

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
AMENDING SECTION 1.15.035; "ETHICS ORDINANCE" IN THE CODE OF
ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about January 10, 2012, the City Council of the City of Bastrop, Texas adopted a Code of Ethics, for officials and employees of the City of Bastrop, and

WHEREAS, on or about March 2012, in compliance with Section 1.15.501, entitled "Creation of Ethics Commission," the City Council appointed the Honorable Chris Duggan, the Reverend Lisa Hines, and Corporal Wuthipong Tantaksinanukij, to serve as the three members of the Ethics Commission, and

WHEREAS, on or about July 29, 2013, the Ethics Commissioners met to evaluate and consider a potential amendment to the Ethics Code, related to Section 1.15.035, *et seq.* and has, after careful study and review, recommended to the Council the clarifying changes to the Ethics Code noted herein below. and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: That Section 1.15.035, entitled "Representation of private interests" is hereby amended to read as follows:

Sec. 1.15.035 "Representation before a member's own commission, board, task force, or before the City Council.

(a) Representation by a currently serving member of a board, body, commission or task force. A city official or employee who is currently a member of a board, body, commission, or task force shall not appear before or represent any person, group, or entity to communicate views either contrary to or supporting a decision reached or a recommendation made by the member's own board, commission or task force:

- (1) Before the member's own board, body, commission or task force; or
- (2) Before city staff having responsibility for making recommendations to, or taking any action on behalf of, the member's own board, body, commission, or task force; or
- (3) Before the City Council, or other board, body, commission, or task force which has appellate jurisdiction and/or final decision making authority over decisions and recommendations made by the member's own board, body, commission, or task force.
- (4) **Exception:** The appellate body may, if it desires, seek clarification of an advisory body's recommendation by asking the Chair of the advisory body to attend a meeting held by the appellant body, to present information concerning the advisory body's evaluation, decision making process, recommendation and/or vote. If the Chair of the advisory body voted in the minority on the item in question, then the Chair should appoint another member of the advisory body (who was not in the minority) to present the advisory body's evaluation, decision making process, recommendation and/or vote to the appellant body.

(b) Representation before the City Council, boards, bodies, commissions or task forces.

(1) General rule. A city official or employee shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, concerning matters upon which the member has direct standing, before the city council, its boards, bodies, commissions, or task forces. To represent him/herself, his/her spouse or minor children before the City Council, boards, bodies, commissions and task forces, the city official or employee must demonstrate personal, direct standing on the issue at hand. For purposes of this rule, 'standing' shall mean that the individual is able to prove personal injury/interest that is directly affected by the relevant action of the City Council, boards, bodies, commissions or task forces.

(2) Client representation exception for board members. The general rule stated in subsection (b)(1) does not apply, however, to a city official or employee who is representing others, as clients, before the City Council, boards, bodies, commissions or task forces, when such a person is classified as a 'city official' only because he or she is an appointed member of a board, body, commission, or task force. Accordingly, currently serving city officials and employees may represent clients before the City Council, boards, bodies, commissions or task forces, on matters that are not related to their own service on such boards.

(3) Prestige of office and improper influence. In connection with the representation of private interests before the city board, body, commission or task force, a city official or employee shall not:

(A) Assert the prestige of the city official's or employee's city position for the purpose of advancing private interests; or

(B) State or imply that he or she is able to influence any city action on any basis, other than on the merits of the matter.

(c) Representation in litigation adverse to the city.

(1) City officials and employees, other than board, body, or commission members. A city official or employee, excluding a person who is classified as a city official only because he or she is an appointed member of a city board, body, commission or task force, shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, with the exception of defense of suits involving misdemeanors, if the interests of that person, group, or entity are adverse to the interests of the city.

Part 2: All other provisions of the Bastrop Code of Ethics shall remain in full force and effect.

Part 3: This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bastrop, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are superseded.

Part 4: If any provision of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

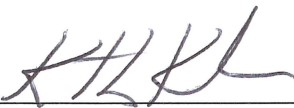
Part 5: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective immediately.

PASSED AND APPROVED ON FIRST READING ON THIS 26th DAY OF April, 2016.

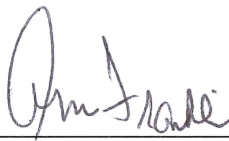
PASSED AND ADOPTED ON SECOND READING ON THE 10th DAY OF May,
2016.

APPROVED:

ATTEST:



Mayor Ken Kesselus



Ann Franklin, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown

City Attorney