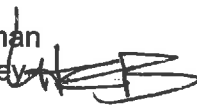




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MEMORANDUM

TO: Robin Kniech
Council Member
Government and Finance Committee Chair

FROM: Helen Eckardt Berkman
Assistant City Attorney 

DATE: November 17, 2011

SUBJECT: Proposed Ethics Changes
Whistle-Blower Protection Ordinance

Attached please find the final submissions of the Board of Ethics proposing changes to the Code of Ethics and the Whistle-Blower Protection Ordinance. These proposed changes are scheduled for discussion at the November 30, 2011 meeting of the Government and Finance Committee.

After the Government and Finance Committee meeting of October 12, 2011, the Board of Ethics met to consider comments made by Council members, and to review suggestions I presented to them relating to the structure and wording of the proposed changes. The Board voted to present to you its final proposals as attached.

In accordance with your request, I've set forth each proposed change in a separate document for discussion purposes, summarized as follows:

BR11-0744 Code of Ethics

Proposed Change #1 – Reporting: This change would allow the Board of Ethics to obtain information on any discipline imposed by City departments as a result of ethics violations, including disciplinary actions resulting from the Board's opinions or recommendations.

Proposed Change #2 – Anonymous Complaints: This change would allow the Board of Ethics to accept anonymous complaints meeting certain defined criteria.

Proposed Change #3 – Confidential Complaints: This change would allow the Board of Ethics to wait until after screening a complaint before notifying the person who is the subject of the complaint, and would allow the Board to refuse a complaint and return it to the complainant.

Proposed Change #4 – Housekeeping Changes: This change includes five proposed revisions which the Board considers to be housekeeping changes and/or clarifications.

BR11-0743 Whistle-Blower Protection Ordinance

Proposed Change: This change includes two proposed revisions to the Whistleblower Protection Ordinance: to extend the protections of the ordinance to anonymous complaints, and to provide that "official misconduct" may include an act or omission that is planned or intended even if not fully carried out.

cc: Shelley Smith, Staff Analyst, City Council
Michael Henry, Staff Director, Board of Ethics
David Broadwell, Assistant City Attorney