



# Proposed Amendments to the Ethics Ordinance

---

**Board of Ethics**

**June 5, 2023**



# Direction Options

1. Allow the proposal to remain “Rejected;”
2. “Postpone the proposal and place it on the “Potential Agenda Topics” list for additional refinement; or
3. “Forward” the proposal as originally presented to the City Council.

# Proposal 4: Add a Recusal Requirement for Certain Aggregate Campaign Contributions

- Creates a requirement for City Officials to recuse themselves from deliberations if a Pending Matter is brought forward by an individual, Business Entity, or other organization that contributed at least \$500 to their campaign.

(E) receipt of more than a five-hundred dollars (\$500.00) Campaign Contribution from an individual, Business Entity, or other organization during the most recent Election Cycle, as evidenced by campaign finance reports required by the Texas Ethics Commission and filed with the City Secretary;

Campaign Contribution: a contribution to a candidate for mayor or city council in any of the following forms: a monetary contribution or a non-monetary contribution (in-kind contribution).

Election Cycle: the period of time beginning on the day after the last regular election for the office of mayor or council member of a particular council place and ending on the day the results of the next regular election for that position are declared as provided for by Section 3.04 of the City Charter.



# Proposal 6: Add Recusal Requirement for Recent Business Opportunity Negotiations

- Adds recusal requirement for recent business opportunity negotiations engaged in by the City Official or their Relative (i.e. family member to 3<sup>rd</sup> degree).

(I) direct or indirect engagement in negotiations pertaining to business opportunities, where such negotiations are pending or not terminated with a person or Business Entity within the past twelve (12) months;

# Proposal 7: Add Recusal Requirement for Client Relationships

- Creates a requirement for City Officials to recuse if they have a client relationship with a person or Business Entity.

(K) existence of a client relationship with a person or Business Entity including any business, financial, or professional relationship to which a duty of care, confidence, trust, or privilege applies to the City Official; and/or



## Proposal 8: Add Recusal Requirement for Substantial Debtor or Creditor Relationships

- Adds recusal requirement if a City Official or their Relative (i.e. family member to 3<sup>rd</sup> degree) has a substantial debtor or creditor relationship.

~~(F)~~(L) existence of more than a five-thousand dollars (\$5,000.00) debt with a person or Business Entity whereby the City Official is either the debtor or creditor. -----

# Proposal 10: Create Specific Sanctions for Frivolous Complaints

(5) *Super-Majority Vote.* If the Board of Ethics determines at the conclusion of a frivolity hearing by a vote of two-thirds (2/3) of ~~its~~ the Members present that a Complaint was Frivolous, the Board may within ten (10) business days ~~impose a sanction as provided by Section 2-282(b)~~ prohibit the Complainant from filing another complaint alleging one or more violations of this Article for up to:

(A) Two (2) years after the date of the Board's determination that the eComplaint is Ffrivolous if the Board had not determined within the preceding five years that another Ceomplaint filed by the Ceomplainant was fFrivolous; or

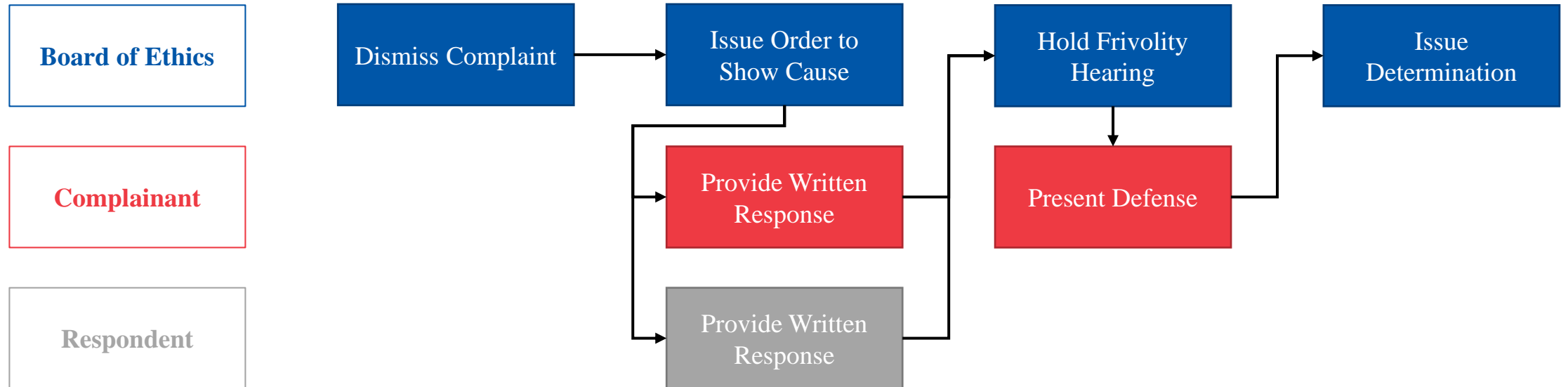
~~(A)~~(B) Four (4) years after the date of the Board's determination that the Ceomplaint is Frivolous, if the Board had determined within the preceding five years that another Ceomplaint filed by the Ceomplainant was Ffrivolous.

Notice of all complaint filing prohibitions imposed by the Board of Ethics shall be transmitted to the Complainant, City Auditor, City Attorney, and City Council.

~~Upon finding that a Complaint is Frivolous, the Complaint is dismissed.~~

# Proposal 11: Clarify Process by which the Board May Determine a Complaint is Frivolous

- Creates a process by which a Complainant may be ordered to show cause why their Complaint is not frivolous and requires this to occur prior to a determination.





# Proposal 11: Clarify Process by which the Board May Determine a Complaint is Frivolous

## ~~ED. ORDER TO SHOW CAUSE~~~~PRELIMINARY ASSESSMENTS~~

1. Issuance. If the Board or a Panel dismisses an Ethics Complaint, the Board or Panel may, by simple majority, order a Complainant to show cause why the Board should not determine that the Complaint is a Frivolous Complaint. An Order to Show Cause must be issued in order to determine if a Complaint is Frivolous.
2. Notice. The City Auditor shall send a written notification of the Order to Show Cause to the Chairperson, Complainant, the Respondent, and the City Attorney within two (2) business days.
3. Response. The Complainant and the Respondent shall each have the opportunity to submit a written sworn response, together with such other information they believe is relevant, to the Order to Show Cause. Such responses must be submitted to the City Auditor within ten (10) calendar days after the date that the Complainant was given written notice of the Order to Show Cause. Copies of all information provided to the Ethics Board by the Complainant or the Respondent must be distributed to all parties to the Complaint within ten (10) calendar days after the Board receives the information.
4. Hearing. Hearings to determine frivolity shall be held within thirty (30) calendar days of the issuance of an Order to Show Cause. Frivolity Hearings shall follow procedures for Hearings laid out in Section 52-282(c). Hearings



---

# Questions?

**Madison Rorschach**

**Board of Ethics Staff Liaison**

**City Auditor**

