

ORDINANCE NO. 2022-92

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE SAN MARCOS CODE OF ETHICS TO ADD PROVISIONS RELATING TO REVIEW BY THE ETHICS REVIEW COMMISSION (ERC) OF ANNUAL FINANCIAL DISCLOSURE STATEMENTS SUBMITTED BY CITY COUNCIL MEMBERS, PLANNING AND ZONING COMMISSIONERS, AND THE FOUR CITY COUNCIL APPOINTEES; REQUIRING PERIODIC REVIEW BY THE ERC OF CAMPAIGN FINANCE REPORTS TO DETERMINE COMPLIANCE WITH THE INDIVIDUAL CONTRIBUTION LIMIT AND AGGREGATE FUND-RAISING LIMITS SET BY THE CODE; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.443 of the San Marcos City Code is hereby amended to read as follows (added language is underlined):

Sec. 2.443. Authority and duties.

(a) *Generally.* The ethics review commission shall act as authorized by section 12.02 of the Charter concerning conflicts of interest, ethical conduct or interests of city officials and employees.

(b) *Review and recommendations.* The commission will meet at least once a year to review this article and may make recommendations to the city council.

(c) *Hearings.* The commission shall consider and conduct hearings on complaints of violations of this article and of state conflict of interest laws in accordance with Section 2.444.

(d) *Advisory opinions.* The commission shall render advisory opinions on potential conflicts of interest or violation of this article at the request of a public official or employee subject to the terms of this article. The opinion must relate to an action proposed to be taken by the person requesting the opinion.

(e) *Opinions binding.* Any advisory opinion rendered by the commission to a person is binding on the commission in any subsequent complaint concerning the person about whom the opinion was requested and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in connection with the opinion.

(f) The commission shall review financial disclosure forms submitted under Section 2.462(a) by city council members, planning and zoning commissioners, city manager, city attorney, city clerk, and municipal court judge.

(g) The commission shall review campaign finance reports on file with the city clerk to determine compliance with the individual contribution limit and aggregate fund-raising limits on campaign contributions set by Sections 2.467 and 2.468.

SECTION 2. Section 2.463.1 is hereby added to the San Marcos City Code to read as follows:

Sec. 2.463.1. Review of financial disclosure statements

(a) The Ethics Review Commission shall review the financial disclosure statements submitted by city council members, planning and zoning commissioners, city manager, city attorney, city clerk and municipal court judge under Section 2.462(a).

(b) The Commission may request correction, clarification, or explanation of information contained in such financial disclosure statements or completion of any missing information. All requests must be in writing and contain an explanation of the reasons why the Commission has requested a response from the officer or employee.

(c) Upon receipt of a request from the Commission under the preceding subsection, the officer or employee shall either file a corrected financial disclosure statement with the city clerk or submit a written reply to the Commission within thirty (30) calendar days.

SECTION 3. Section 2.469 is hereby added to the San Marcos City Code to read as follows:

Sec. 2.469. Review of individual and aggregate campaign contributions

At least one time per calendar year, the Ethics Review Commission shall review the campaign finance reports on file with the city clerk to determine compliance with the individual contribution limit in Section 2.467 and the aggregate fund-raising limits in Section 2.468.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on _____, 2022.

PASSED, APPROVED AND ADOPTED on second reading on _____, 2022.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Michael J. Cosentino
City Attorney