

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: June 5, 2023

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.

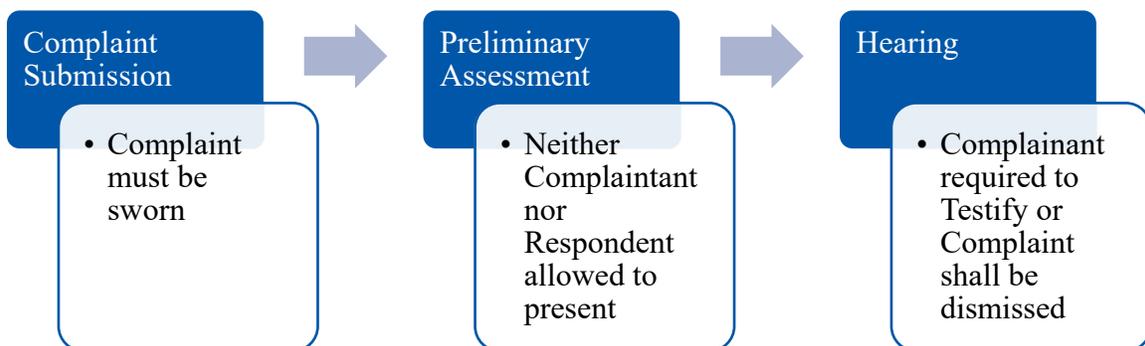
BACKGROUND

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. During the November 7, 2022 meeting of the Board of Ethics, the Board gave direction to have a full discussion on the burden of proof requirements in the Ethics Ordinance. During the May 1, 2023 meeting of the Board of Ethic, the Board directed Staff to compare the evidentiary ethics complaint hearing processes of Austin and Fort Worth to the City of Denton.

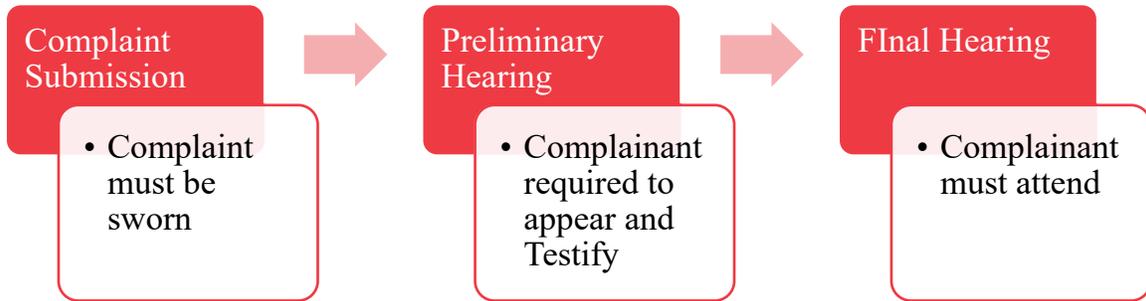
DISCUSSION

The City of Denton’s Ethics Ordinance states that “the burden of showing that a violation of [the Ethics Ordinance] occurred is placed on the Complainant.” As part of this burden, the Ethics Ordinance obligates the Complainant to put forward evidence, including testimony, supporting the Complaint and requires that the Complainant appear to testify at the hearing or else the Complaint may be dismissed. It should be noted that neither the City of Austin nor the City of Fort Worth have a specific section in their Ethics Ordinance that specifically places the “burden of proof” on the Complainant as done in Sec. 2-281(c)(4). That being said, there are similar requirements as outlined in the following figures:

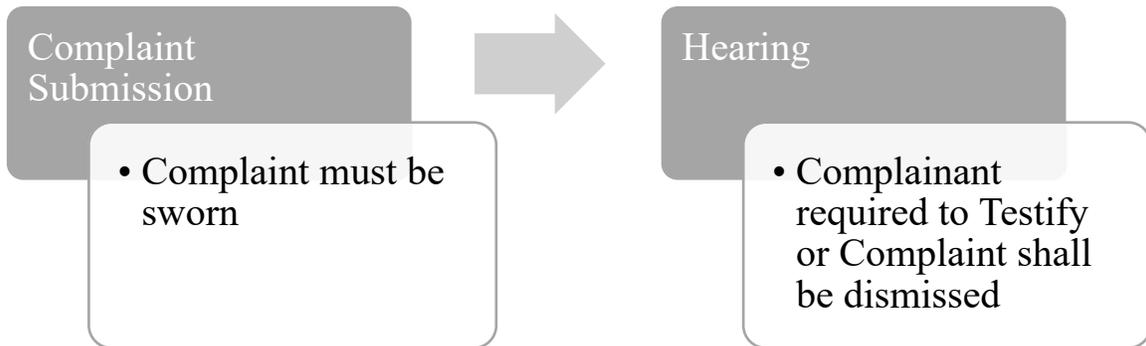
City of Denton Complainant Requirements



City of Austin Complainant Requirements



City of Fort Worth Complainant Requirements



It should be noted that for both Austin and Fort Worth, “Testify” means that the Complainant “shall state the alleged violation and describe in narrative form the testimony and other evidence” that would be presented to prove the alleged violation as stated in the complaint.

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 Amendment by City Council

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

EXHIBITS

1. Agenda Information Sheet
2. City of Austin Ethics Ordinance
3. City of Fort Worth Ethics Ordinance

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