

PROPOSED CODE AMENDMENT REGARDING A REQUEST TO WITHDRAW A COMPLAINT

§ 2-7-26 - FUNCTIONS.

The Ethics Review Commission has jurisdiction over this chapter, Section 2-1-24 (*Conflict of Interest and Recusal*), Chapter 2-2 (*Campaign Finance*), Chapter 4-8 (*Regulation of Lobbyists*), and Article III, Section 8, of the City Charter (*Limits on Campaign Contributions and Expenditures*). Unless a complainant requests to withdraw a complaint, tThe commission shall hear and rule on sworn complaints alleging violations of the provisions within the commission's jurisdiction. The city manager shall provide funding for all necessary and reasonable functions of the commission in fulfilling the commission's duties.

§ 2-7-41 - COMPLAINTS.

- (D) On the sworn complaint of any person filed with the city clerk's office or on the commission's own initiative, the commission shall consider possible violations of a provision within the jurisdiction of the commission by City officials and employees, former City officials and employees, candidates for election to City offices, and other persons subject to the provisions set forth in Section 2-7-26 (*Functions*). The commission may not consider complaints against its own members.
- (E) Not later than the fifth working day after the city clerk receives a sworn complaint, the city clerk shall acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the city attorney, the chair of the commission, and the respondent. The city clerk shall also send a copy of the complaint to any identified person whose contact information is listed on the complaint form.
- (F) Not later than the fifth working day after receipt of a complaint from the city clerk, the chair of the commission shall make an initial determination as to whether the complaint is within the commission's jurisdiction.
 - (1) If the chair determines that a complaint is within the commission's jurisdiction, the chair shall set the complaint for a preliminary hearing not later than the 60th day after the chair's initial determination, unless agreed to by the parties or by a vote of the commission. The commission may overturn the chair's initial jurisdictional determination at the preliminary hearing.
 - (a) Not later than the 10th working day prior to the meeting, the chair shall cause a written notice of the date of the preliminary hearing to be sent to the complainant, the respondent, and any identified person whose contact information is listed on the complaint form or is reasonably ascertainable.
 - (b) For good cause, the chair may postpone a scheduled preliminary hearing on the request of the complainant, the respondent, or an identified person.

[(l) If a complainant requests to withdraw a complaint, the complaint is automatically dismissed.]