

Mayor and Council Communication

DATE: 12/17/19

M&C FILE NUMBER: M&C 19-0405

LOG NAME: 12ETHICS REVIEW COMMISSION

SUBJECT

Adopt Ordinance Amending Chapter 2, Article VII, Division 2 of the City Code to Revise the Manner in which Members of the Ethics Review Commission are Appointed (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance amending Chapter 2, Article VII, Division 2 of the City Code to revise the manner in which members of the Ethics Review Commission are appointed and to make other related non-substantive changes.

DISCUSSION:

The City's Ethics Code (codified in Chapter 2, Article VII of the City Code) provides for the appointment of a 5-member Ethics Review Commission to, among other duties, hear and rule on complaints alleging violations of the Ethics Code. Currently, all 5 members of the Ethics Review Commission are appointed by the City Council for terms of 2 years. One member must be an attorney. No member may serve on any other board or commission over which the Ethics Review Commission would have jurisdiction.

The terms of all current members of the Ethics Review Commission have expired and are now in holdover status. In order to eliminate concerns about term limits and to provide efficiency in filling positions on the Ethics Review Commission, it is recommended that the City Council amend the process and requirements for the appointment of members to the Commission. Under the attached Ordinance, the City Council would continue to be required to appoint a licensed attorney to serve on the Ethics Review Commission, but that appointee would serve solely at the pleasure of the City Council, without a specific term limit.

The other 4 members would be selected from amongst the then-current members serving on the City's Zoning Commission, Plan Commission, and Boards of Adjustment by a random draw method conducted by the City Secretary. These 4 members would only be appointed to serve on the Ethics Review Commission upon the filing of a valid complaint under the Ethics Code or when the Ethics Review Commission is otherwise asked to convene by the City Manager or the City Council. Each of the 4 members would have be residents of different City Council Districts. Once the particular item of business before the Ethics Review Commission was concluded, those 4 members would be excused from further service on the Commission unless their names were drawn again in the future to handle subsequent issues.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this action will have no material effect on City funds

Submitted for City Manager's Office by: ALL ACMs 6222

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