

12325 Hymeadow Drive
Suite 2-100
Austin, Texas 78750



Phone: (512) 250-0411
Fax: (512) 250-0749
TexasMunicipalLawyers.com

November 28, 2017

Charlie Rosendahl
Management Analyst
City of Denton
215 E. McKinney
Denton, Texas 76201

PROPOSAL: *Ethics Ordinance*

Mr. Rosendahl:

The City of Denton has expressed an interest in engaging my services to assist in the drafting of an ordinance enacting a Code of Ethics. I am willing to assist you with this endeavor.

In terms of process, I recommend you consider the following steps. These items are listed as possibilities, and are subject to modification by the City Council.

- 1. Meetings:** I suggest the City Council consider meeting 5-10 times, for 1-2 hours per gathering. We can decrease the number of meetings by extending the meeting duration, perhaps convening on a Saturday (subject to the convenience of the City Council).
- 2. Meeting #1: Training:** At the first meeting (currently scheduled for December 5th), I will conduct a training session educating the City Council on:
 - a.** Ethics, Generally.
 - b.** State Laws Governing Official Conduct.
 - c.** Common Characteristics of Municipal Ethics Ordinances.
 - d.** The Process for the Remainder of this Project (which is a discussion item).
- 3. Meeting #2: Ordinance Presentation:** I will provide the City Council with *Draft "A"*, which I will have prepared based on various samples and Best Practices. I will walk the City Council through the draft explaining key provisions, and pointing out fundamental decision points.

The draft will contain provisions commonly found in ethics regulations of cities comparable to Denton. In the draft will be procedures and guidelines I have found to be effective and efficient for dealing with ethical challenges. The draft will include

choices and decision-points for the City Council to address. The City Council's goal will be to customize the draft ordinance to fit Denton's needs. I recommend against simply taking another city's ordinance and tweaking. It is often harder to fix another entity's ordinance (which may have been revised inconsistently over time) than it is to start with a fresh, cohesive document.

- 4. Meeting #3: Ordinance Review:** At the third meeting, the City Council will discuss *Draft "B"*, which I will have prepared utilizing feedback from the previous meeting. The City Council can ask questions, make suggestions, and express preferences. The City Council will provide me with feedback and give me instructions for what they want to see in the next version.
- 5. Meeting #4: Ordinance Review & Public Hearing:** At our forth meeting, the City Council will deliberate *Draft "C"*, which I will have prepared utilizing feedback from the previous meeting. The City Council can verify it is consistent with their earlier-stated preferences, and raising any new or additional issues to be addressed.
- 6. Meetings #5-10: Conclusion of the Drafting Process:** The final round of City Council meetings will include a vote to approve my written report. The report will:
(a) outline the process that was used to devise the ordinance; (b) summarize the public input that was received; and (c) explain the City Council's rationale regarding decisions made on key components of the ordinance. The Council can utilize these final meetings (as necessary) to further ask questions, modify the draft ordinance, and receive additional public input. During these final meetings the City Council can also schedule to handle these tasks:
 - (a) First Reading:** The City Council will conduct the first reading of the *Draft "D"*, including a public hearing. Members of the committee will be present to make a formal presentation to the City Council and answer questions.
 - (b) Second Reading & Adoption:** The City Council can approve *Draft "D" or Draft "E"*. The City Council can then encourage citizens to apply for appointment to the oversight board created by the ordinance (i.e., "Board of Ethics," or "Ethics Review Commission," etc.).
 - (c) Appointments:** The City Council appoints members to the oversight board. The process is complete.

Following the conclusion of this process, I can be available to advise the oversight board upon request, or represent them if conflicting complaints arise in the future.

My fees and related expenses for this project are estimated to total approximately **\$20,000.00** for the first 5 meetings (which preparation time, legal drafting and editing, a few phone calls, and periodic emails). Beyond the first 5 meetings, my per-meeting fee is \$4,000. We shall establish a *Not To Exceed* maximum of **\$40,000** to cover up to 10

meetings (after which, additional City Council approval is necessary in order to proceed). Outside of these packages, my services will be billed at the hourly rate of **\$245**.

If the City finds this acceptable, please have Mayor Watts execute our Standard Terms of Engagement.

Should the City want to negotiate an alternate arrangement, I am open to discussing other possibilities.

Thank you for the opportunity to submit my recommendations. I look forward to assisting Denton with this important endeavor.

Sincerely,

A handwritten signature in dark ink, reading "Alan J. Bojorquez". The signature is fluid and cursive, with the first name "Alan" and last name "Bojorquez" clearly legible.

Alan J. Bojorquez
Principal Attorney

Possible Meetings Dates for Alan Bojorquez

Saturdays:

- December 16th,
- January 13th,
- January 27th.

Tuesday Evenings:

- Dec 19,
- Jan 30,
- Feb 6,
- Feb 20,
- Mar 6,
- Mar 20,
- Apr 3,
- Apr 17.

Wednesday Evenings:

- Dec 20,
- Jan 17,
- Jan 31,
- Feb 7.