



## Legislation Details (With Text)

**File #:** ID#20-825      **Version:** 1      **Name:**  
**Type:** Discussion Item      **Status:** Individual Consideration  
**File created:** 11/18/2020      **In control:** City Council  
**On agenda:** 12/2/2020      **Final action:**  
**Title:** Hold discussion on Ethics Review Commission Recommendation Resolution 2020-3, recommending amendments to the San Marcos Code of Ethics that would: require ethics complaints to be sworn before a notary public; require notice to be given to individuals who file ethics complaints regarding potential consequences of filing groundless complaints; prohibit the filing of an ethics complaint regarding any violation alleged to have occurred more than six months prior to the filing date; require city officials and employees to cooperate with the Ethics Review Commission during hearings on ethics complaints by testifying and producing documents; prohibit retaliation in the form of adverse personnel action against City employees who file ethics complaints in good faith or who testify or produce documents during ethics complaint hearings; prohibit city officials or employees from using their positions to threaten or intimidate a city employee to discourage the employee from filing an ethics complaint or cooperating in an ethics complaint hearing, and provide direction to Staff.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ERC Resolution 2020-3 - Whistleblower Protection, Ethics Complaint and Hearing Process Amendments (highlighted)

Date	Ver.	Action By	Action	Result
12/2/2020	1	City Council		

**AGENDA CAPTION:**

Hold discussion on Ethics Review Commission Recommendation Resolution 2020-3, recommending amendments to the San Marcos Code of Ethics that would: require ethics complaints to be sworn before a notary public; require notice to be given to individuals who file ethics complaints regarding potential consequences of filing groundless complaints; prohibit the filing of an ethics complaint regarding any violation alleged to have occurred more than six months prior to the filing date; require city officials and employees to cooperate with the Ethics Review Commission during hearings on ethics complaints by testifying and producing documents; prohibit retaliation in the form of adverse personnel action against City employees who file ethics complaints in good faith or who testify or produce documents during ethics complaint hearings; prohibit city officials or employees from using their positions to threaten or intimidate a city employee to discourage the employee from filing an ethics complaint or cooperating in an ethics complaint hearing, and provide direction to Staff.

**Meeting date:** December 2, 2020

**Department:** Convention and Visitor Bureau

**Amount & Source of Funding**

**Funds Required:** n/a

**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:**

In response to previous recommendations from the San Marcos Ethics Review Commission (ERC,) the City Council has discussed the need to provide whistleblower protection for city employees who file ethics complaints or those who testify or provide documents at hearings conducted by the ERC regarding pending ethics complaints. Previous City Council discussions occurred on the following dates:

March 20, 2018 - Work Session

August 6, 2018 - Workshop

August 6, 2019 - Regular Meeting; Agenda Item #28 - Discussing ERC Resolution No. 2019-1

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

On August 6, 2019, the City Council directed the ERC to prepare a proposed ordinance to provide whistleblower protection for city employees who participate in the ethics complaint process.

**Alternatives:**

[Click or tap here to enter text.](#)

**Recommendation:**

ERC Resolution 2020-3 (copy attached) recommends the adoption of an ordinance that amends the San Marcos Code of Ethics to provide whistleblower protection for city employees who participate in the ethics complaint process. The resolution also recommends amendments that require ethics complaints to be sworn before a notary, require notice to be given to complainants regarding the possible consequences of filing frivolous ethics complaints, and set a six month complaint filing deadline from the date of an alleged ethics violation.

All proposed text amendments are shown in legislative format; proposed additions are underlined; proposed deletions are shown with strikethroughs. In addition, the provisions that add whistleblower protection are highlighted in yellow. Some of the proposed amendments were derived from similar ordinance provisions from other cities; references to those cities are included in the draft ordinance attached to ERC Resolution 2020-3.