



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-4426

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**Agenda Item Number:** 9.

**Agenda Date:** 8/2/2017

**In Control:** Governance Committee

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**DEPARTMENT:** City Auditor

**DEPARTMENT HEAD:** Kevin Barthold

**COUNCIL DISTRICTS IMPACTED:** All

### **SUBJECT:**

Update on Council Consideration Requests referred to the Ethics Review Board

### **SUMMARY:**

In 2016, Councilmembers Saldaña, Nirenberg, and Treviño submitted City Council Consideration Requests (CCR) seeking review of the Charter and Ethics Code to improve transparency in City government. Proposed areas of review include: waivers; the independence of the Compliance Auditor; and the Ethics Review Board appointment process. In addition, Councilmember Courage recently submitted a CCR seeking additional disclosure of principal occupation, job title, and employer of all contributors to a candidate for Council on the state-mandated contributions and expenditures reports. This item gives an overview of the process taken to date in reviewing and developing recommendations in consultation with the Ethics Review Board.

### **BACKGROUND INFORMATION:**

The following issues were raised in a CCR by Councilmembers Saldaña and Nirenberg:

- That any violation of the Ethics Code be addressed by the ERB
- Removing the ability for City Council to waive provisions of the Ethics Code

The following issues were raised in a CCR by Councilmember Treviño:

- Strengthening the Compliance Auditor position
- Independence of the office of the City Auditor
- Need for Ethics education
- Ethics advice from City Attorney
- Hiring of independent counsel

- Changing the ERB appointment process

At the February 17, 2016 meeting of the Governance Committee, these CCR's were referred to the Ethics Review Board to develop recommendations. The ERB has reviewed the requests for over a year and is prepared to make recommendations on all issues raised in the CCR's.

In addition, the CCR filed by Councilmember Courage in July 2017, requested the disclosure of principal occupation, job title, and employer of contributors by candidates seeking a municipal office. The ERB is aware of this issue and is studying it to make a recommendation.

**ISSUE:**

The Ethics Review Board has developed a slate of recommendations regarding waivers, the Compliance Auditor position and City Auditor independence, ethics education, the City Attorney's role in providing ethics advice, the hiring of independent counsel, and the ERB appointment process.

The Ethics Review Board subcommittee on Municipal Campaign Finance Code is currently reviewing campaign finance code changes, and will meet July 31, 2017 to discuss. The full board will meet August 8, 2017 to discuss and vote on the matter.

**ALTERNATIVES:**

Council can provide additional guidance regarding these matters.

**RECOMMENDATION:**

Staff recommends a complete presentation of all of the Ethics Review Board's recommendations at the next meeting of the Governance Committee