



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM/ DCM/ ACM: Bryan Langley

DATE: May 1, 2018

SUBJECT

Hold a fourth public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Code of Ordinances, related to Chapter 2, titled "Administration" Article XI, titled "Ethics"; providing for findings of facts; providing a repealer; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

BACKGROUND

On November 7, 2017 a charter election was held in which Proposition D was approved by the voters and required the City adopt an ethics ordinance in accordance with Texas law and with adherence to certain minimum standards. Shortly after the election the City Council directed staff to hire attorney Alan Bojorquez to assist in the development of an ethics ordinance.

Prior to commencing the drafting process the City Council completed two (2) hours of formal training on ethics laws and common components of municipal ethics policies in Texas. The City Council held a series of five (5) meetings from December 2017 to February 2018 to discuss various elements of an ethics ordinance and provide direction in the creation of an ethics ordinance. The first draft of an ethics ordinance, Draft "A", was presented to City Council on March 6, 2018. A second draft of an ethics ordinance, Draft "B", was presented to City Council on March 20, 2018. A third draft of an ethics ordinance, Draft "C", was presented to City Council on April 3, 2018. Multiple drafts of an ethics ordinance were presented to City Council on April 17, 2018. Draft "G" was submitted to City Council for consideration on April 24, 2018. All prior drafts are available on the City's website under the "Ethics Ordinance Development" page. This ordinance is based on a broad sampling of more than nineteen (19) municipal ethics policies and over twenty (20) hours of discussion with City Council. This ordinance would apply to the Mayor, City Council, Planning and Zoning, Zoning Board of Adjustment, Historic Landmark Commission, Board of Ethics, Public Utilities Board, department heads appointed by City Council, and vendors.

Included as **Exhibit 2** is an ethics ordinance based on feedback that staff has received during the prior City Council meetings. The following revisions were made from the April 24, 2018 City Council meeting:

- The effective date will be fourteen (14) days from the passage, but the filing of complaints and issuance of advisory opinions will be delayed until the Board of Ethics is appointed and the rules and procedures have been confirmed by City Council.
- The gift limit for City Officials is \$200 per fiscal year from any source.
- The definition of vendor to exclude property owners from whom the City acquires public right-of-way or other real property interests for public use.

- Subpoena powers are reserved only for the Board of Ethics by a majority vote and are limited in scope to compel testimony, evidence, and/or documents that are reasonably relevant to an actionable complaint.

A memo from Alan Bojorquez regarding the most recent changes to the Ethics Ordinance has been included as **Exhibit 3**.

This ordinance meets all of the ethics ordinance requirements included in the charter amendment approved by the voters and the recommended elements of an ethics ordinance presented by the Charter Review Committee (CRC), except for the CRC's recommendations that the Board of Ethics be a three person panel and city employees be included in the ordinance. The City Council decided that the Board of Ethics would be a seven (7) member body with three (3) alternate members. City employees were not included in the ethics ordinance being considered by City Council, but a resolution was approved by City Council adopting an employee ethics policy on April 17, 2018 that includes similar provisions as the City Council ethics ordinance. The CRC's final report is included as **Exhibit 4**.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

November 14, 2017- City Council directed staff to hire attorney Alan Bojorquez.

December 5, 2017- The first meeting with attorney Alan Bojorquez was held.

December 19, 2017- The second meeting with attorney Alan Bojorquez was held.

January 27, 2018- The third meeting with attorney Alan Bojorquez was held.

February 6, 2018- The fourth meeting with attorney Alan Bojorquez was held.

February 20, 2018- The fifth meeting with attorney Alan Bojorquez was held.

March 6, 2018- Ethics Ordinance Draft "A" was presented to City Council.

March 20, 2018- Ethics Ordinance Draft "B" was presented and a public hearing was held.

April 3, 2018- Ethics Ordinance Draft "C" was presented and a public hearing was held.

April 17, 2018- Ethics Ordinance Draft "D", "E" and "F" were presented and a public hearing was held.

April 24, 2018- Ethics Ordinance Draft "G" was presented

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Organizational Excellence

EXHIBITS

Exhibit 1- Agenda Information Sheet

Exhibit 2- Ethics Ordinance

Exhibit 3- Alan Bojorquez Memo

Exhibit 4- Charter Review Committee Final Report

Exhibit 5- Presentation

Respectfully submitted:

Bryan Langley

Deputy City Manager

Prepared by:

Charlie Rosendahl

Management Analyst