

6-1-15

ORDINANCE NO. 29770

An ordinance amending Chapter 12A, "Code of Ethics," of the Dallas City Code by amending Section 12A-26; requiring that a person filing an ethics complaint swear or affirm under penalty of perjury that the complaint states a violation of Chapter 12A and is not brought for an improper purpose; allowing a person filing an ethics complaint to swear or affirm under penalty of perjury that the contentions in the complaint are supported by credible evidence; providing that a preliminary panel of the ethics advisory commission may assess the credibility of the evidence provided in and with a complaint in determining whether the complaint is supported by just cause; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (8) of Subsection (a), "Filing," of Section 12A-26, "Complaints," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code, as amended, is amended to read as follows:

"(8) An affidavit in which the complainant swears or affirms, under the penalty of perjury, that:

(A) the complaint states a violation of this chapter;

(B) the complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delays, or needlessly increase the cost of defense to the person charged in the complaint; and

(C) either:

(i) all information submitted in and with the complaint is true and correct; or

(ii) to the best of the complainant's knowledge, formed after an inquiry reasonable under the circumstances, the factual contentions in the complaint are supported by credible evidence submitted in and with the complaint."

SECTION 2. That Paragraph (1) of Subsection (g), "Summary Dismissal," of Section 12A-26, "Complaints," of Article VII, "Ethics Advisory Commission," of Chapter 12A, "Code of Ethics," of the Dallas City Code, as amended, is amended to read as follows:

"(g) Summary dismissal.

(1) Within 30 days after receipt of a complete complaint, either the chair or vice chair, selected on a rotational basis and subject to availability, and two commission members, selected by lot by the city secretary and subject to availability, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under this chapter."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 12A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By *Aleen Young*
Assistant City Attorney

JUN 10 2015

Passed _____