

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2-3-5 (POWERS AND DUTIES) AND SECTION 2-7-27 (LIMITS ON THE COMMISSION'S JURISDICTION) OF THE CITY CODE RELATING TO COMPLAINTS ALLEGING A VIOLATION OF THE CODE OF ETHICS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 2-3-5 (*Powers and Duties*) is amended to read:

§ 2-3-5 POWERS AND DUTIES.

(L)(1) If the city auditor investigates an allegation of a violation of City Code Chapter 2-7, Article 4 (Code of Ethics) by ~~[person listed in this subsection]~~ a member of the city council or their direct staff; a person appointed by the city council pursuant to the City Charter; or a person appointed by the city council to a City board, task force, or similar body ~~a person listed in this subsection~~, the city auditor shall submit the results of a substantiated investigation to the Ethics Review Commission by filing a sworn complaint with the commission under City Code Section 2-7-41 (Complaints).

~~(1)(a)~~ Not later than the fifth working day prior to filing the complaint with the Ethics Review Commission, the city auditor shall send a written notice to the person who is the subject of the investigation and to any person mentioned or referenced as being involved in the alleged inappropriate conduct informing the person that the city auditor intends to file a complaint with the commission.

~~(2)(b)~~ The Ethics Review Commission shall make the final determination on the allegation.

~~(3)~~ This subsection applies to an investigation of:

~~(a) the city clerk;~~

~~(b) the clerk of the municipal court;~~

~~(c) a person appointed by the mayor or the city council to a City board, task force, or similar body; or~~

~~(d) a City employee who is neither a member of the classified municipal civil service system nor of a state civil service system.~~

1 (2) If the city auditor investigates an allegation of a violation of City Code
2 Chapter 2-7, Article 4 (Code of Ethics) by a City official or employee, not listed in
3 Subsection (1) above, and who is neither a member of the City's classified municipal
4 civil service system nor of a state civil service system, the city auditor shall prepare
5 a draft investigative report of a substantiated investigation. The draft report shall
6 include any information tending to negate guilt or mitigate the seriousness of the
7 offense.

8 (a) The city auditor shall deliver the draft investigative report to the person
9 who is the subject of the investigation and any person mentioned or referenced
10 as being involved in the alleged inappropriate conduct. The person who is the
11 subject of the investigation or a person mentioned or referenced as being
12 involved in the alleged inappropriate conduct may submit to the city auditor
13 a written response to the draft report by the 20th working day after the person
14 receives the report.

15 (b) The city auditor shall include any written responses received, and
16 deliver the draft report to the city manager. The city manager shall
17 provide written comment on the draft investigative report, including any
18 action that has occurred in response to findings in the draft investigation
19 report by the 10th working day after the city manager receives the report.

20 (c) The city auditor shall include any written comment received from
21 city manager, and finalize the report.

22 **Part 2.** Section 2-7-27 (*Limit on the Commission's Jurisdiction*) is amended to read:

23 Notwithstanding any other provision of the City Code, the Ethics Review
24 Commission may not hear or initiate a sworn complaint alleging a violation of
25 Article 4 (*Code of Ethics*) against an employee listed in Section 2-3-5(L)(2),
26 including a member of the City's classified municipal civil service system or a
27 member of a state civil service system.

PART 3. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
§
§

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk