

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 957**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO  
ESTABLISHING AN ADMINISTRATIVE PROCEDURE TO ADDRESS  
MUNICIPAL CAMPAIGN FINANCE COMPLAINTS AND ALLEGED  
VIOLATIONS AND AMENDING CHAPTER 2, ARTICLE 1 OF THE MEAD  
MUNICIPAL CODE TO ADD SECTION 2-1-40**

WHEREAS, the Town of Mead (“Town”) is a Colorado municipality authorized to enact regulations to protect the public health, safety and welfare; and

WHEREAS, on May 29, 2019, the Governor signed Senate Bill 19-232 (“SB 19-232”), which amended Section 1-45-111.7(9)(b), C.R.S. and provides that any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the applicable municipality; and

WHEREAS, prior to the effective date of SB 19-232, municipal campaign finance complaints alleging violations of the Colorado Fair Campaign Practices Act, codified at Section 1-45-101, *et seq.*, C.R.S. (“FCPA”) were filed with and resolved by the Colorado Secretary of State; and

WHEREAS, to comply with the requirements established by SB 19-232, the Board hereby establishes the below review and hearing process.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Colorado, that:

**Section 1.** The above recitals are hereby incorporated as findings of the Board of Trustees.

**Section 2.** Article 1, Chapter 2 of the Mead Municipal Code (“MMC”), titled “Elections,” is hereby amended to add Section 2-1-40, read in full as follows:

**Sec. 2-1-40. – Municipal campaign finance.**

- (a) Any person who believes that a municipal campaign finance violation under Article XXVIII of the Colorado Constitution or under Article 45 of Title 1, C.R.S., commonly known as the “Fair Campaign Practices Act” or “FCPA,” has occurred in a Town election, except those relating to statewide ballot issues, may file a written complaint with the Town Clerk in conformance with subsection (b) below. This written complaint shall be filed with the Town Clerk no later than thirty (30) days after the complainant knew or should have known by the exercise of reasonable diligence of the alleged violation. This Section 2-1-40 shall not apply to any purported violations relating to statewide ballot issues.
- (b) Written complaints shall be filed on a form provided by the Town Clerk and shall include the following:
  - (1) The name, address, e-mail address, telephone number, and signature of the complainant (and if complainant is represented by legal counsel, legal counsel’s name, address, e-mail address, telephone number, and signature);
  - (2) The name and, if known, the telephone number and address of the person alleged to have committed a violation (the “respondent”); and

- (3) The particulars of the violation and any available documentation or evidence supporting the allegation.
- (c) If an incomplete complaint is received, the date on which the originally filed complaint was received is considered the filed date if a complete copy is received within three (3) business days of notification from the Town Clerk that the complaint was incomplete.
  - (d) If the Town Clerk determines that the complaint was not timely filed, has not specifically identified a violation of Article XXVIII of the Colorado Constitution or the FCPA, or that the complainant did not assert facts or provide information sufficient to support the alleged violations, the Town Clerk shall dismiss the complaint and notify the complainant and respondent of the reasons for dismissal in writing. The Town Clerk's dismissal is a final decision, and subject to review under Rule 106 of the Colorado Rules of Civil Procedure.
  - (e) If the complaint is not dismissed pursuant to subsection (d) above, the Town Clerk shall provide written notice of the complaint to the respondent via personal delivery, email, or via recognized overnight courier. The respondent has thirty (30) days from the date of receipt of the notice to cure the allegations in the complaint or to request that the Town Clerk schedule a hearing regarding the complaint before an independent hearing officer. Upon timely receipt of a request for a hearing, the Town Clerk shall forward the request to an independent hearing officer, who shall be neither an officer or employee of the Town, to hear and determine the complaint. An informal hearing shall be scheduled as soon as practicable but, unless an enlargement of time is granted, the hearing shall be held within thirty (30) days of the referral of the complaint to the hearing officer. Upon written motion, the hearing officer may grant the complainant or respondent a continuance upon a showing of good cause. The hearing officer may dismiss, in his or her discretion, any complaint that does not specifically identify the section of the FCPA that the respondent allegedly violated or a complaint that does not assert facts sufficient to support the alleged violations. The hearing officer's dismissal is a final decision, and subject to review under Rule 106 of the Colorado Rules of Civil Procedure.
  - (f) The hearing officer has the authority and ability to issue subpoenas as necessary.
  - (g) The respondent and complainant may present evidence to the hearing officer in the form of testimony, documents, rebuttal testimony, and opening and closing statements. The hearing officer is entitled to examine any witness and request the submission of additional evidence and arguments.
  - (h) The hearing officer must determine by a preponderance of the evidence, within seven (7) days of conclusion of the hearing, if a violation has been committed under this section. Upon a finding against a respondent, the hearing officer must enter a decision and order any necessary relief.
    - (1) In the case of a violation of Section 1-45-117, C.R.S., appropriate relief shall be an order from the hearing officer directing the person who made or caused to be made the contribution or expenditure in violation of that section to reimburse the fund of the Town from which the moneys were diverted for the amount of the contribution or expenditure and any other such relief as may be appropriate.
    - (2) In the case of a violation of any other provision of the FCPA or Article XXVIII of the Colorado Constitution, appropriate relief shall be an order from the hearing

officer imposing any appropriate order, sanction, or relief which may include, without limitation, the following:

- a. Imposition of a civil penalty of at least double and up to five (5) times the amount contributed, received, or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement.
  - b. Imposition of a civil penalty of twenty-five dollars (\$25.00) per day for each day that a statement or other information required to be filed pursuant to Article XXVIII of the Colorado Constitution or the FCPA is not filed by the close of business on the applicable due date.
- (i) The decision of the hearing officer is final and subject to review under Rule 106 of the Colorado Rules of Civil Procedure. The Town Clerk and hearing officer are not necessary parties to the district court review.
- (j) The Town Clerk shall be authorized to adopt rules and regulations as may be required to properly implement the provisions of this Section 2-1-40, subject to the review and advance written approval of the same by the Town Attorney.

**Section 3. Effective Date.** This Ordinance shall be published and become effective as provided by law.

**Section 4. Remaining provisions.** Except as specifically amended hereby, all other provisions of the MMC shall continue in full force and effect.

**Section 5. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the MMC.

**Section 6. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 7. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution nor revive any ordinance or resolution thereby.

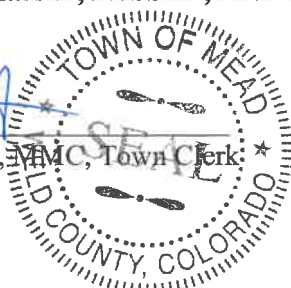
**Section 8. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 29<sup>th</sup> DAY OF MARCH, 2021.**

ATTEST:

By:

Mary E. Strutt, MMC, Town Clerk



By:

Colleen G. Whitlow, Mayor

TOWN OF MEAD