

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), TO AMEND THE FOLLOWING: SECTION 2.92.080 (DISCLOSURE OF CAMPAIGN CONTRIBUTIONS) TO REQUIRE ADDITIONAL DISCLOSURES REGARDING CONTRIBUTIONS OR DONATIONS FROM INDIVIDUALS OR BUSINESS ENTITIES RECEIVING A BNEFIT FROM THE CITY; SECTIONS 2.92.120 (JURISDICTION), SUBSECTION 2.92.130(A)(5) (DUTIES) AND SUBSECTION 2.92.160(B) (FILING A COMPLAINT) TO INCLUDE JURISDICTION OVER AND PROCESS FOR COMPLAINTS REGARDING CANDIDATES, POLITICAL COMMITTEES AND INDIVIDUALS OR BUSINESS ENTITIES IN CERTAIN CIRCUMSTANCS; SECTION 2.92.160(C) (FILING A COMPLAINT), TO INCLUDE THE CHIEF INTERNAL AUDITOR AS REPORTING TO THE COUNCIL; SECTION 2.92.170(A) (COMPLAINT REVIEW) TO AMEND THE TIME PERIOD FOR RESPONSE TO AN ETHICS COMPLAINT; AND SECTION 2.92.200 (DISPOSITION) TO INCLUDE A FINE OF UP TO \$500 AS A POSSIBLE SANCTION FOR VIOLATION OF THE ETHICS CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section Section 2.92.080 (Disclosure of Campaign Contributions) is hereby amended to read as follows:

2.92.080 - Disclosure of campaign contributions and donations

A. Reporting of Contributions and Donations by Council member: If a council member has received campaign contributions or donations for use by the member's office for an accumulated total \$500 or more, to include the value of in-kind donations or contributions, from a contributor, individual, business entity, or an individual who owns a business entity in whole or in part, , such member shall verbally disclose the receipt of such contributions or donations to the city council and the public before any deliberation or vote of the city council regarding any matter on a meeting agenda that concerns or relates to the contributor(s) individual, business entity owned in whole or in part or operated by the contributor(s) individual or which employs the contributor(s),. Such member shall file a written notation to the City Clerk to be included with the agenda backup documentation. This disclosure shall be recorded in the minutes of the meeting.

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- B. Reporting of Contributions and Donations by Contributors: No later than one week prior to the relevant Council meeting, a contributor individual, business entity and any person who owns, in whole or in part, a business entity that has contributed or donated an accumulated total of \$500 or more to any current member of City Council or to the City through their office at any time during their campaign(s) for City office or term(s) shall request disclosure on any City Council Agenda item by which such contributor, individual, entity or person who owns an interest in an entity will receive a benefit. The benefit shall include, but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award or recognition. Contributions and donations as used in this section shall include, but not be limited to cash, loans, offsets to expenditures, in-kind contributions and donations, and gifts. It shall be the responsibility of the contributor or donor to report the contribution so the notice of the contribution is posted on the City Council agenda with the posting for the relevant item.
- C. ~~These is~~ requirements shall apply to all meetings of the city council.
- ~~D. Such disclosure shall be orally made by the member and shall be recorded in the minutes of the meeting.~~
- C. If a member of the city council accepts a campaign contribution from a contributor of five hundred dollars or more, he shall report the amount and the donor by an item for notation on the consent agenda of a city council meeting within thirty days of the date of such contribution.
- E. No later than 30 calendar days after the end of each fiscal year, each member of Council shall file a report listing all campaign contributions and donations to the City for use by their office received during that fiscal year, to include the identity of each contributor or donor and total amount from each contributor or donor.
- F. No action of the council which is otherwise legal shall be invalidated merely by reason of the disclosure of a campaign contribution by a member of the city council or the failure of a member to disclose a campaign contribution or donation.

SECTION 2. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.120 is hereby amended to read as follows:

2.92.120 - Jurisdiction.

The ethics review commission shall have jurisdiction to review alleged violations of Article II (Standards of conduct) of this chapter by officers, candidates, and political committees that occurred within two years of the complaint being filed. Additionally, the ethics review commission shall have jurisdiction over contributors, individuals and business entities only to review alleged violations of Section 2.92.080 by individuals or business entities who have obligations under that section.

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Redline- City Code Chapter 2.92.160 and Chapter 2.92.170

SECTION 3. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.130, Subsection (A)(5) is hereby amended to read as follows, all other portions and subsections of City Code 2.92.130 remain in full force and effect:

(A)(5). Review, evaluate and issue determinations, impose sanctions and provide recommendations to the city council on complaints regarding officers, candidates, political committees, and for compliance with City Code section 2.92.080, individuals and business entities described therein.

SECTION 4. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.160, Subsections (B) and (C) are hereby amended to read as follows, all other portions and subsections of City Code 2.92.160 remain in full force and effect:

2.92.160 Filing a complaint.

B. (1) Any resident of the city (including a member of the ethics review commission) or natural person conducting business with the city who believes an officer, candidate, political committee, has violated Article II of this chapter within the last two years, may file a sworn complaint with the city clerk.

(2) Any resident of the city (including a member of the ethics review commission) or natural person conducting business with the city who believes a contributor, individual, or business entity has violated City Code section 2.92.080 within the last two years, may file a sworn complaint with the city clerk.

C. Any resident of the city (including a member of the ethics review commission) or natural person conducting business with the city who believes the city attorney, ~~or~~ the city manager or the chief internal auditor has violated Article II of this chapter within the last two years, may file a sworn complaint with the mayor and the mayor pro tempore.

SECTION 5. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.170 (Complaint review), Subsection (A) is hereby amended to read as follows, all other portions and subsections of City Code 2.92.170 remain in full force and effect:

2.92.170 Complaint review.

A. The city clerk will review a filed complaint to ensure it is properly sworn and complete. If the complaint is missing required information, the city clerk will send the complaint back to the complainant through regular mail and/or electronic mail, and the complainant will have twenty-one days to correct the complaint and refile it otherwise the city clerk may reject the complaint. If the complaint is complete the city clerk will forward the complaint to the city attorney and the respondent within seven days. If the City Attorney refers the complaint to the ethics review commission under subsection 2.92.170(B)(2) below, respondent has fourteen days from notice to respondent of such receipt of the complaint to file a response with the city clerk.

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SECTION 6. That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.200 (Disposition), Subsection (D) is hereby amended to read as follows, all other portions and subsections of City Code 2.92.200 remain in full force and effect:

2.92.200- Disposition.

D. If after hearing the issues, the ethics review commission determines through clear and convincing evidence that a violation of this chapter has occurred, then the ethics review commission may issue one of the following sanctions:

1. Letter of notification. A letter of notification may be issued when the ethics review commission finds that a violation of this chapter was clearly unintentional. A letter of notification may advise the person to whom the letter is directed of any steps to be taken to avoid future violations.
2. Letter of admonition. A letter of admonition may be issued when the ethics review commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.
3. Letter of reprimand. A reprimand may be issued when the ethics review commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.
4. Recommend removal from office. In addition to a letter of reprimand, removal from office may be recommended to the city council for action when the ethics review commission finds that a serious or repeated violation of this chapter was committed by an officer intentionally or through culpable disregard of this chapter.
5. Issue a fine not to exceed \$500 payable to the City comptroller within 30 days of such order by the ethics review commission.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine

ORDINANCE NO. _____

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristen L. Hamilton-Karam
Deputy City Attorney

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