



## TOWN NEWS

**December 16, 2016**

### **Town Council Dismisses Ethics Violation Allegations Against Planning Commission Chair**

After thorough review of a resident's complaint regarding the procedural behavior of Planning Commission Chair Tim Woodcock, the Milliken Town Board determined that the allegations do not warrant further investigation or disciplinary action.

Resident Byron Fisher filed a formal complaint against Planning Commission Chair Tim Woodcock alleging that the Chairman violated the Code of Ethics and Conduct by not initially recusing himself from voting on a zoning change for Frank Brothers Properties. After a comprehensive review of the complaint, the written response from Chair Woodcock, the minutes from the Planning Commission meetings, and the Board's ethics rules, Board voted to dismiss the allegations.

"The Town Board takes all feedback and concerns seriously," said Town Administrator Kent Brown. "We appreciate Mr. Fisher's perspective, but ultimately the Board determined that Chair Woodcock made a concerted effort to follow the ethics rules and rise above any perceived conflict by keeping an open mind and being impartial."

The zoning change would have changed the zoning of the Frank Brothers Properties to "medium industrial." It was first considered by the Planning Commission at the October 5 meeting. Although Chair Woodcock's business has an ongoing lawn maintenance contract with applicant, he did not initially recuse himself because he believed he would not stand to gain anything financially. Therefore, Chair Woodcock did not disclose a conflict of interest. No formal action was taken at the October 5 meeting; only public comment was heard.

The zoning change was then considered again at the November 2, 2016 Planning Commission meeting. The Commission met with the Town Attorney in Executive Session, and immediately after Chair Woodcock formally recused himself from the zoning discussion.

The application for re-zoning to medium industrial has since been withdrawn.

Once the Town Board received the formal complaint regarding Chair Woodcock and requested a formal response from Chair Woodcock on his own behalf, they scheduled a formal review of his actions to take place at the December 14, 2016 meeting. It was at

this meeting the Board determined that no further investigation or action would be warranted. The official Board motion appears below.

All requests from media should also be directed to:

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## **Board Motion**

Regarding the complaint against Planning Commission Chair, I move that the allegations are not sufficient to warrant further investigation or removal proceedings against Chair Woodcock. This motion is based on the following findings:

1. The Board has reviewed the complaint, the written response from Chair Woodcock, the minutes from the Planning Commission meetings, and the Board's ethics rules and finds there was no intentional failure by Chair Woodcock to disclose a conflict of interest at the October 5, 2016 Planning Commission meeting. Chair Woodcock did not realize that his ongoing lawn maintenance contract with the applicant would give rise to a conflict of interest because he believed he would not stand to gain anything financially if he approved the rezoning or that denying the rezoning would affect his ongoing maintenance contract with the applicant. His business is not dependent on the contract he has with the Franks. Because the Town had no legal representation at this first hearing, there was not an opportunity for the Chair or any member of Planning Commission to seek legal advice regarding conflicts. Chair Woodcock's failure to disclose his business interaction with the applicant was an oversight due to the fact that his business has many lawn and maintenance contracts with Town property owners.
2. Based on the information we have reviewed, Chair Woodcock initially stated on the record and believed he could be fair and impartial which is why he didn't disclose the contract with Mr. Frank at the first hearing. As a Planning Commissioner, he is trained to make decisions on the evidence and testimony presented and not based on his personal relationships. Chair Woodcock attempted to rise above any perceived conflict by keeping an open mind and being impartial.
3. There is no evidence whatsoever that the Chair attempted to influence any Commissioner in voting a certain way. As the Chairperson, Mr. Woodcock conducted the meeting to ensure there was full participation by the applicant and all members of the public. He conducted the meeting according to the Town's quasi-judicial procedures giving all interested parties an opportunity to be heard. In fact, Mr. Byron Fisher, the complaining party, asked questions and gave testimony for a period of at least 10 minutes, which is well beyond the standard 3-5 minute testimony rule. Chair Woodcock did not try to persuade any Commissioner to vote a certain way because a final vote on the application never occurred. The application was withdrawn before the Planning Commission could even make a recommendation on the application.

4. Chair Woodcock disclosed the conflict of interest to the Town Attorney at the continued public hearing on November 2<sup>nd</sup> when the Town Attorney was present.

*\*\*Mayor Beau Woodcock recused himself from the discussion as he is related to Chair Woodcock.*