



Legislation Details (With Text)

**File #:** ID#20-273    **Version:** 1    **Name:**

**Type:** Discussion Item    **Status:** Individual Consideration

**File created:** 5/4/2020    **In control:** City Council

**On agenda:** 5/19/2020    **Final action:**

**Title:** Hold discussion regarding the recent use of the policy and purpose statements in Section 2.421 of the San Marcos Code of Ethics as the basis of ethics complaints; and provide direction to staff

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Redline of Section 2.421 - San Marcos City Code - Policy and Purpose - San Marcos Code of Ethics, 2. Section 2.421 - San Marcos City Code - Policy and Purpose - San Marcos Code of Ethics, 3. Sections 2.423 through 2.426 - San Marcos City Code

Date	Ver.	Action By	Action	Result
5/19/2020	1	City Council		

**AGENDA CAPTION:**

Hold discussion regarding the recent use of the policy and purpose statements in Section 2.421 of the San Marcos Code of Ethics as the basis of ethics complaints; and provide direction to staff

**Meeting date:** May 19, 2020

**Department:** City Attorney’s Office - Per Mayor Hughson and Council Member Marquez

**Amount & Source of Funding**

**Funds Required:** Click or tap here to enter text.

**Account Number:** Click or tap here to enter text.

**Funds Available:** Click or tap here to enter text.

**Account Name:** Click or tap here to enter text.

**Fiscal Note:**

**Prior Council Action:** Click or tap here to enter text.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu]

below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

The San Marcos Code of Ethics is a city ordinance that includes general policy and purpose statements that explain the need for having an ethics code and the benefits derived from adopting one. Those provisions are contained in Section 2.421 of the San Marcos City Code. A copy of that section is attached.

The San Marcos Code of Ethics also contains specific conflict of interest provisions, standards of conduct for officers and employees, and restrictions on former city employees. Those provisions are contained in Sections 2.423 through 2.426 of the San Marcos City Code. Violations of those provisions can be alleged by any San Marcos resident by means of an ethics complaint filed with the City Attorney's Office and presented to the Ethics Review Commission. A copy of Sections 2.423 through 2.426 are attached as background information.

As a relatively recent development, ethics complaints have been filed that are based on the general policy and purpose statements in Section 2.421 of the Code of Ethics instead of the specific provisions in Sections 2.423 through 2.426 of the code. Such complaints have included allegations having nothing to do with an officer or employee's performance of his or her official duties. Ethics complaints have been filed against city officials for expressing opinions on matters of public policy and, in one instance, for endorsing candidates for public office. The ethics ordinance was not intended to be used as a political weapon, to intimidate, or to embarrass city officials or employees.

This agenda item was posted for discussion and to seek direction on bringing forward an amendment to Section 2.421 of the San Marcos City Code to clearly state that the policy and purpose provisions in that

section cannot be cited or used by a citizen or considered by the Ethics Review Commission as the basis of an ethics complaint against any officer or employee of the city.

A redlined draft of Section 2.421, including suggested wording to provide clarification in a new subsection (e), is attached for council's review and discussion.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.