

Summary of Changes to City Code related to the City Auditor and Ethics Review Commission

Chapter 2-3 – City Auditor

- Adds relevant definitions in alignment with other City policies (fraud, waste, abuse, personal benefit)
- Adds that investigative work will follow industry standards
- Notes that the City Auditor manage an anonymous reporting system for wrongdoing
- Notes the types of allegations that will be referred to the City Manager for resolution and not investigated by the City Auditor
- Adds reporting at least twice annually to the Council Audit and Finance Committee from the City Auditor and the City Manager regarding investigations of fraud, waste, or abuse
- Adds that the City Auditor is prohibited from making a final determination on any allegation of a violation of the Code of Ethics
- Specifies the process for substantiated investigations including:
 - Subject's right to representation
 - Right for the subject and any party referenced as involved in the alleged inappropriate conduct to review the draft report and provide a response to be included in the final report
- Defines separate processes for:

Employees covered by a civil service system:

- City Auditor conducts the investigation and provides results of substantiated investigations to management
- Determination of a violation is made by management for these employees
- Any qualifying action taken as a result of the investigation is appealable to the Municipal Civil Service Commission

City officials who are not covered by a civil service system (this includes City executives and select Council appointees—City Clerk, Court Clerk, Commission members):

- City Auditor conducts the investigation and provides the results to the Ethics Review Commission
- Determination of a violation made by the Ethics Review Commission for these employees

City Council, City Council direct staff, and the City Manager:

- City Auditor hires an outside party to conduct the investigation and provides the results to the Ethics Review Commission
- Determination of a violation made by the Ethics Review Commission for these individuals

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Chapter 2-7 – Ethics and Financial Disclosure

- Specifies process for handling complaints and referrals that the Ethics Review Commission receives from the City Auditor
- Updates timelines and responsibilities for sworn complaints, including those filed by the City Auditor
- Establishes a process for the Commission to self-initiate a complaint
- Adds notification requirements for parties identified as involved in complaints filed with the Ethics Review Commission
- Adds not committing fraud or abuse as defined in Chapter 2-3 to the standard of conduct for employees and officials
- Adds a provision that salaried City officials or employees cannot use their official position to cause harm to another and defines “harm”
- Expands the Ethics Review Commission jurisdiction to include complaints regarding interference in personnel matters by the City Council
- Requires the complainant and respondent to attend the final Ethics Review Commission hearing [Note: the commission can proceed with the hearing if the respondent fails to attend]
- Adds that the Ethics Review Commission can subpoena witnesses or information and a penalty for not complying with a subpoena
- Establishes a process for the Ethics Review Commission to request investigative assistance from the City Auditor