



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### Board of Ethics

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Monday, October 7, 2024

6:00 PM

Council Work Session Room

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#### **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 October 3, 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, October 7, 2024 at 6:00 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**

- [BOE24-031](#)** Consider approval of minutes for August 5 and September 11, 2024.  
[Estimated Presentation/Discussion Time: 5 minutes]
- [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. 2-282 Disposition and the Board of Ethics' Rules of

Procedure.

[Estimated Presentation/Discussion Time: 20 minutes]

- 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.  
[Estimated Presentation/Discussion Time: 20 minutes]
- D. [BOE24-033](#) Management Reports  
1. September 2024 Advisory Opinion Responses Report  
[Estimated Presentation/Discussion Time: 10 minutes]
- E. [BOE24-034](#) Receive a report, hold a discussion, and give staff direction regarding future meeting topics.  
[Estimated Presentation/Discussion Time: 5 minutes]
- F. [BOE24-037](#) Receive training and hold a discussion regarding the City of Denton Code of Ordinances Chapter 2, Article XI (Ethics).  
[Estimated Presentation/Discussion Time: 20 minutes]

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 October 3, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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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.



# City of Denton

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## Legislation Text

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**File #:** BOE24-031, **Version:** 1

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### **AGENDA CAPTION**

Consider approval of minutes for August 5 and September 11, 2024.

[Estimated Presentation/Discussion Time: 5 minutes]

## 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, August 5, 2024, at 5:30 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, Patricia Reinke, and Andrea Eberhard

**ABSENT:** Member Dustin Pavelek

### 1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

None.

### 2. ITEMS FOR CONSIDERATION

**A. BOE24-028** Consider approval of minutes from July 8, 2024.

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

AYES (4): Annetta Ramsay, David Zoltner, Andrea Eberhard, Patricia Reinke

NAYS (0): None.

ABSENT (1): Dustin Pavelek

**B. BOE24-029** Receive a report, hold a discussion, and give staff direction regarding future meeting topics.

The item was presented, and discussion followed.

**C. BOE24-027** Receive a report, hold a discussion, and give staff direction regarding updates to the 2024 Packet of Proposed Amendments to the Ethics Ordinance and Board of Ethics Rules of Procedure.

The item was presented, and discussion followed.

Next meeting will be October 7<sup>th</sup>, 2024, at 5:30 p.m.

With no further business, the meeting was adjourned at 6:28 p.m.

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Annetta Ramsay  
Chair

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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 Special Called Meeting on Wednesday, September 11, 2024, at 3:15 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, and Patricia Reinke

**ABSENT:**

### 1. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

None.

### 2. ITEMS FOR CONSIDERATION

**A. BOE 24-030** Request for Advisory Opinion No. 24-002, received August 30, 2024, from Mayor Hudspeth concerning potential conflict of interest and improper use of influence applicability and recusal recommendation.

The item was presented, and discussion followed.

Member David Zoltner motioned that there is no conflict of interest as defined by City of Denton's Code of Ordinances, Article XI: Ethics, Section 2-273(a) Conflict of Interest, Subsection 3 (a)-(f). Member Patricia Reinke seconded the motion.

AYES (3): David Zoltner, Patricia Reinke, Annetta Ramsay

NAYS (0): None.

Member David Zoltner motioned that there is a potential of improper use of influence, per the City of Denton's Code of Ordinances, Article XI: Ethics, Section 2-273(e) Improper Influence. Member Patricia Reinke seconded the motion.

AYES (3): David Zoltner, Patricia Reinke, Annetta Ramsay

NAYS (0): None.

Member Patricia Reinke motioned for the recommendations that Mayor Hudspeth recuse himself from voting on the rate. Member David Zoltner seconded the motion.

AYES (3): David Zoltner, Patricia Reinke, Annetta Ramsay

NAYS (0): None.

Members Zoltner, Ramsay, and Reinke commended Mayor Hudspeth on bringing this potential conflict forward for discussion.

Next meeting will be October 7<sup>th</sup>, 2024 at 5:30 p.m.

With no further business, the meeting was adjourned at 3:39 p.m.

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Annetta Ramsay  
Chair

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Joseph Haddad  
Recording Secretary

APPROVED ON: \_\_\_\_\_



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## Legislation Text

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**File #:** BOE24-035, **Version:** 1

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### **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.

[Estimated Presentation/Discussion Time: 20 minutes]



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Auditor's Office

**CITY AUDITOR:** Madison Rorschach

**DATE:** October 7, 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.

### **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.<sup>1</sup>
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

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

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<sup>1</sup> 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.



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## Legislation Text

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**File #:** BOE24-036, **Version:** 1

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### **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. 2-278 Advisory Opinions and the Board of Ethics' Rules of Procedure.

[Estimated Presentation/Discussion Time: 20 minutes]



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Auditor's Office

**CITY AUDITOR:** Madison Rorschach

**DATE:** October 7, 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. 2-278 Advisory Opinions and the Board of Ethics' Rules of Procedure.

### **BACKGROUND**

The Board of Ethics Chair requested this item be discussed. The Ethics Ordinance's Advisory Opinion requirements are show below.

#### **Sec. 2-278. Advisory Opinions**

- (a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Article. Requests shall be submitted in writing to the City Auditor, who shall assign the request to a Panel or Special Counsel.
- (b) **Issuance.** A Panel of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request. This time limitation is tolled and shall not run until the Board of Ethics is empaneled and its Rules of Procedure are confirmed by the City Council.
- (c) **Reliance.** It shall be an affirmative defense to a Complaint that the Respondent relied upon an Advisory Opinion. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
  - (1) the Respondent reasonably relied in good faith upon an Advisory Opinion;
  - (2) the request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
  - (3) less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

In addition, the Board of Ethics' Rules of Procedure, require that all Advisory Opinion requests be report to the Board of Ethics and that Advisory Opinion requests be processed based on the following timelines:

<b>Timeline for Request Submission</b>	<b>Assigned To</b>
More than Ten Business Days	Three-Member Panel of the Board
More than Five Business Days	Special Counsel
Less than Five Business Days	Provide Information on Prohibitions

In general, Staff's Advisory Opinion process for requests received more than ten business days before the event is described below:

1. Receive written Advisory Opinion request, usually in the form of an email, from a City Official.
2. Forward the original request to the Board of Ethics Chair for panel assignment.
3. Schedule panel based on assigned member and special counsel availability.
4. Hold Advisory Opinion Panel. Exhibits include the original request and any background information requested by the Board of Ethics Chair.
5. Receive draft Advisory Opinion from special counsel.
6. Forward draft Advisory Opinion to the Panel's presiding officer for finalization.
7. Forward finalized Advisory Opinion to the City Official and post on the [City's website](#).

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

None.

**EXHIBITS**

1. Agenda Information Sheet

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



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## Legislation Text

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**File #:** BOE24-033, **Version:** 1

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### AGENDA CAPTION

#### Management Reports

1. September 2024 Advisory Opinion Responses Report  
[Estimated Presentation/Discussion Time: 10 minutes]

## MEMORANDUM

**DATE:** October 7, 2024  
**TO:** Board of Ethics  
**FROM:** Madison Rorschach, City Auditor  
**SUBJECT:** Advisory Opinion Responses Report

### Background

In accordance with the Board of Ethics Rules of Procedure Section C. Advisory Opinions, information on Advisory Opinion requests should be reported to the Board of Ethics at the next regular meeting. Specifically, the Rules of Procedure outline the following timelines to guide the City Auditor in how to process an Advisory Opinion request:

Timeline for Request Submission	Assigned To
More than Ten Business Days	Three-Member Panel of the Board
More than Five Business Days	Special Counsel
Less than Five Business Days	Provide Information on Prohibitions

As a reminder, Advisory Opinion panels issue written guidance to City Officials regarding how the Code of Ethics applies (if at all) to a particular situation or behavior and may contain conclusions and/or recommendations.

During September 2024, the City Auditor received one request for advice on interpreting the Ethics Ordinance's prohibitions within the 10-day time frame needed for a Panel of the Board of Ethics to issue the opinion. As such, the issued Advisory Opinion is attached for the Board of Ethics' consideration, discussion, and potential direction.<sup>1</sup>

### Provided Responses

1. 24-002 Solar Program Rate Deliberations (Mayor Gerard Hudspeth)

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<sup>1</sup> It should be noted that it is an affirmative defense to a Complaint that the Respondent relied upon an Advisory Opinion given certain conditions.



## Board of Ethics

215 E. McKinney St., Denton, TX 76201 • (940) 349-7228[Address (Ex.  
215 E. McKinney St., Denton, TX 76201)]

September 11, 2024

Mayor Gerard Hudspeth  
City of Denton  
215 E. McKinney Street  
Denton, Texas 76201

### Advisory Opinion

Advisory Opinion No. 24-002: Pertaining to a request received August 30, 2024, from Mayor Hudspeth concerning potential conflict of interest and improper use of influence applicability and recusal recommendation.

Mayor Gerard Hudspeth –

Pursuant to Section 2-278 of the Ethics Ordinance, a panel of the Board of Ethics convened on September 11, 2024, to deliberate on your request received August 30, 2024, concerning potential conflict of interest and improper use of influence applicability and recusal recommendation and has rendered the opinion given below.

The members of the panel were Panel Chair Annetta Ramsay, Member Patricia Reinke, and Member David Zoltner.

Background Information: On August 30, 2024, the City Auditor received an Advisory Opinion request from Mayor Gerard Hudspeth regarding a potential conflict of interest and improper use of influence applicability. According to the Mayor, he currently has solar panels on his home and is being paid by Denton Municipal Electric (DME) for power (by proxy). Based on the current Ethics Ordinance, should Mayor Hudspeth recuse himself from voting on the rate.

Questions Presented: Based on the received request, the Board of Ethics was requested to answer the following questions:

1. Does Mayor Hudspeth's participation in the City of Denton's solar program create a Conflict of Interest, per the Ethics Ordinance?
2. Would Mayor Hudspeth participating in Deliberations on an item involving the City of Denton's solar program be considered improper use of influence, per the Ethics Ordinance?

### OUR CORE VALUES

Integrity • Fiscal Responsibility • Transparency • Outstanding Customer Service

Answers:

1. Does Mayor Hudspeth's participation in the City of Denton's solar program create a Conflict of Interest, per the Ethics Ordinance?

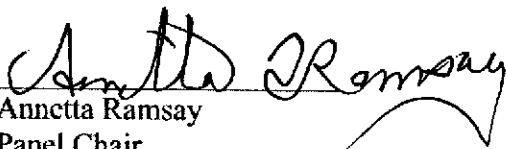
The Advisory Panel considered Denton Ethics Ordinance Section 2-273, Prohibitions, (a) Conflict of Interest, (3) Definition of Conflict of Interest, Conflicting Interest subsections (A)-(F) and found that there was no Conflict of Interest pursuant to the Denton Ethics Ordinance Section 2-273(a) Conflict of Interest.

2. Would Mayor Hudspeth participating in Deliberations on an item involving the City of Denton's solar program be considered improper use of influence, per the Ethics Ordinance?

The Advisory Panel considered Denton Ethics Ordinance Section 2-273, Prohibitions, (e) Improper Influence (2) grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group and found that there would be improper influence if Mayor Hudspeth Participated in the deliberations regarding a "Value of Solar Study."

Conclusion

The Advisory Panel recommended that Mayor Hudspeth recuse himself from any deliberations regarding a "Value of Solar Study."

  
Annetta Ramsay  
Panel Chair  
City of Denton Board of Ethics

*\*\*This opinion pertains only to the relevant sections of the City of Denton Ethics Ordinance. It is not intended as legal advice and does not absolve any party of obligations that may exist under other applicable law (e.g., Texas Local Government Code Chapter 171). All parties are encouraged to consult competent legal counsel concerning their obligations under the law. \*\**





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## Legislation Text

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**File #:** BOE24-034, **Version:** 1

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### **AGENDA CAPTION**

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

[Estimated Presentation/Discussion Time: 5 minutes]



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Auditor's Office

**CITY AUDITOR:** Madison Rorschach

**DATE:** October 7, 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.

<b>Topic</b>	<b>Est. Time</b>
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.

### **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 November 2024;
- What topic(s), if any, does the Board of Ethics want to be added to December 2024; 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 (October. 2024)

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

## Board of Ethics Tentative Meeting Topics

Updated: October 3, 2024

Meeting	Item	Est. Time
October 2024	Minutes	0:05
	Burden of Proof Discussion	0:20
	Advisory Opinions	0:20
	Management Reports	0:10
	Future Meeting Topics Update	0:05
	Annual Ethics Ordinance Training	0:20
	<b>Total Est. Time:</b>	<b>1:20</b>
November 2024	Minutes	0:05
	<i>TBD</i>	
	Management Reports	0:05
	Future Meeting Topics Update	0:05
	<b>Total Est. Time:</b>	<b>0:15</b>
December 2024	Minutes	0:05
	<i>TBD</i>	
	Management Reports	0:05
	Future Meeting Topics Update	0:05
	<b>Total Est. Time:</b>	<b>0:15</b>



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## Legislation Text

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**File #:** BOE24-037, **Version:** 1

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### **AGENDA CAPTION**

Receive training and hold a discussion regarding the City of Denton Code of Ordinances Chapter 2, Article XI (Ethics).

[Estimated Presentation/Discussion Time: 20 minutes]



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Auditor's Office

**CITY AUDITOR:** Madison Rorschach

**DATE:** October 7, 2024

**SUBJECT**

Receive training and hold a discussion regarding the City of Denton Code of Ordinances Chapter 2, Article XI (Ethics).

**STRATEGIC ALIGNMENT**

This action supports Key Focus Area: Pursue Organizational Excellence and Collaborative and Respectful Leadership.

**BACKGROUND**

Ethics Ordinance Sec. 2-276 requires the City Auditor to approve a training program that provides an introduction and overview of the expectations, mandates, and prohibitions provided for by the Ethics Ordinance. The Ordinance requires this training to be completed within 90 days of a City Official commencing their duties and must be completed annually.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Jul. 16, 2018: Original Ethics Ordinance training created and approved by the City Auditor

Apr. 4, 2023: City Council provides direction to adopt substantive changes to the Ethics Ordinance

Jun. 5, 2023: Ethics Ordinance training redesigned and approved by the City Auditor

**EXHIBITS**

1. Agenda Information Sheet
2. Presentation

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



# Ethics Ordinance Training

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This training will take approximately 15 minutes

The following should watch this training:

- City Councilors
- Board of Ethics Members
- Planning and Zoning Commissioners
- Board of Adjustment Members
- Historic Landmark Commissioners
- Public Utilities Board Members
- City Council Appointed Employees



# What will you learn?

1. Ethical Expectations
2. Ordinance Mandates & Prohibitions
3. Advisory Opinions & Clarification Processes
4. Ethics Complaint Process

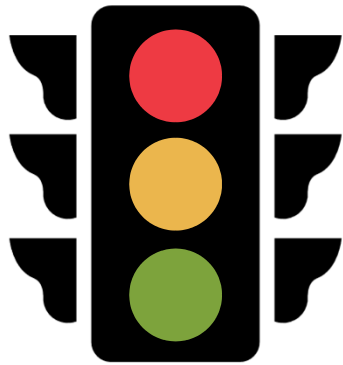


## Ethical Expectations

- ✓ Conduct yourself in a manner that fosters public trust;
- ✓ Perform public duties in a way that projects personal & organization integrity;
- ✓ Avoid behavior that calls your motives into question and erodes public confidence;
- ✓ Place Denton resident's interests and concerns above your own;
- ✓ Value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence; and
- ✓ Balance transparency with the duty to protect personal privacy and preserve confidential information with which you have been trusted.



# Ethical Expectations



Behave Ethically both in Fact  
& Appearance

Respect your Position of  
Privilege

Thoughtfully & Cautiously  
Consider Your Behavior

# Ordinance Mandates & Prohibitions: Reports & Disclosures

- Disclose certain Business Relationships related to a Pending Matter;
- Comply with State law financial disclosures; and
- Report known violations of Ethics Ordinance.



A **Pending Matter** is an application seeking approval of a permit or other required authorization; a proposal to enter a contract for things of value; or a case involving the City that is, or may be, before a civil, criminal, or administrative tribunal.

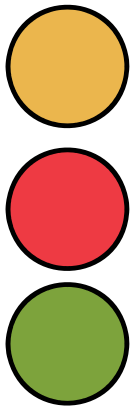
## Ordinance Mandates & Prohibitions: Conflicts of Interest & Representation of Others

- Recuse from deliberations if you have a personal or economic interest that is not shared by the general public. Specifically:
  - Own 5% or more of a Business Entity's voting shares/stocks;
  - Own \$600 or more of a Business Entity's fair market value;
  - Own \$600 or more of the fair market value of real property;
  - Receive \$600 or more in income from a Business Entity;
  - Serve on a Business Entity's or Non-Profit's Board of Directors; and
  - Solicited, received, or accepted an offer of employment in last 12 months from a Business Entity or person.



A **Pending Matter** is an application seeking approval of a permit or other required authorization; a proposal to enter a contract for things of value; or a case involving the City that is, or may be, before a civil, criminal, or administrative tribunal.

# Ordinance Mandates & Prohibitions: Gifts



- Cannot accept a Gift that might reasonably influence you in discharging your official duties. Specifically:
  - Anything worth more than \$50 or multiple items totaling more than \$200 cannot be accepted unless they are one of the following:
    - Campaign contributions;
    - Training/travel expenses if paid by the City or event coordinator;
    - Non-profit or community event expenses related to City Business;
    - Complimentary attendance at fundraising events or hospitality functions
    - Complimentary copies of trade publications or promotional clothing items;  
or
    - Gift due to a personal, familial, or professional relationship



# Ordinance Mandates & Prohibitions: Misuse of Influence & Information

- Improper Influence:

- Securing or granting privileges or treatment for an individual, group, or business that is not normally available; or
- Stating or imply that you are acting as a City representative without authorization.

- Misuse of Information:

- Use of confidential information to advance personal or private financial interest of any person.



# Ordinance Mandates & Prohibitions: Abuse of Resources and Position

- Abuse of Resources:

- Use of City property, equipment, or staff time for private or political purposes above what's available to all citizens.

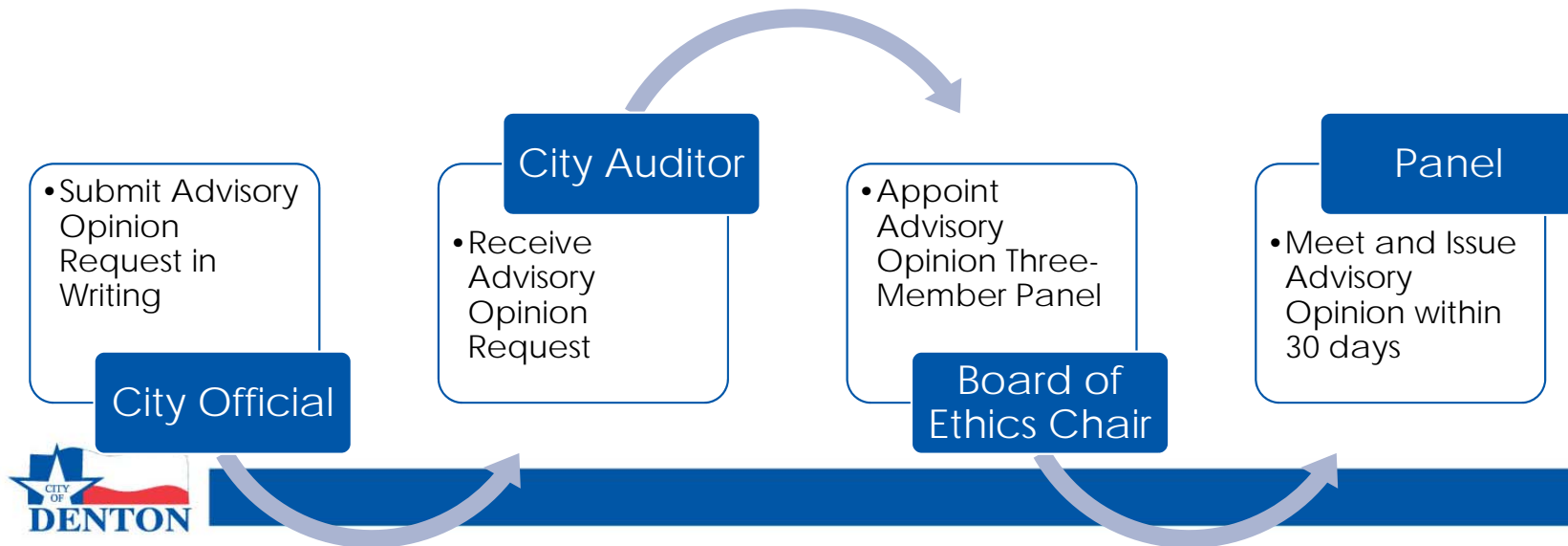
- Abuse of Position:

- Harassment or discrimination against a person based upon:
  - Ethnicity, race, gender, gender identity, sexual orientation, marital status, parental status, or religion.
- Interference in an investigation including persuading or coercing others to not cooperate.



# Advisory Opinions & Clarification Processes

Clarification Options	Guidance Provided
City Auditor	Relevant Ordinance References; Process Explanations
Personal Attorney	Interpretation of Ordinance Applicability
Board of Ethics	Answer to Question of Compliance; Can be Relied Upon

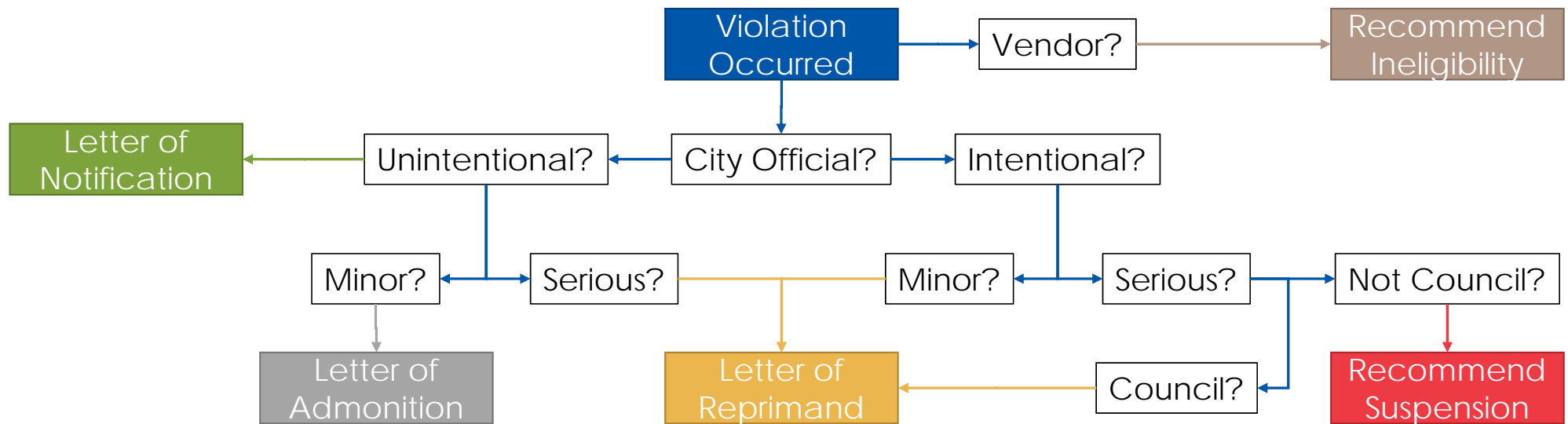




# Ethics Complaint Process

	Initiation	Preliminary Assessment	Hearing	Reconsideration
Complainant	Submit Sworn Complaint Form		Must Testify; Can Present Addt'l Evidence	May Submit New Evidence for 5 days
City Auditor	Determine Form Completeness			
Respondent	Receive Copy of Complaint		May Provide Testimony & Evidence	May Submit New Evidence for 5 days
Board of Ethics	Assign Prelim. Panel	Determine if Complaint is Actionable	Determine if Ordinance Violated	Chair Decides if New Hearing Needed

# Ethics Complaint Process: Sanctions



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# Congratulations!

You have completed the annual City of Denton Ethics Ordinance Training.

Madison Rorschach, City Auditor

