

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	38076	Agenda Number	49.
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Meeting Date:	11/20/2014	Department:	Management Services
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Subject

Approve an ordinance amending City Code Title 2 relating to the functions and duties of the City Auditor and the Ethics Review Commission.

Amount and Source of Funding

Fiscal Note

A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	October 16, 2014: City Council passed Resolution No. 20141016-033.
For More Information:	Deputy City Manager Mike McDonald / (512) 974-2476
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On October 16, 2014, the City Council adopted a resolution initiating a Code amendment relating to the functions and duties of the City Auditor and the Ethics Review Commission. The resolution proposed a reallocation of jurisdiction over Code of Ethics violations between the ERC and Auditor and changes to the Auditor’s investigative responsibilities. The resolution also directed the City Manager to present the proposed amendments to the ERC and to meet with the Auditor to come to an agreement about the Auditor’s investigative authority. The Auditor had several meetings with the City Manager’s Office and the ERC. The proposed ordinance represents the consensus reached by the Auditor and the City Manager, and the Auditor and the ERC.

Under the proposed ordinance, the ERC retains jurisdiction for alleged Code of Ethics violations by the city council, council direct reports, council appointees, a council member’s direct staff, and City employees not covered by a civil service system.

Jurisdiction for an allegation regarding an employee who is covered by a civil service system is under the Auditor. The Auditor may investigate and issue a report to the City Manager. The City Manager may conduct an additional

investigation. Disciplinary determinations are solely within the authority of the City Manager.

Employees have all existing post-disciplinary processes available to them.

Allegations regarding employees not covered by a civil service system may either follow the standard ERC process, starting with a sworn complaint, or, alternatively, a complaint may be submitted to the Auditor who would conduct an investigation and issue a report. The report would be submitted to the ERC for a final determination. The City Manager makes all personnel disciplinary determinations.

Matters received by the Auditor related to an employee covered by a civil service system will be handled in accordance with the law and any labor contracts.

The proposed ordinance provides that individuals who are the subject of an Auditor investigation for any reason will be provided a copy of the Auditor's draft report and given the opportunity to respond to the draft report. The response will be included in the Auditor's final report.

The ordinance also provides that the City Manager shall establish a process for notifying the Auditor of the disposition of matters that have been referred by Auditor to the City Manager.

It also provides a process by which the Auditor may request legal services from the City Attorney.