



Legislation Details (With Text)

File #: 20-42 **Version:** 1 **Name:**
Type: Ordinances **Status:** Second Reading
File created: 12/9/2020 **In control:** City Council
On agenda: 2/2/2021 **Final action:**

Title: An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for “City”, “Confidential Information”, “Conducting Business with the City”, “Days”, “Mailbox Rule”, “Ministerial Act”, “Newly Discovered Evidence” and “Resident”; delete definition for “Negotiating Concerning Prospective Employment” and “Person”; update definition for “Board”; relocate definitions for “Clear and Convincing”, “Designated Employee”, “Frivolous Complaint”, and “Honorarium”; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance. [POSTPONED FROM 01-05-2021]

Sponsors:

Indexes:

Code sections:

Attachments: 1. 43. Ethics Ordinance

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Council	Postponed	

**CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM**

All Districts

City Attorney's Office, Karla M. Nieman, (915)212-0033
City Manager's Office, Cary Westin, (915) 212-1063

PUBLIC HEARING DATE: 1/5/2021

STRATEGIC GOAL:

Goal 6 - Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: Choose an item.

SUBJECT:

Discussion and Action on Ethics Ordinance Amendments

..Title

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code to perform the following: Divide the Chapter into Articles and reorganize provisions under the new Articles; add definitions for “City”, “Confidential Information”, “Conducting Business with the City”, “Days”, “Mailbox Rule”, “Ministerial Act”, “Newly Discovered Evidence” and “Resident”; delete definition for “Negotiating Concerning Prospective Employment” and “Person”; update definition for “Board”; relocate definitions for “Clear and Convincing”, “Designated Employee”, “Frivolous Complaint”, and “Honorarium”; delete Section 2.92.050(G) of the Standards of Conduct; add Standard of Conduct regarding interest affecting official conduct by City Officers and Employees; add Standard of Conduct to restrict a City Officer or Employee from inducing or attempting to induce another City Officer or Employee to violate this Chapter; restrict the jurisdiction of the Ethics Review Commission to only violations by City Officers within two years of an alleged violation; update the process for complaints filed before the Ethics Review Commission; add restrictions applicable to members of other Boards and Commissions throughout the City; clarify restrictions for City Employees and Officers; add a provision to allow the Ethics Review Commission to consolidate certain complaints; eliminate prohibition of Ethics Review Commission members from participating in political campaigns or campaigns related to a City Referendum or other ballot issue; add a reconsideration process before the Ethics Review Commission for sanctioned parties; eliminate all Ethics Review Commission Panels except for a Panel to write advisory opinions for Officers or when Panel is needed to dispose of a complaint; add a provision to allow the City Attorney to write advisory opinions for employees; add a requirement for Ethics Review Commission Member to recuse themselves if a member has engaged in Ex Parte Communications; add requirement for Ethics Review Commission members to recuse themselves if a complaint involves a City Officer whose campaign they donated to or participated in; delete Section 2.92.150 (Penalty); and clarified language throughout Chapter 2.92 (Ethics) of the El Paso City Code. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is listed in Section 2.92.200 (Disposition) as amended in this Ordinance. **[POSTPONED FROM 01-05-2021]**

BACKGROUND / DISCUSSION:

Discussion and action to approve the ordinance to amend the Ethics Code.

Click or tap here to enter text.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Click or tap here to enter text.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by amount numbers and description of account. Does it require a budget transfer?

Click or tap here to enter text.

*****REQUIRED AUTHORIZATION*****

Department Head:

If Agenda Item Summary Form is initiated by Purchasing, client department should sign also