



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Board of Ethics

CITY AUDITOR: Madison Rorschach

DATE: May 19, 2025

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding City of Denton Code of Ordinances Chapter 2, Article XI (Ethics) Sec. 2-282(b) Sanctions.

BACKGROUND

City of Denton Code of Ordinances Chapter 2, Article XI (Ethics), Sec. 2-277 (i) states that the Board of Ethics may recommend amendments to Article XI (i.e., the Ethics Ordinance) to the City Council from time to time.

DISCUSSION

During March 10, 2025, meeting the Board of Ethics gave staff direction to place on a future agenda an item to discuss the current sanctions for a violation of the Ethics Ordinance. In general, sanctions may be determined by a simple majority vote of the Board of Ethics if a violation has occurred. There are currently five potential sanctions available under the Ethics Ordinance including: (1) Letter of Notification, (2) Letter of Admonition, (3) Letter of Reprimand, (4) Letter of Suspension (not applicable to City Council Members), and (5) Ineligibility (only applicable to Vendors).

Based on research conducted for the June 24, 2021, Board of Ethics meeting, staff found that only two of the City of Denton's benchmark municipalities – Dallas and San Antonio – have a process for considering if a submitted ethics complaint is frivolous. Their available sanctions for frivolous complaints are outlined below:

- **Dallas:** If ethics commission determine a complaint is frivolous it may prohibit a complainant from filing another complaint alleging violations for up to:
 - Two years after the date of the commissions determination that the complaint is frivolous if the commission has determined that within the proceeding five years another no other complaint filed by the complainant was frivolous; or
 - Four years after the years after the date of the commissions determination that the complaint is frivolous if the commission has determined that within the proceeding five years another complaint filed by the complainant was frivolous.
- **San Antonio:** If the Board determines a complaint is frivolous it may impose the following sanctions:
 - A civil penalty of not more than \$500;
 - Imposition of attorneys' fees incurred by the respondent of the frivolous complaint;
 - Any other sanction permitted by law.

Under this ordinance, the Board may notify the appropriate regulatory or supervisory agency for their appropriate action. This may include a referral to a criminal investigation agency or prosecution entity for investigation of perjury.

In addition, based on review of the model code, there is not clear criteria for determining that a submitted ethics complaint is frivolous.

This indicates that there may be an opportunity legally for the City to impose sanctions on Complainants that include a civil penalty or fine.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

May 1, 2018: Ethics Ordinance Adopted by City Council

Jun. 2, 2020: Ethics Ordinance Amended by City Council based on Board of Ethics Recommendations

Jan. 25, 2022: Ethics Ordinance Amended by City Council to eliminate Member experience requirements

Jul. 19, 2022: Ethics Ordinance Amended by City Council based on Board of Ethics Recommendations

Jul. 18, 2023: Ethics Ordinance Amended by City Council based on Board of Ethics Recommendations

Dec. 12, 2023: Ethics Ordinance Amended by City Council to eliminate Alternate Members

Apr. 15, 2025: Ethics Ordinance Amended by City Council based on Board of Ethics Recommendations

EXHIBITS

1. Agenda Information Sheet

Respectfully submitted:
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City Auditor