

Ordinance amending Section 2-330 of the Code of Ordinances of the City of Corpus Christi, Texas to provide for outside representation of City Officials for alleged violations before the Ethics Commission.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

Section 1. The requirement for the Ethics Commission review of City Council changes to the Ethics Code under § 2-326(a)(1) is hereby waived and Subsection 2-330 of the City Code is amended to read as follows:

Sec. 2-330. - Complaints.

(a) A sworn complaint alleging violation of the code of ethics shall specify the provisions of the Rules of Conduct (section 2-311) alleged to have been violated and facts alleged to constitute the violation. In lieu of a complaint sworn to under oath, the complainant may subscribe to the complaint using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A., Civil Practice and Remedies Code ch. 132, as amended.

(b) Upon the valid complaint of any one (1) person filed with the city secretary's office, the commission shall consider possible violations of the code of ethics by city officials and board members and former city officials and board members other than members of this commission. In addition, the commission shall consider such possible violations when referred to it as a complaint by majority vote of all council members holding office and qualified to vote thereon. The council may direct the city attorney to draft such referred complaint, which shall be reviewed as other complaints hereunder. The council members voting for the complaint shall sign the complaint.

(c) A complaint alleging a violation by a city official or board member must be filed with the city secretary within six (6) months from the date the complainants complainant(s) knew or should have known of the action alleged as a violation, and not afterward.

(d) (1) The city secretary, after receiving a complaint submitted in accordance with subsection (a) and (c) above, shall, within three (3) working-business days, acknowledge receipt to the complainant and provide a copy to the city attorney, the commission, and the person city official or board member complained against ("the respondent").

(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).

(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.

~~(2) — The person complained against shall have ten (10) calendar days, from receipt of the complaint, to submit a written response to the complaint to the city secretary.~~

~~(3) — The commission shall, not earlier than the time allotted in subsection (d)(2) and not later than thirty (30) calendar days after receipt of a complaint by the city secretary, notify in writing the person who made the complaint and the person complained against whether it intends to schedule a hearing or take other action concerning the complaint.~~

~~(4) — (5) The complainant shall have one (1) opportunity within fifteen (15) calendar 10 business days of any denial of their original complaint by the commission to amend their complaint and refile the same with the commission.~~

~~(e) (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.~~

Section 2. All provisions of the ordinances of the City of Corpus Christi in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other


provisions of the ordinances of the City of Corpus Christi not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 4. This ordinance shall become effective October 1, 2024. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

Introduced and voted on the 13th day of August, 2024.

PASSED and APPROVED on the 20th day of August, 2024.



Paulette M. Guajardo, Mayor



Rebecca L. Huerta, City Secretary

