



AGENDA MEMORANDUM

First Reading for the City Council Meeting of January 17, 2017
Second Reading the City Council Meeting of January 31, 2017

DATE: January 25, 2017

TO: Margie C. Rose, City Manager

FROM: Miles Risley, City Attorney
MilesR@cctexas.com
826-3360

Ethics Code Amendments

CAPTION:

Ordinance amending the City Code of Ethics by revising sections to expand conflict of interest prohibitions; to prohibit disclosure or use of confidential information; to prohibit City Councilmember from participating in appointment of a person who contributed \$2700 or more to the Councilmember's campaign; to prohibit registration as a lobbyist within 2 years of leaving City service; to provide clarification of Ethics Commission review of Financial Disclosure Reports; providing for severance and providing for publication

PURPOSE:

Amendments to the Ethics Code as requested by the Ethics Commission

BACKGROUND AND FINDINGS:

During 2016, the Ethics Commission studied the City Ethics Code and proposed several amendments which were presented to the City Council on July 19 and again on November 15, 2016. The Ethics Commission's recommended amendments passed City Council first reading on January 10, 2017. At the City Council meeting on January 17, 2017, questions were raised regarding the intent of the proposed amendment to Section 2-311(8)(e), and the Ordinance was tabled to January 31, 2017.

As proposed by the Ethics Commission, Section 2-311(8)(e) would prohibit elected city officials from using their position to influence the action of a city official or city employee in the performance of their duties related to a contract or business transaction involving an individual or organization who contributed to the official's campaign contributions during the most recent election either directly, or indirectly, via a third party. The Ethics Commission met on January 19, 2017 to discuss the pending ordinance and recommended no changes to their proposed amendments. The Ethics Commission discussed their intent of Section 2-311(8)(e) was not to prohibit a council member from bringing an issue to attention of the responsible City staff person. However, it is possible

that City Council may wish to consider alternate phrasing, and so alternate phrasing (shown in green below) is being provided by the Legal Department for consideration by City Council.

(e) Elected city officials may not use their position to influence (?direct?) the action of a city official or city employee in the performance of their duties related to a contract or business transaction involving an individual or organization who contributed to the official's campaign contributions during the most recent election either directly, or indirectly, via a third party. It is not a violation of this subsection (e) to make a request to the City Manager to communicate with a third party.

ALTERNATIVES:

To not adopt the proposed amendments.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

These amendments conform to City Code of Ethics.

EMERGENCY / NON-EMERGENCY:

Non-emergency; two readings.

DEPARTMENTAL CLEARANCES:

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital x Not applicable

Fiscal Year: 2016-2017	Current Year	Future Years	TOTALS
Line Item Budget			
Encumbered / Expended Amount			
This item			
BALANCE			

Fund(s): (Do not list Accounting streams, use names of accounts)

Comments: (Insert any brief comments that may be necessary to explain chart)

RECOMMENDATION:

Adoption of the ordinance is a policy matter.

LIST OF SUPPORTING DOCUMENTS:

Powerpoint previously provided on January 10 and January 17, 2017

Ordinance including alternate phrasing