

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 2-30 OF THE CITY OF DENTON CODE OF ORDINANCES TO DELETE CRIMINAL PENALTIES FROM THE PROVISIONS THEREOF AND TO REDEFINE "CONFIDENTIAL GOVERNMENT INFORMATION" AS PROVIDED THEREIN; PROVIDING SEVERABILITY; REPEALING ALL CODE PROVISIONS AND ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton Code of Ordinances prohibits, in Section 2-30, the improper disclosure of confidential information; and

WHEREAS, the City Ethics Committee has, after careful consideration, recommended that Section 2-30 be amended by elimination of criminal penalties and redefinition of the term "confidential governmental information;" and

WHEREAS, the City Council has determined that these recommended changes to Section 2-30 are in the public interest; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Section 2-30 of the City of Denton Code of Ordinances is hereby deleted in its entirety and replaced with the following:

**Sec. 2-30. - Improper disclosure of confidential information.**

(a) A city official, including a city council member or a board or commission member, or city employee shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's or employee's position.

(b) Confidential government information is defined as:

- (1) All information held by the city deemed confidential by law and clearly marked as confidential;
- (2) Any information from a meeting closed to the public pursuant to the Texas Open Meetings Act, as well as all information held by the City that is not available to the public under the Texas Public Information Act; and
- (3) Any information protected by attorney-client, attorney work product, or other applicable legal privilege.

(c) A city official, including a city council member or a board or commission member, or city employee, who violates this section is subject to penalties as follows:

- (1) An employee who violates this section is subject to disciplinary action by the city manager, up to and including dismissal.
- (2) A city official, including a board or commission member, but excluding a city council member, who violates this section is subject to disciplinary action by the city council, up to and including removal.
- (3) A city council member who violates this section is subject to a public reprimand by the city council.

SECTION 2. If any provision of the ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. All provisions of the ordinances of the City of Denton, including those in the Code of Ordinances, in conflict with this ordinance are hereby repealed, and all other provisions of the of the ordinances of the City of Denton, including those of the Code of Ordinances, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

BY: Anita Burgess