



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

Board of Ethics

Monday, November 4, 2024

5:45 PM

Council Work Session Room

REGISTRATION GUIDELINES FOR ADDRESSING THE BOARD OF ETHICS

Citizens are also able to participate in the following way (NOTE: Other than public hearings, citizens are only able to comment one time per agenda item; citizens cannot use both methods to comment on a single agenda item. Public comments are not held for work session reports.):

- eComment – On November 1, 2024, the agenda was posted online at <https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>. Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Within eComment, citizens may indicate support or opposition and submit a brief comment about a specific agenda item. Comments may be submitted up until the start of the meeting at which time the ability to make an eComment will be closed. Similar to when a citizen submits a white card to indicate their position on an item, the eComments will be sent directly to members of the Board of Ethics and recorded by the Secretary.

Members review comments received in advance of the meeting and take that public input into consideration prior to voting on an agenda item. The Chair will announce the number of Comment Cards submitted in support or opposition to an item during the public comment period. Comments will not be read during the meeting. The Secretary will reflect the number of comments submitted in favor/opposition to an item, the registrant’s name, address, and (summary of) comments within the Minutes of the Meeting, as applicable.

After determining that a quorum is present, the Board of Ethics of the City of Denton, Texas, will convene in a Regular Meeting on Monday, November 4, 2024, at 5:45 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

REGULAR MEETING

1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

This section of the agenda permits a person to make comments regarding public business on items as listed on the agenda and in-person presentations (allows for comments on items not listed on the agenda.) Each speaker will be allowed a maximum of three (3) minutes with up to five speakers per meeting.

2. ITEMS FOR CONSIDERATION

- A. [BOE24-038](#) Consider approval of minutes for October 7, 2024.

Attachments: [Exhibit 1 - 10-07-2024 Minutes - Special Called](#)
 [Exhibit 2 - 10-07-2024 Minutes - Regular Meeting](#)

- B. [BOE24-040](#) 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.

2-281 Meetings and Sec. 2-282 Disposition and the Board of Ethics' Rules of Procedure.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
 [Exhibit 2 - Proposed Language.pdf](#)

- C. [BOE24-041](#) Receive a report, hold a discussion, and give staff direction regarding future meeting topics.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
 [Exhibit 2 - Board of Ethics Tentative Meeting Topics \(November 2024\).pdf](#)
 [Exhibit 3 - Potential Changes to the Ethics Ordinance for Discussion \(Ramsay\).pdf](#)
 [Exhibit 4 - Guidance Two-Minutes Pitch Request.pdf](#)

NOTE: The Board of Ethics reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on November 1, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



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Legislation Text

File #: BOE24-038, **Version:** 1

AGENDA CAPTION

Consider approval of minutes for October 7, 2024.

City of Denton Board of Ethics

After determining that a quorum was present, the Board of Ethics of the City of Denton, Texas, convened in a Special Called Meeting on Monday, October 7, 2024, at 5:31 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

PRESENT: Members Dustin Pavelek, Andrea Eberhard, and David Zoltner

ABSENT:

1. ITEMS FOR CONSIDERATION

A. BOE24-032 Ethics Complaint No. 24-002 filed on September 23, 2024, concerning alleged violations of Ethics Ordinance Section 2-273.

The item was presented, and discussion followed. David Zoltner motioned for Dustin Pavelek to represent the committee as the presiding officer; Andrea Eberhard seconded the motion.

AYES (3): Dustin Pavelek, Andrea Eberhard, and David Zoltner
NAYS (0): None.

Dustin Pavelek motioned that the complaint is deemed actionable and to be reviewed by the board of ethics; David Zoltner seconded the motion.

AYES (3): Dustin Pavelek, Andrea Eberhard, and David Zoltner
NAYS (0): None.

With no further business, the meeting was adjourned at 5:48 p.m.

Dustin Pavelek
Presiding Officer

Joseph Haddad
Recording Secretary

APPROVED ON: _____

City of Denton Board of Ethics

After determining that a quorum was present, the Board of Ethics of the City of Denton, Texas, convened in a Regular Meeting on Monday, October 7, 2024, at 6:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

PRESENT: Chair Annetta Ramsay, Members David Zoltner, Dustin Pavelek, and Andrea Eberhard

ABSENT: Patricia Reinke

1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

Charles Lee presented with a comment on BOE24-035.

2. ITEMS FOR CONSIDERATION

A. BOE24-031 Consider approval of minutes from August 5 and September 11, 2021.

The item was presented, and discussion followed. Member David Zoltner moved to approve the minutes as presented; motion seconded by Member Annetta Ramsay

AYES (4): Annetta Ramsay, David Zoltner, Dustin Pavelek, and Andrea Eberhard

NAYS (0): None.

ABSENT (1): Patricia Reinke

B. BOE24-035 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. 2-281 Meetings and Sec. 2-828 Disposition and the Board of Ethics' Rules of Procedures.

The item was presented, and discussion followed.

C. BOE24-036 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.

The item was presented, and discussion followed.

D. BOE24-033 Management Reports

The item was presented, and discussion followed.

E. BOE24-034 Receive a report, hold a discussion, and give staff direction regarding future meeting topics.

The item was presented, and discussion followed. Direction was given for future topics.

F. BOE24-037 Receive training and hold a discussion regarding the city of Denton Code of Ordinances Chapter 2, Article XI (Ethics).

The item was presented, and discussion followed. Committee delayed the item to the next meeting with the potential of new committee members being appointed.

AR motioned to postponed DP seconded (to next meeting)

AYES (4): Annetta Ramsay, David Zoltner, Dustin Pavelek, and Andrea Eberhard

NAYS (0): None.

ABSENT (1): Patricia Reinke

With no further business, the meeting was adjourned at 6:40 p.m.

Annetta Ramsay
Chair

Joseph Haddad
Recording Secretary

APPROVED ON: _____



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Legislation Text

File #: BOE24-040, **Version:** 1

AGENDA CAPTION

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. 2-281 Meetings and Sec. 2-282 Disposition and the Board of Ethics' Rules of Procedure.

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AGENDA INFORMATION SHEET

DEPARTMENT: City Auditor's Office

CITY AUDITOR: Madison Rorschach

DATE: November 4, 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. 2-281 Meetings and Sec. 2-282 Disposition and the Board of Ethics' Rules of Procedure.

BACKGROUND

The Board of Ethics gave direction to discuss the Burden of Proof section of the Ethics Ordinance on August 5, 2024, and stated it that it was their highest priority to remove the Burden of Proof because they believe it deters potential Complainants from submitting Ethics Complaints.

The City Council previous considered and rejected a proposal from the Board of Ethics to:

1. Remove Sec. 2-2281(c)(4) from the Ethics Ordinance; and
2. Eliminate the requirement for a Complainant to appear at an Evidentiary Hearing for an Actionable Ethics Complaint.

In general, this proposal seemed to be rejected because the City Council was concerned that removing the requirement for the Complainant to appear at an Evidentiary Hearing would increase the number of frivolous complaints.

Previous research indicated that most other benchmark cities do not have a specific ordinance section stating where the "burden of proof" rests. However, many require that the Complainant appear at an evidentiary hearing of some kind, especially when the municipality does not have an independent investigatory function for ethics complaints, like the City of Denton.

During the October 7, 2024, Board of Ethics meeting, the Board of Ethics discussed reasons that the burden of proof concept should be removed from the proposal. These reasons were consolidated in Exhibit 2 for the Board's review.

OPTIONS

The following options are presented to help guide discussion based on Staff's understanding of the Board and the City Council's concerns but are not intended to limit the Board's direction in any way.

1. Bring the same proposal back to the City Council with additional information explaining why the change is needed.
2. Eliminate the Burden of Proof section in the Ethics Ordinance and leave the Rules of Procedure the same (i.e., still require the Complainant to appear or the complaint must be dismissed).

3. Eliminate the Burden of Proof section in the Ethics Ordinance and amend the Rules of Procedure to allow the Board of Ethics to proceed if the Complainant does not appear if there is sufficient evidence. Continuing without the Complainant could require a simple or two-thirds majority vote.¹
4. Do not propose an amendment.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Jun. 4, 2024: City Council considered and rejected a proposal from the Board of Ethics to remove Sec. 2-2281(c)(4) from the Ethics Ordinance and eliminate the requirement for a Complainant to appear at an Evidentiary Hearing for an Actionable Ethics Complaint.

EXHIBITS

1. Agenda Information Sheet
2. Proposed Language

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

¹ This procedural change may help resolve a separate procedural issue regarding how to process Ethics Complaints submitted anonymously, as allowed by Sec. 2-272(a) of the Ethics Ordinance.

Reasons to remove burden of proof on complainant from Denton's code:

- Denton's code is only one in Texas that places burden on complainant
- All other codes are silent on burden of proof
- Puts focus on complainant instead of merits of ethical complaint
- Chilling effect on complainants who could face frivolity finding
- Weakens constituent's perspective; takes out voices that could be more objective
- Dismisses anyone lacking information, resources or means to pursue complaints
- Fear based on council's lack of understanding about code's purpose
- Recusal demonstrates transparency; avoids appearance of conflict of interest
- Fear of weaponizing code that is already weaponized between council members



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Legislation Text

File #: BOE24-041, **Version:** 1

AGENDA CAPTION

Receive a report, hold a discussion, and give staff direction regarding future meeting topics.

City of Denton



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AGENDA INFORMATION SHEET

DEPARTMENT: City Auditor's Office

CITY AUDITOR: Madison Rorschach

DATE: November 4, 2024

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding future meeting topics.

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

Based on direction received at previous meetings the following meeting topics have been proposed.

Topic	Est. Time
Review Complaint Reconsideration Process	0:30
Comprehensive Review of Current Sanctions; Frivolous Sanctions	1:30
Preliminary Panel Member Objection Process	0:30
Order to Show Cause Process	0:45
Potential Campaign Financing Restrictions	0:30
Definition of Complainant	0:30

To help plan for future meetings, a document outlining tentative future meeting topics has been prepared based on direction received previously from the Board of Ethics. In addition, Chair Ramsay submitted a list of potential changes to the Ethics Ordinance that can be scheduled for discussion during future meetings as attached in Exhibit 3.

In addition, during the October 15, [City Council Work Session Meeting](#), the City Council gave direction for the Board of Ethics to develop potential guidance for City Council members interacting with petitioners, applicants, partners, and developers per the Ethics Ordinance based on a previous two-minute pitch request. The original two-minute pitch request is attached for reference as Exhibit 4.

DIRECTION

Based on this information, Staff would like direction from the Board on the following:

- What topic(s), if any, does the Board of Ethics want to be added to December 2024;
- What topic(s), if any, does the Board of Ethics want to be added to January 2025; and
- Any additional topics that the Board wishes to discuss at future meetings.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

May 1, 2018: Ethics Ordinance Adopted

Jun. 2, 2020: Ethics Ordinance amended based on Board of Ethics recommendations

Jan. 25, 2022: Ethics Ordinance amended by City Council to remove profession preferences

Jul. 19, 2022: Ethics Ordinance amended based on Board of Ethics recommendations

Jul. 18, 2023: Ethics Ordinance amended based on Board of Ethics recommendations

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

EXHIBITS

1. Agenda Information Sheet
2. Board of Ethics Tentative Meeting Topics (November 2024)
3. Potential Changes to the Ethics Ordinance for Discussion (Ramsay)
4. Guidance Two-Minute Pitch Request

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

Board of Ethics Tentative Meeting Topics

Updated: November 1, 2024

Meeting	Item	Est. Time
November 2024	Minutes	0:05
	Burden of Proof Discussion	0:20
	Future Meeting Topics Update	0:20
	Annual Ethics Ordinance Training	0:20
	Total Est. Time:	1:05
December 2024	Minutes	0:05
	Advisory Opinion Research	0:30
	<i>TBD</i>	
	Management Reports	0:05
	Future Meeting Topics Update	0:05
	Total Est. Time:	0:45
January 2025	Minutes	0:05
	Meeting Schedule & Elections	0:10
	<i>TBD</i>	
	Management Reports	0:05
	Future Meeting Topics Update	0:05
	Total Est. Time:	0:25

Recommended Changes for Denton's Ethics Ordinance

- 1) Remove City ethics ordinance section 2-273 (a) and replace with City employees ethical code Section I Conflicts of Interest and II Private interest
- 2) Look at city ordinance section 2-273 (b) (c) and (d) to determine if they still fit in the resulting document
- 3) Replace 'employee' with 'city official' wherever it occurs.
- 4) Remove all references to pending matter from ethics code.
- 5) Remove all reference to 'burden of proof' from city ethics ordinance.
- 6) Remove duty to report Section 2-272 (a) from city ethics ordinance.
- 7) Renumber everything as appropriate.
- 8) Add: City council members should not contact Board of Ethics members about BoE matters.
- 9) Add: Potential board members should be interviewed and selected by a full Board of Ethics panel.

The reason is that board members should not have a particular attachment to a council member.

Item 2

Request for a work session to set the scope and timelines for a Board of Ethics and staff review and report on policies for Council interactions with petitioners, applicants, and partners.

Requestor: Council Member Beck

Council Member Request: ### Council Work Session Pitch

I propose we hold a medium-to-low priority work session to set the scope and timelines for a Board of Ethics and staff review & report on appropriate policies for council interactions with petitioners, applicants, and partners.

Specific Objectives

Establish guidance to ensure consistency and transparency in how we interact with applicants that may come before council, including but not limited to developers. Completely ethical but different interaction styles among council members can lead to unintended public misperceptions of appropriateness.



Item 2 Cont.

Request for a work session to set the scope and timelines for a Board of Ethics and staff review and report on policies for Council interactions with petitioners, applicants, and partners.

Current Policies

I recommend the Board of Ethics use model codes from CityEthics.org, ICMA.org, and AICP.org as a foundation for any recommended guidelines or policies.

Desired Outcomes

Our goal is to develop template behavior recommendations to guide council members in their interactions.

Stakeholder Involvement

I suggest the Board of Ethics lead this review to provide for impartiality. I recommend they decide on any necessary stakeholder engagement, including the council and the Board of Ethics itself.



Item 2 Cont.

Request for a work session to set the scope and timelines for a Board of Ethics and staff review and report on policies for Council interactions with petitioners, applicants, and partners.

Timelines

I recommend we ask the Board of Ethics to prioritize this review and present their report and recommendations by the fall of 2024.

By addressing these ethical considerations, we will enhance our governance and strengthen public trust. I urge you to support this work session proposal.

Staff Information: If City Council wishes to move forward with this request, staff will prepare a future Work Session item.

Date requested: June 12, 2024

Format of response: Work Session

