

ERC RESOLUTION NO. 2021-2

A RESOLUTION OF THE ETHICS REVIEW COMMISSION OF THE CITY OF SAN MARCOS, TEXAS RECOMMENDING AN AMENDMENT TO SECTION 2.444 OF THE SAN MARCOS CITY CODE TO REQUIRE A COPY OF THE COMMISSION'S RULES OF PROCEDURE FOR HEARINGS TO BE PROVIDED BY THE CITY ATTORNEY TO THE COMPLAINANT AND TO THE PERSON ACCUSED OF AN ETHICS VIOLATION WITHIN SEVEN BUSINESS DAYS OF ACCEPTING AN ETHICS COMPLAINT

BE IT RESOLVED BY THE ETHICS REVIEW COMMISSION OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The Commission hereby recommends that the City Council discuss and consider amending the San Marcos City Code, Section 2.444, to read as follows:

Sec. 2.444. – Complaints; review and hearings; sanctions for violations.

(a) Complaint procedure.

- (1) Any resident or employee of the city who believes a person has violated a provision of this article or a state conflict of interest law may file a written complaint with the city attorney. The complaint must:
 - a. Identify the complainant and the person who allegedly committed the violation;
 - b. Provide a sufficient statement of the facts which if true would constitute a prima facie violation of a provision of this article or a state conflict of interest law;
 - c. Specify the provision of this article or a state conflict of interest law which is alleged to have been violated;
 - d. Identify sources of evidence, if any, that the complainant recommends should be considered by the commission;
 - e. Be filed on a form prescribed by the commission available on the City of San Marcos website and from the city attorney's office; and
 - f. No complaints shall be filed within a period beginning on the 60th day prior to the first day of early voting for any city election and ending on the later of the regular election day or runoff election day.
- (2) The city attorney will acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the commission and to the person accused within seven business days of accepting the complaint form. The city attorney shall also provide a copy of the Ethics Review Commission's Rules of Procedure For Hearings to the complainant and to the person accused within seven business days of accepting the complaint form.

PART 2. This resolution shall be in full force and effect from and after its passage.

ADOPTED on March 9, 2021.



Jonathan Lollar
Chair

Attest:



Tina Moreno
Recording Secretary