

# **Ethics Ordinance Creation**

**Bryan Langley- City Manager's Office**

**Nov. 14, 2017**



# Background:

- ▶ September 16, 2016- Discussed possible Charter revisions
- ▶ October 11, 2016- Approved the creation of a Charter Review Committee (CRC)
- ▶ June 27, 2017- CRC presented recommendation
- ▶ August 11, 2017- Ordinance approved calling election on Charter propositions
- ▶ November 7, 2017- Election was held for propositions to revise Charter

# Approved Charter Language\*:

## **Ethics Ordinance Requirement.**

The City Council shall adopt an ethics ordinance. The ethics ordinance shall prohibit the use of public office for private gain and shall incorporate the conflict of interest standards that appear in chapter 171 of the Texas Local Government Code and all state law as presently exist or may be hereafter amended or adopted.

The Council may adopt more stringent standards than those that appear in state law, but the ethics ordinance shall at a minimum include the following components:

1. Definition of a prohibited improper economic interest and personal gain;
2. Definition of recusal and improper participation when a potential conflict of interest is present;
3. Avoidance of appearance of conflict of interest; and
4. Administration and enforcement of ethics ordinance, including the power to subpoena witnesses and documents, coupled with strong and meaningful remedies for infraction.

# CRC Elements:

**In addition to recommending charter language, the CRC recommended elements to be included in an ethics ordinance:**

- ▶ Elected and appointed officials **shall recuse themselves** from any discussion or agenda item wherein a conflict or appearance of conflict of interest may exist.
- ▶ **Conflict** shall be at a minimum as defined in the state law, more stringent in percentage ownership, and apply to all officials and appointees with a fiduciary responsibility.
- ▶ Elected and appointed officials shall comply with all applicable laws of the State of Texas.
- ▶ **Ethics complaints shall be heard by a three-person panel** with mediation and arbitration experience. Council shall select and determine remuneration for a panel pool of not less than seven so that a rotating sequence may be established.
- ▶ **A mandatory Ethics training regimen shall be adopted and enforced** for all elected and appointed public officials.
- ▶ **Consideration shall be undertaken to include all city employees** under the Ethics Ordinance.

# Options:

1. Hire an outside consultant
  - ▶ Cost- Staff estimates that the cost would be approximately \$20,000
  - ▶ Consultant- Hire Alan Bojorquez or have staff research additional consultants
2. Have staff research and use other city ordinances as a model or template
  - ▶ Time- Modification through work sessions could add significant time
3. Other direction by City Council

# Direction:

- ▶ Staff Recommendation
  - ▶ Hire an outside consultant to assist in the creation of an ethics ordinance

