

**Briefing – Council request to reconsider City Council’s decision in 2024 to establish City Attorney Pre-Review of Ethics Complaints 4-28-26:**

On August 20, 2024, after City Councilmembers were the subject of multiple groundless complaints, City Council approved a change in City Code to provide:

- (1) city attorney preliminary review of ethics complaints (appealable), and
- (2) entitlement to fees for representation of persons accused of ethics violations in an amount up to \$5,000.

## **Sec. 2-330. – Complaints. . . (e)**

(1) The city attorney shall conduct a preliminary review of the complaint within 7 business days after receipt and issue determination whether the complaint (i) is sufficient as to form and (ii) alleges sufficient facts which, if true, would constitute a prima facie violation of the Rules of Conduct. The city attorney shall provide the commission, the city secretary, the complainant and the respondent with written notice of such determination.

(2) The complaint is dismissed upon determination that the complaint failed to comply with (i) or (ii) above, subject to complainant's right to appeal such dismissal to the commission within 10 business days of dismissal. This appeal must be in writing, sworn to in compliance with subsection (a) above, and state the grounds for the appeal. The complainant shall provide the appeal to the city secretary who will then forward a copy to the commission, the city attorney and the respondent within three business days of receipt.

(3) The respondent shall have 10 business days to submit a written response to the commission after a preliminary determination of the city attorney that the complaint complies with (i) and (ii) above, or after proper appeal is forwarded to the commission in compliance with subsection (e)(2).

(e) [continued]:

(4) Within 30 business days after commission's receipt of (a) the determination of the city attorney that the complaint complies with (i) and (ii) above or (b) an appeal by the complainant in compliance with subsection (e)(2), the commission shall determine whether to schedule a hearing or take other action concerning the complaint. Such determination shall be made during a meeting of the commission by majority vote of all commissioners present.

(5) The complainant shall have one opportunity within 10 calendar days of any denial of their original complaint by the commission to amend their complaint and refile the same with the commission.

(f) If the commission determines such party's complaint or defense was groundless, legal fees incurred by the complainants, the commission, and the party complained against, in an amount determined reasonable by the commission may be awarded against the unsuccessful party. "Groundless" means: (1) without basis or fact; or (2) not warranted by law or reasonably arguable interpretation thereof. The complainants shall not be liable for such fees if the commission has determined grounds exist for a hearing. The city will pay reasonable fees for legal representation of the respondent through conclusion of a commission hearing in an amount not to exceed \$5,000, subject to city's right to repayment through salary and/or stipend deductions of the respondent in the event commission finds a violation has occurred.

<b>Date Filed</b>	<b>Complai nee</b>	<b>Compl ainant</b>	<b>Alleged Violation</b>	<b>Ethics Commission Decision</b>
1/16/24	Mike Pusley	John Weber	No sections of Code of Ethics cited as violations. Complainant alleged Open Meetings Act violations	Ethics Commission scheduled hearing for March 21, 2024 with Everett Roy being called as a witness. Evidence was submitted. Ethics Commission denied complaint
2/28/24	Gil Hernandez	John Weber	No sections of Code of Ethics cited as violations. Complainant alleged Open Meetings Act violations	Evidence was submitted. Ethics Commission met on February 15, 2024. Ethics Commission denied complaint
7/5/24	William Bonawitz	Leyla Hasan	2-311(Standards)(16)-Improper Access to Information	Reclassified as complaint against employee, forwarded to Bonawitz's Department Director.

8/6/24	Pat Craig	Becky Moeller	2-311(5) & (14) Securing Special Privileges & Thwarting Laws – Secret Meetings w- Library Board	Ethics Commission denied complaint
8/6/24	Miles Risley	Becky Moeller	2-311(5) & (14) Securing Special Privileges & Thwarting Laws- Secret Meetings– City Attorney alleged to be liable for violations of Library Board	Ethics Commission denied complaint
<b>8/20/24</b>	<b>City Council established City Attorney Pre-Review of Complaints</b>			
10/25/24	Judge David Walsh	Jesus Jasso Jr.	No sections of Code of Ethics cited as violations – Complainant believes he is a sovereign citizen, and prosecution of him violated his 5 <sup>th</sup> and 6 <sup>th</sup> Amendment constitutional rights	City Attorney’s Office reviewed complaint and dismissed it on October 28, 2024 due to failure to cite a violation of a standard of ethics.

7/8/2025	Judge Bill Bonilla	Robert Graham MacQueen	2-311 (4) Inappropriate Personal Relationships, (8) Required recusal for Conflict of Interest that violates ethics standards, (15) Felony or misdemeanor of moral turpitude	City Attorney's Office dismissed complaint on July 9, 2025. Complainant had been found guilty by jury of watering violations, and he was complaining that the Chief Judge requested he appear and specify nature of his complaint against Judge Bonilla. Facts, if true, were not a violation of the City's rules of ethics. Complainant's issues were more properly handled as a complaint to the State Commission on Judicial Conduct
4/3/2026	Gil Hernandez	Sondra Meyers	2-311(Standards) (8) Conflict of Interest, (1), (2) & (3) Special Privileges; (17) Improper Disclosure, & (15) Felony, misdemeanor or moral turpitude	City Attorney's Office reviewed complaint and dismissed on April 13, 2026 due to complainant's failure to swear the facts were true. Requirement to swear to complaint is specifically required on the complaint form. Merely attaching documents to the complaint bypassed the obligation to swear to the facts of the complaint.

## **Recommendations of Legal Department:**

1. No action, or
2. Repeal both the preliminary review of complaints & the mandate to pay Legal Fees for respondents. In the absence of preliminary screening of complaints, frivolous ethics complaints will lead to unbudgeted obligations by the City, or
3. If City Council wishes to repeal only the preliminary review, then budget an extra \$25,000 per year to handle attorneys fees from expected frivolous complaints. 2024 saw five complaints, so \$25,000 handles the busiest recent year. This amount may need to be increased in future years, especially if gaming of the system occurs.