



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Internal Audit

CITY AUDITOR: Madison Rorschach

DATE: August 1, 2022

SUBJECT

Receive a report, hold a discussion, and take necessary action regarding potential recommendations to amend City of Denton Code of Ordinances Chapter 2, Article XI (Ethics), Sec. 2-282 Disposition.

BACKGROUND

During May 2022, the Board of Ethics processed Ethics Complaint 22-001. On May 23, 2022, the Board determined Ethics Complaint 22-001 to be frivolous. This was the first Ethics Complaint the Board of Ethics has processed to end in this determination. During the June 6, 2022 meeting of the Board of Ethics, the Board directed staff to bring present information on what sanctions benchmark municipalities and model ethics codes impose upon individuals who submit frivolous complaints.

DISCUSSION

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.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Ethics Ordinance was first adopted by the City Council on May 1, 2018. Based on recommendations made by the Board of Ethics the Ethics Ordinance was amended on June 2, 2020 by the City Council. Based on recommendations made by the Board of Ethics, the Ethics Ordinance was amended on July 19, 2022 by the City Council.

EXHIBITS

1. Agenda Information Sheet
2. Dallas Ethics Ordinance – Frivolous Complaint Section
3. San Antonio Ordinance – Frivolous Complaint Section

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