RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 3
AGENDA DATE: Thu 02/09/2006
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SUBJECT: Approve an ordinance amending Subsection 2-2-34(B) of the City Code relating to the duties of the City Clerk, and Subsection 2-7-31(D) of the City Code relating to an Ethics Review Commission ombudsman.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING City Clerk's Office
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Shirley Gentry

FOR MORE INFORMATION CONTACT: Shirley Gentry, City Clerk/974-2210

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Approved by the Ethics Review Commission.

PURCHASING: N/A

MBE / WBE: N/A

To more closely reflect actual business practices in place, the city clerk proposes the following code amendments, which have been approved by the Ethics Review Commission.

Subsection 2-2-34(B) currently requires that the city clerk certify the balance of the Austin Fair Campaign Finance Fund to council and the Ethics Review Commission on particular dates. Because the clerk's office typically receives requests from people who might be eligible to receive funding, and not from council or the commission, it would be more cost effective to amend the code to allow the clerk's office to respond to requests for information from the public and not generate two certified reports.

Subsection 2-7-31(D), currently establishes an ombudsman assigned by the city clerk to assist the public in complying with reporting requirements under the city's ethics and financial reporting requirements. The city clerk's office regularly provides the public with copies of the city's financial reporting forms and other information. However, no ombudsman has ever been appointed. It is not appropriate for a city employee to provide advice, legal or otherwise, to a person who is required to comply with the reporting requirements. The proposed amendments will clarify the responsibilities of the clerk's office and reflect actual business practices.

ORDINANCE NO.

AN ORDINANCE AMENDING SUBSECTION 2-2-34(B) OF THE CITY CODE
RELATING TO THE DUTIES OF THE CITY CLERK, AND SUBSECTION 2-7-
31(D) OF THE CITY CODE RELATING TO AN ETHICS COMMISSION
OMBUDSMAN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection 2-2-34(B) of the Code is amended to read:

§ 2-2-34   FUNDING FOR QUALIFYING CANDIDATES.

(B) Priority for distribution of funds. Funding from the Austin Fair Campaign
Finance Fund shall be distributed to qualifying candidates in a runoff election
under   [pursuant to] the following procedure and formula:

(1) Upon request, the [The]city clerk shall state [certify to the Council
and Ethics Review Commission] the available balance in the Austin Fair
Campaign Finance Fund [on the first day for filing for a place on the
ballot and ten days before the election];

(2) Funds for a city runoff election shall be made available as soon as
practicable after the results of the city general election are certified; and

(3) The City Clerk shall review the "30-day" and "8-day" before
election contribution and expenditure reports and any supporting
materials filed by qualifying candidates seeking public funds to verify
compliance with the expenditure limits of the candidate's campaign
contract.

PART 1. Subsection 2-7-31(D) of the Code is amended to read:

§ 2-7-31 STAFFING.

(D) The city clerk shall make the complaint form and information developed
by the Commission available to the public and shall assist citizens in
complying with filing [assign an ombudsman to, among other duties, provide
the public with information developed by the Commission regarding this
chapter and assist citizens in compliance with the] procedures [set forth in this
chapter].

PART 2. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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§
§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk