



STAFF REPORT

DATE: September 21, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Adoption of an Ethics Ordinance

BACKGROUND AND FINDINGS:

At the request of a Councilmember, the City Council discussed adopting an ethics ordinance, which the City currently does not have. The City Council gave staff direction to draft an ethics ordinance based on consensus reached on several key issues. On September 7, 2021, staff presented a draft ordinance. The City Council was given an opportunity to provide input to the City Attorney before the final ordinance was presented for consideration.

The attached ordinance reflects City Council changes to the draft made at its September 7 work session, including: 1) removal of the municipal court judges from those covered by the ethics ordinance; 2) deleting the proposed language on gifts and outside employment; and 3) clarifying that a relative of a city official as defined in the ordinance cannot serve on the Ethics Review Board.

Staff received comments back from Councilmembers since the September 7 work session, to include:

- ☐ excluding the City Manager and City Auditor from the ethics ordinance
- ☐ eliminating the creation of an Ethics Review Board
- ☐ consolidating all current ethics policies and codes of conduct into the ethics ordinance
- ☐ covering all staff with the ethics ordinance
- ☐ conducting background checks for committee members
- ☐ allowing a complainant to be unnamed and not required to testify if the complaint can be proven without the complainant testifying
- ☐ re-wording the section regarding frivolous complaints (2-177 in the attached draft) to apply only when a person submits two (2) frivolous complaints in six (6) months

As some of these conflict with each other and with direction previously provided to staff, and others have yet to be discussed by the City Council, the above items have not been included in the attached draft.

THE ALTERNATIVES CONSIDERED:

The City Council may decline to adopt an ethics ordinance, adopt the attached ethics ordinance with amendments or adopt the ethics ordinance as presented.

Which alternative is recommended? Why?

Staff has no recommendation.

CONFORMITY TO CITY POLICY:

This item confirms to city policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no fiscal impact associated with this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff has no recommendation.

DEPARTMENTAL CLEARANCES:

ATTACHED SUPPORTING DOCUMENTS:

Ordinance