



# City Council Meeting Ethics Ordinance Amendments

Kristen L. Hamilton-Karam, Deputy City Attorney  
December 12, 2023

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# Previous Actions of Council

- August 14, 2023 Directed City Attorney and Interim City Manager to come back with recommended changes to the Ethics Code to increase transparency.
- October 10, 2023 Directed City Attorney and Interim City Manager to return with Ordinance to amend per Council Direction.
- November 20, 2023 Directed to finalize ordinance with recommendations from Commission except to leave requirements for contributors and donors.

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## Amend **2.92.080 A** to:

1. Define “Donor” as person or entity giving money or in-kind donation for use by a council member for their district or their office for the community.
2. Require Council member verbal disclosure of all contributions or donations over \$500 simultaneous with any agenda item regarding the contributor or donor.
  - a. Submit written disclosure
  - b. Noted in meeting minutes
3. Applies to amounts received any time during campaign or term of office.

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## Amend **2.92.080** to add **B:**

1. Require contributor and donor to disclose contribution or donation to any current member of council if there is an agenda item regarding the contributor or donor – to be posted on Agenda.
2. City Manager to establish process to notify contributors and donors of requirement and provide a form.
3. Same timeframe applies as in A.

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# Amend 2.92.080 to add D:

- Council Members annual report of contributions and donations

# Amend 2.92.120, 2.92.130(A)(5) and 2.92.160(B)(1):

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Add Ethics Commission Jurisdiction over:

1. Candidates
2. Political Committees
3. Contributors or donors obligated to disclose under new 2.92.080(B)

## 2.92.160(C):

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- Add Chief Internal Auditor as Council Appointed employee.

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## 2.92.170(A):

- Adjust timeframe for the respondent's required response to begin after the City Attorney determines jurisdiction.

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## 2.92.200:

- Include a civil fine of up to \$500 as possible sanction for violation of Ethics Code within 30 days of order.

# Ethics Commission

October 30, 2023:

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- Recommendations accepted by Council:
  - No disclosure requirements regarding persons receiving a recognition on a Council agenda
  - Include address of donor on annual reports
  - Ensure a process to enforce civil fine

Thank You!



## MISSION



Deliver exceptional services to support a high quality of life and place for our community.

## VISION



Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government.



## VALUES

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## MISIÓN



Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

## VISIÓN



Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



## VALORES

Integridad, Respeto, Excelencia,  
Responsabilidad, Personas

# (Slides 15-24) Redline Ordinance

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**SECTION 1.** That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), 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. The following definition applies to these terms as used in this section: “Contribution” and contributor are as defined in this chapter, and shall include, but not be limited to cash, loans, offsets to expenditures, in-kind contributions, donations, and gifts. “Donation” means cash, the value of any in-kind contributions or gifts to the council member for use by their office or in their district. The term “donor” includes an individual and spouse, a business entity, or and individual who owns a business entity in whole or in part, or is operated by the individual, that is the subject of a council agenda item. “Benefiting” as used in this section shall include but not be limited to any contract, bid award, franchise, permit, zoning or rezoning, and other award that council will vote on.

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

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- B. Reporting of Contributions and Donations by Council member: Council members must verbally disclose the amount of any contributions or donations received totaling an aggregate of \$500 or more prior to discussion or vote on any council item benefiting the contributor or donor. This requirement includes any contribution received at any time during the council member's campaign(s) or term(s) of office for city council. Such member shall file a written notation with the City Clerk to be included with the agenda backup documentation. This disclosure shall be recorded in the minutes of the meeting. ~~If a member of the city council has received campaign contributions from a contributor totaling five hundred dollars or more subsequent to the date that the member last files a campaign finance report pursuant to state law, such member shall disclose the receipt of such contributions to the city council before any deliberation or vote of the city council regarding any matter on a meeting agenda which concerns or relates to the contributor(s) individual, business entity owned in whole or in part or operated by the contributor(s) or which employs the contributor(s), or any other time that the contributor(s) appears to address the council during the meeting.~~

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

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- C. Reporting of Contributions and Donations by Contributors: No later than one week prior to the relevant Council meeting, a donor or contributor benefiting from an agenda item, and who 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 for use by the member's office or in their district at any time during their campaign(s) or term(s) of City office shall notify the City of the amount and to whom. 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.
- D. These is requirements shall apply to all meetings of the city council.
- E. ~~Such disclosure shall be orally made by the member and shall be recorded in the minutes of the meeting.~~

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

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- F. 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 and address of each contributor or donor and total amount from each contributor or donor.
- G. 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:

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### **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 and donors only to review alleged violations of Section 2.92.080 by individuals or business entities contributors or donors who have obligations under that section.

**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, contributors and donors described therein.

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**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:

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### **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, donor, 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.

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**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.

**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:

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## **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 on of the following sanctions:

1. *(1 – 4 left blank for presentation space limit purposes)*
- 2.
- 3.
- 4.
5. Issue a fine not to exceed \$500 payable to the City comptroller within 30 days of such order by the ethics review commission.

**SECTION 7.** That El Paso City Code Title 2 (Administration and Personnel), Chapter 2.92 (Ethics), Section 2.92.020 (Definitions), Subsection (10) is hereby amended to read as follows, all other portions and subsections of City Code 2.92.020 remain in full force and effect:

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**10.** Contribution means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit. ~~The term does not include an expenditure required to be reported under Section 35.006(b), Texas Government Code.~~ In-kind expenses, as defined in this section, is not a contribution.