

ORDINANCE NO. 2015 -20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTIONS 1.15.001 AND 1.15.031; "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 28, 2015, two members of the Ethics Commissioners, the Honorable Chris Duggan and Corporal Wuthipong Tantaksinanukij, met to evaluate and consider a question raised concerning the possible appointment of a close relative of an employer of a City Official, and after determining that such would be a conflict of interest, directed staff to prepare a clarifying amendment to the Ethics Code, related to Section 1.15.031, *et seq.*, to ensure the future clarity of the conflict posed by such action; and

WHEREAS, on or about September 15, 2015, all members of the Ethics Commission, the Honorable Chris Duggan, the Reverend Lisa Hines, and Corporal Wuthipong Tantaksinanukij, met to evaluate and consider the proposed amendment as set forth herein below and, after careful study and review, recommend to the Council that the amendment shown be approved and adopted by the Council to memorialize and codify the clarifying changes to the Ethics Code, noted herein below, which reflect the views of the Ethics Commission on this issue.

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

Part 1:

A. That Section 1.15.001, entitled “Definitions” is hereby amended to read as follows:

Economic interest. Includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, business advantages, and/or contractual rights having more than *de minimis* value. A person has an economic interest in a business entity, if the person is an employee or is a paid contract worker/consultant of the business entity. Unpaid service by a city official or employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create, for that city official or employee, an economic interest in the property of the organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in such securities or other assets unless the person in question participates in the management of the fund. Ownership of stock in a publicly traded corporation does not constitute ownership for purposes of this code if the employee or city official owns less than 10% of the voting stock or shares of the entity and the fair market value of the stock is less than \$15,000.00.

B. That Section 1.15.031, entitled “Representation of private interests” is hereby amended to read as follows:

Sec. 1.15.035 “Improper Economic Benefit.

- (a) General rule. A city official or employee shall not take any official action that he or she knows or is likely to affect, or that might reasonably be expected to affect, the economic interests of:
 - (1) The city official or city employee;
 - (2) His or her parent, child, spouse, or other family member within the third degree of consanguinity or second degree of affinity;
 - (3) His or her outside client;
 - (4) A member of his or her household;
 - (5) The outside employer of the city official/employee or the outside employer of the city official’s/employee’s parent, child or spouse, or such outside employer’s family member, within the third degree of consanguinity or second degree of affinity;

- (6) A business entity in which the city official or employee knows that any of the persons listed in subsections (a) (1) or (a) (2) or (a) (5) holds an economic interest;
- (7) A business entity which the city official or employee knows is an affiliated business or partner of a business entity in which any of the persons listed in subsection (a)(1) or (a)(2) holds an economic interest;
- (8) A business entity or nonprofit entity for which the city official or employee serves as an officer or director or in any other policy making position; or
- (9) A business entity or a person (or someone related to the person within the third degree of consanguinity or second degree of affinity):
 - (A) From whom, within the past twelve months, the city official or employee, or his or her spouse, child or parent, directly or indirectly has:
 - (i) Solicited an offer of employment; or
 - (ii) Received and not rejected an offer of employment; or
 - (iii) Accepted an offer of employment, whether compensated or not and regardless of the level of compensation; or
 - (B) With whom the city official or employee, or his or her spouse, directly or indirectly is engaged, or within the past twelve months engaged, in negotiations pertaining to business opportunities.

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.

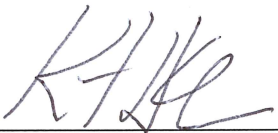
Part 5: The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective immediately.

PASSED AND APPROVED ON FIRST READING ON THIS 22ND DAY OF September, 2015.

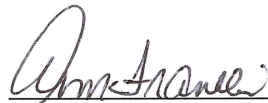
PASSED AND ADOPTED ON SECOND READING ON THE 13TH DAY OF October, 2015.

APPROVED:

ATTEST:



Mayor Ken Kesselus



Ann Franklin, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney