



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Auditor's Office

**CITY AUDITOR:** Madison Rorschach

**DATE:** October 7, 2024

### **SUBJECT**

Receive a report, hold a discussion, and take necessary action regarding the ethics complaint process detailed in Code of Ordinances Chapter 2, Article XI (Ethics), Sec. 2-278 Advisory Opinions and the Board of Ethics' Rules of Procedure.

### **BACKGROUND**

The Board of Ethics Chair requested this item be discussed. The Ethics Ordinance's Advisory Opinion requirements are show below.

#### **Sec. 2-278. Advisory Opinions**

- (a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Article. Requests shall be submitted in writing to the City Auditor, who shall assign the request to a Panel or Special Counsel.
- (b) **Issuance.** A Panel of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request. This time limitation is tolled and shall not run until the Board of Ethics is empaneled and its Rules of Procedure are confirmed by the City Council.
- (c) **Reliance.** It shall be an affirmative defense to a Complaint that the Respondent relied upon an Advisory Opinion. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
  - (1) the Respondent reasonably relied in good faith upon an Advisory Opinion;
  - (2) the request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
  - (3) less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

In addition, the Board of Ethics' Rules of Procedure, require that all Advisory Opinion requests be report to the Board of Ethics and that Advisory Opinion requests be processed based on the following timelines:

<b>Timeline for Request Submission</b>	<b>Assigned To</b>
More than Ten Business Days	Three-Member Panel of the Board
More than Five Business Days	Special Counsel
Less than Five Business Days	Provide Information on Prohibitions

In general, Staff's Advisory Opinion process for requests received more than ten business days before the event is described below:

1. Receive written Advisory Opinion request, usually in the form of an email, from a City Official.
2. Forward the original request to the Board of Ethics Chair for panel assignment.
3. Schedule panel based on assigned member and special counsel availability.
4. Hold Advisory Opinion Panel. Exhibits include the original request and any background information requested by the Board of Ethics Chair.
5. Receive draft Advisory Opinion from special counsel.
6. Forward draft Advisory Opinion to the Panel's presiding officer for finalization.
7. Forward finalized Advisory Opinion to the City Official and post on the [City's website](#).

#### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

None.

#### **EXHIBITS**

1. Agenda Information Sheet

Respectfully submitted:  
Madison Rorschach, 940-349-7228  
City Auditor