



2024 Ethics Ordinance Proposed Amendments

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City Auditor



Ethics Ordinance Overview & Amendment Process

- The Ethics Ordinance provides:
 - Ethical guidelines and rules for certain City Officials; and
 - A mechanism (i.e., the Board of Ethics) for holding these City Officials accountable to those rules.
- Amendments to the Ethics Ordinance can be proposed by the Board of Ethics or the City Council, but must be adopted by Council.

Covered City Officials

City Council

- Mayor & Council Members

Boards & Commissions

- Board of Ethics Members
- Planning & Zoning Commissioners
- Board of Adjustment Members
- Historic Landmark Commissioners
- Public Utilities Board Members

City Council Appointees

- City Manager
- City Attorney
- Municipal Judge
- City Auditor



Discussion Today

- The Board of Ethics unanimously recommended (4-0-1) adopting the following proposed amendments:
 1. Repeal and replace Ethics Ordinance Sec. 2-273 (a) Conflicts of Interest; and
 2. Eliminate Sec. 2-281 (c) (4) Burden of Proof and adjust the Board of Ethics' Rules of Procedure as needed.
- For each proposal, Council can:
 - Give direction to adopt the amendment as recommended;
 - Give direction to adopt the amendment with changes; or
 - Reject the amendment and provide relevant direction to the Board of Ethics.



Proposal 1: Conflicts of Interest

- Expands the time conflict of interests can occur from only during a “Pending Matter” to any time an official is taking or failing to take an action using their official position or office that would result in a personal or financial benefit not shared with the public.
 - A Pending Matter includes: an application seeking approval (e.g., permit); a proposal to enter into a contract or arrangement for goods, services, property, etc.; and a case involving the City that is before a civil, criminal, or admin, tribunal.

Sec. 2-273. Prohibitions

(a) Conflicts of Interest:

- (1) A City Official may not use their official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which they know, or has reason to believe may result in a Personal Benefit or Financial Benefit, not shared with a substantial segment of the City’s population, for any of the following persons or entities (no group of government employees may be considered “a substantial segment” for the purposes of this provision):



Proposal 1: Conflicts of Interest

- Personal Benefits (i.e., created by a personal relationship):
 - Remaining: Official or their spouse/domestic partner's parent or step-parent, children or step-children, siblings or step-siblings, grandparents or grandchildren, siblings' children, and parent's siblings.
 - Adding: Domestic Partners, foster children, and anyone whose primary residence is in the City official's home including non-relatives who are not rent payers or servants.
 - Removing: Official or their spouse's first cousins, great grandparents, and great grandchildren.
- Also includes reputational benefits to yourself.



Personal Benefit: Benefits other than those that are directly financially advantageous. These include Financial Benefits to Relatives, business associates, and others listed in Sec. 2-273 (A)(1), as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career. A "personal interest" means a relationship to something such that a personal benefit has been, will be, or might be obtained by certain action or inaction with respect to it.

Proposal 1: Conflicts of Interest

- Financial Benefits (i.e., created by a financial relationship):
 - Remaining:
 - Business entity, civic group, union, social, charitable, or religious organization of which the City Official or their spouse/domestic partner is an officer or board member.
 - A person or business from which the City Official or their spouse/domestic partner has received in the last 12 months or may receive an offer of employment.
 - Expanding:
 - City Official or their spouse/domestic partner's employer (i.e., receives any compensation) or business (i.e., has any ownership interest – some exceptions for public corps.).
 - Adding:
 - A Client or Customer (i.e., person or entity to a City Official or their outside employer, has supplied goods/services in the last 24 months) that is substantial (not defined).
 - A substantial (not defined) debtor or creditor of the spouse/domestic partner.
 - A person (or including immediate family) or entity (including owners/directors/officers) that the City Official received >\$200 in campaign contributions from in the last 24 months.
 - Removing: None.



Financial Benefit: Any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law. A “financial interest” is a relationship to something such that a direct or indirect financial benefit has been, will be, or might be received as a result of it.

Proposal 1: Conflicts of Interest

- Disclosure Requirements:
 - Expanding: Still required to submit a signed affidavit to the City Auditor if you are required to recuse yourself from a decision – even if this occurs off the dais.
 - Adding: Would also be required to inform the Chair of the body you serve on of the instance. If you are the Chair, would inform the Vice-Chair.

(2) Whenever a City Official has reason to believe that they should withdraw from participation under Sec. 2-273 (A) (1) of this code, they must:

- a. Immediately refrain from participating further in the matter, formally or informally;
- b. Promptly inform the appropriate individual or body, pursuant to Subsection (4) below, that they have a conflict, and the nature of the conflict; and
- c. Promptly file with the City Auditor a signed statement disclosing the reasons for withdrawal, or, if a member of a board or commission, state this information on the public record of the Board or Commission.



Proposal 2: Burden of Proof

- Proposal to eliminate the current requirement for the individual who submits an Ethics Complaint to appear and testify at an evidentiary hearing held to process the Complaint.
 - Would still be allowed to attend and present.

Proposed Ethics Hearing Procedures

Step	Current Procedure	Proposed Procedure	Time Limit
Complainant Opening Statement	Shall Present	May Present	3
Respondent Opening Statement	Shall Present	May Present	3
Complainant Presentation	Shall Present	May Present	30
Respondent Presentation	May Present	May Present	30
Complainant Rebuttal	May Present	May Present	If Reserved
Complainant Closing Statement	Shall be Permitted	Shall be Permitted	5
Respondent Closing Statement	Shall be Permitted	Shall be Permitted	5
Complainant Rebuttal	May Provide	May Provide	If Reserved

Questions?

Annetta Ramsay

Chair

Board of Ethics

Madison Rorschach

Board of Ethics Staff Liaison

