



# City of San Antonio

## Agenda Memorandum

**File Number:**16-1815

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**Agenda Item Number:** 4.

**Agenda Date:** 2/17/2016

**In Control:** Governance Committee

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**DEPARTMENT:** City Attorney's Office

**DEPARTMENT HEAD:** Martha G. Sepeda, Acting City Attorney

**SUBJECT:** CCR from Councilmember Roberto C. Treviño, District 1, for amendments to the Ethics Code

### SUMMARY:

Council member Roberto C. Treviño, District 1, submitted a Council Consideration Request seeking amendments to the Ethics Code and matters related to the Compliance Auditor.

### BACKGROUND:

On January 28, 2016, Council member Roberto C. Treviño submitted a Council Consideration Request, signed by Mayor Ivy R. Taylor, Council members Rey Saldana, Mike Gallagher, and Ron Nirenberg, seeking amendments to the Ethics Code to authorize the members of the Ethics Review Board to independently select the Compliance Auditor, instead of the City Auditor, who is hired by the City Council. The Council Consideration request also seeks to increase the independence of the Compliance Auditor, to strengthen responsibility and control over ethics education of City employees and officials, and over the implementation and enforcement of the Ethics Code. The request seeks to prohibit the Office of the City Attorney from providing ethical advice to City employees and officials, and provide the Compliance Auditor with sole responsibility, because the City Attorney is hired by the City Manager and approved by the City Council. The Compliance Auditor would also be empowered to hire outside counsel on matters when considered appropriate.

The request further seeks approval to add a charge to the Charter Review Commission, when it reconvenes to review the Charter for amendments, to change the appointment process of the members of the Ethics Review Board. The request cites two models whereby respected institutions in the community appoint either all or a

certain number of the board members, and seeks an amendment to follow these examples.

**ISSUE:**

The Ethics Code is adopted by Ordinance, and may be amended by a vote of a quorum of the City Council. The City Charter was last amended in May 2015 and may only be amended after two full years have passed since the last amendment.

**RECOMMENDATION:**

The Governance Committee may assign the matter to a subcommittee or to staff to research and bring draft amendments back to the Committee for further review and possible action. The Governance Committee may also submit the matter to the Ethics Review Board for review and recommendations.

The Charter Review Commission will reconvene in the near future, and may consider this issue during its review of the Charter to develop possible amendments for full Council consideration and possible inclusion in a Charter Amendment election in 2017.

Alternatively, the Governance Committee may forward the amendment regarding the Ethics Code to the full Council for consideration.