



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 4, 2023

AGENDA TITLE

Consideration of the following motions related to the Findings of Fact and Conclusion of Law from Special Counsel concerning the Police Oversight Panel Member selection process:

1. Consideration of a motion to accept the findings and recommendations of Special Counsel and remove Lisa Sweeney-Miran as a member of the Police Oversight Panel

OR

2. Consideration of a motion to acknowledge and reject the findings and recommendations of Special Counsel and affirm the appointment of Lisa Sweeney-Miran as a member of the Police Oversight Panel

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Erin Poe, Co-Acting City Attorney
Sandra Llanes, Co-Acting City Attorney

EXECUTIVE SUMMARY

This matter is related to Special Counsel's release of his Findings of Fact and Conclusion of Law related to the appointment process of Lisa Sweeney-Miran as a member of the Police Oversight Panel ("Panel"). Special Counsel's report was made public on April 14, 2023, and recommended council consider removing Ms.

Sweeney-Miran from the Panel if she does not resign. Special Counsel's recommendation is not binding on council.

It is within council's authority to remove Ms. Sweeney-Miran as a member of the Police Oversight Panel per Section 2-3-1(a)(2), B.R.C. 1981.

STAFF RECOMMENDATIONS

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motion:

1. Consideration of a motion to accept the findings and recommendations of Special Counsel and remove Lisa Sweeney-Miran as a member of the Police Oversight Panel

OR

2. Consideration of a motion to acknowledge and reject the findings and recommendations of Special Counsel and affirm the appointment of Lisa Sweeney-Miran as a member of the Police Oversight Panel

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – None.
- **Environmental** – None.
- **Social** – Careful and independent investigation of ethics complaints supports community trust in government.

OTHER IMPACTS

- **Fiscal** – None.
- **Staff Time** – The City Attorney's Office will provide any necessary support.

BOARD AND COMMISSION FEEDBACK

None.

PUBLIC FEEDBACK

Public feedback has been received for and against the removal of Ms. Sweeney-Miran.

BACKGROUND

On January 26, 2023, council appointed Claybourne M. Douglas to serve as special counsel pursuant Sections 2-7-8 and 2-7-10, B.R.C. 1981, to investigate code of conflict complaints filed regarding the appointment process of Lisa Sweeney-Miran to the Panel. The complaints concern the process of her appointment. No code of conduct allegation has been filed against Ms. Sweeney-Miran regarding her performance as a Panel member.

The removal process for board and commission members under Section 2-3-1, B.R.C. 1981 states:

The city council: May remove any member by majority vote for a conflict-of-interest violation, any other violation of applicable law, regulation, or policy, nonattendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by a majority of the board or commission, or any other cause;

As stated in the staff presentation at the April 20, 2023 council meeting, council may also take other action as it decides.

Of note, the option of sending it back to the Panel for consideration of removal was not included as an option in the motion language because pursuant to B.R.C. 2-11-6(d), the grounds on which the Panel may consider removal are very specific and not applicable to our situation. Section 2-11-6(d), B.R.C. 1981, reads as follows:

(d) Removal from the oversight panel.

- (1) Members can be removed by a majority vote of the oversight panel for failure to perform duties or violation of any signed confidentiality agreement.**
- (2) The member's removal shall then be approved or rejected by a majority vote of the council.**

OPTIONS

1. Accept the findings and recommendations of Special Counsel and remove Lisa Sweeney-Miran as a member of the Police Oversight Panel;
2. Acknowledge and reject the findings and recommendations of Special Counsel and affirm the appointment of Lisa Sweeney-Miran as a member of the Police Oversight Panel; or
3. Take other action as council decides in its discretion.