



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-5321

---

**Agenda Item Number:** 2.

**Agenda Date:** 9/20/2017

**In Control:** Governance Committee

---

**DEPARTMENT:** City Auditor

**DEPARTMENT HEAD:** Kevin Barthold

**COUNCIL DISTRICTS IMPACTED:** All

### **SUBJECT:**

Update on Council Consideration Requests referred to the Ethics Review Board and proposed changes to the Ethics Code and Municipal Campaign Finance Code.

### **SUMMARY:**

In 2016, Councilmembers Saldaña, Nirenberg, and Treviño submitted City Council Consideration Requests (CCR) seeking review of the City Charter and the 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 (ERB) appointment process. In addition, Councilmember Courage in July 2017 submitted a CCR seeking additional disclosure of principal occupation 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 filed in January 2016:

- 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 also filed in January 2016:

- 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 ERB 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, a CCR filed by Councilmember Courage in July 2017, requested the disclosure of principal occupation and employer of contributors by candidates seeking a municipal office. The Governance Committee forwarded this CCR to the ERB for recommendation in August 2017. The ERB has reviewed the request and is prepared to make a recommendation on all issues raised in the CCR.

**ISSUE:**

The ERB has performed research and held multiple meetings to review the CCRs and the Ethics Code and Municipal Campaign Finance Code. The ERB 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.

Additionally, the ERB had undertaken a complete review of the Ethics Code and Municipal Campaign Finance Code and is prepared to make recommendations for changes to further strengthen the Codes and increase clarity of the Code provisions.

The ERB will present their recommendation to the Governance Committee.

**ALTERNATIVES:**

Council can provide additional guidance regarding these matters.

**RECOMMENDATION:**

Staff recommends consideration and approval of all of the Ethics Review Board's recommendations and forwarding to the full Council for consideration and approval.