

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	65682	Agenda Number	5.
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Meeting Date:	2/9/2017	Department:	City Auditor's Office
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## Subject

Approve an ordinance amending City Code Chapters 2-3 and 2-7 relating to the duties and functions of the City Auditor and the Ethics Review Commission, the code of ethics, and financial disclosure; and creating an offense.

## Amount and Source of Funding

## Fiscal Note

Purchasing Language:	
Prior Council Action:	December 17, 2015 - Council approved Resolution No. 20151217-068 initiating amendments to City Code Chapters 2-3 and 2-7 on an 11-0 vote.
For More Information:	Corrie Stokes, City Auditor 512-974-2468
Council Committee, Boards and Commission Action:	November 16, 2015 – Recommended by the Audit and Finance Committee to the full Council on a 4-0 vote; November 10, 2015 – Recommended by the Ethics Review Commission to the full Council on an 8-0 vote with Commission Members J. Michael Ohueri, Dennis Speight, and Robert “Ben” Stratmann absent.
MBE / WBE:	
Related Items:	

## Additional Backup Information

City Council Resolution No. 20151217-068 directed the City Manager to initiate the process to amend Chapters 2-3 and 2-7 of the City Code relating to the functions and duties of the City Auditor and the Ethics Review Commission.

This ordinance is the result of that process and proposes amendments to both chapters of the City Code. By way of background, these amendments are the outcome of several years of work by the City Auditor’s Office, the Ethics Review Commission, city staff, and various stakeholders, beginning in 2014.

The major purposes of the amendments are as follows:

- City Auditor:
  - to clarify the investigatory powers of the City Auditor’s Office and formally adopt professional standards for City Auditor investigations;
  - to codify the process for City employees and the public to report allegations of wrongdoing

- committed by City employees and officials to the City Auditor's Office;
- to increase due process protections and transparency in City Auditor investigations;
- Ethics Review Commission
  - to expand the jurisdiction of the Commission to include violations of Article II, Section 9 of the City Charter (Interference in Personnel Matters);
  - to clarify the duties and powers of the Commission, including procedures for processing complaints and conducting complaint hearings;
  - to provide notice of Commission complaints and hearings to certain third persons who are identified in complaints as being involved in alleged wrongdoing;
  - to grant subpoena power to the Commission with regard to final complaint hearings, and to make it an offense to fail to comply with such a subpoena;
- Code of Ethics:
  - to prohibit a salaried City official or employee from using his or her official position to harm another person;
  - to codify the prohibition on a City official or employee engaging in fraud or abuse;
- Financial Disclosure:
  - to change the filing due date of annually required statements of financial information from the last Friday of April to April 30, in order to make the due date consistent with the due date for personal financial statements which are required by state law; and
  - to require the mayor and city council members to file a statement of financial information for the previous calendar year within 30 days of the end of their term in office.

If approved by Council on three readings, the ordinance would take effect on the 11th day after approval, except that Subsection (H) of City Code Section 2-7-41 (Complaints) takes effect on June 1, 2017, in accordance with Ordinance No. 20160922-005.