City offices are closed, the Complaint and response (if any) will be included in the City Council agenda packet on Monday, December 2, 2019.

At the next regularly scheduled City Council meeting after the seven (7) day answer period expired (December 3, 2019), the City Attorney is required by the Code of Ethics to present the complaint and response (if any) to the City Council for their consideration. The City Council shall, by majority vote, either: (a) dismiss the complaint; (b) determine that further investigation of the complaint is necessary; or (c) take such action as the City Council determines appropriate.

As the subject of the Complaint, Councilmember Brownlee must refrain from participating in any discussion of this matter by the City Council and from voting on this matter.

FINANCIAL IMPACT:

None.

ACTION NEEDED:

Consider the complaint and the response in accordance with the Code of Ethics: (1) Dismiss the complaint; (2) Determine that further investigation is necessary; or (3) Take such other action as the Council deems appropriate.

ATTACHMENT(S):

Attachment A: City Council Policy A-3, the Code of Ethics for elected and appointed officials and employees of the City of Olathe

Attachment B: Hoedl Complaint

Attachment C: Brownlee Response