

CITY OF DENTON CITY COUNCIL MINUTES

December 19, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 19, 2017 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Ethics Related Work Session Report Items

Deb Armintor presented recommendations for the ordinance.

2. Work Session Reports

- A. ID 17-1707 Receive a report, hold a discussion, and give staff direction regarding the development of an ethics ordinance including, but not limited to, a discussion on applicability, a policy statement, oversight function, staff support of the oversight function, training, and advisory opinions from attorney Alan Bojorquez.

Alan Bojorquez presented the items for discussion that included applicability, policy and purpose, oversight, staffing training and advisory opinions. Applicability included which municipal personnel should be covered by the Code of Ethics whether that be Mayor and Council, staff and/or boards and commissions.

Council Member Ryan felt that the ordinance should cover the Mayor and Council, council candidates, Council appointees and anyone Council appointed to a committee. Other employees should be handled by the City Manager.

Council Member Duff felt that employees should be handled by the City Manager.

Bojorquez stated that an employee policy could be drafted instead of covering employees with the Ethics ordinance. Enforcement would be by the City Manager so as to not conflict with the Charter.

Mayor Pro Tem Bagheri saw this ordinance as a way to rein in vendors but the enforcement portion would be managerial as opposed to ethics enforcement.

Council discussed how the ordinance would apply to vendors and where the provisions for enforcement would lie.

Council Member Gregory was not sure if he wanted the ordinance to apply to volunteers and boards and commission members except in certain circumstances such as quasi-judicial, consultants and vendors.

Council consensus was at this time to apply the ordinance to the Mayor and Council and boards and commissions but could be reduced to those affected as they worked through the process. It would also include volunteers appointed by Council, consultants and vendors at this time. Council

discussed whether candidates should be included. Consensus was to include candidates at this time but was subject to change.

Council discussed whether employees should be included. City Manager Hileman agreed with inclusion of city employees and suggested an employee manual with the same provisions with enforcement in Manager's office.

Bojorquez continued with what was the Council's goal in enacting the Code. He reviewed the overarching policy of the Code and the top five purposes of the Code. Council discussed the examples provided by Bojorquez.

Bojorquez next presented information on whether someone should be designated to administer the Code with Council agreeing. A consideration was whether the designation should be an employee, an independent contractor or a board.

Council discussed having the City Manager address staff issues with a Board of Ethics to address any other issue. It was also discussed to have a panel for any type of adjudication and whether the panel should have subpoena power.

Bojorquez stated that another consideration was what functions the Ethics Board should perform. He presented a preliminary list which the Council approved noted that it could be pared down as they went through the process.

Bojorquez presented information on considerations for makeup of a board in terms of size, eligibility, appointment, terms, qualifications and exclusions.

Mayor Pro Tem Bagheri suggested five members with two being attorneys with staggered terms. Family members of Council or staff and contractors with the city would not be eligible to serve.

Council Member Gregory suggested seven members.

Council Member Hudspeth suggested three City of Denton appointments with mediation or attorney experience and a service limit.

Council Member Ryan suggested five members with two alternates and questioned if the board be subject to the provisions of the ordinance and made of jurors.

Council Member Briggs was in favor of five to seven members with a rotating board to review complaints to see if they needed to go any further. She also felt there should be two to three attorneys.

Council Member Duff felt there should be a gate keeper to review the complaints.

Mayor Watts noted that he liked the idea of a screening mechanism as a subset of the committee. He suggested seven members with four subcommittee members. He liked a pool of people to select from for the committee.

Consensus was that the committee members would be appointed by Council, qualifications to include attorneys or mediators, members should be city of Denton residents. Council also discussed the types of qualifications for the members including the feeling that there should be some lay people involved in the process.

Bojorquez presented information on the consideration of the scope of jurisdiction in terms of the Code of Ethics; whether that would be State law or some other type of oversight. Consensus of the Council was that it would be the Code with oversight over everyone except employees which the City Manager would handle.

Council next discussed the support of the implementation of the Code with preliminary consensus that the Internal Auditor's Office would provide support. Council discussed training and the importance of training with the consensus that everyone to whom the rules applied would have training. Training would be annually and done in person within a certain amount of time from being sworn in such as 90 days. The Open Meetings Act training would also apply.

Bojorquez questioned if the Board should issue advisory opinions. Consensus of the Council was advisory opinions could be issued. Bojorquez suggested the issuance of the opinion from a subcommittee with an appeal to full Ethics Board. Consensus of the Council that the working title of the group would be the Board of Ethics.

Bojorquez reviewed the topics for next meeting.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

A. ID 17-1714 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the lease and use of 1001 S. Mayhill Rd., Buildings 101 and 102, and 1301 S. Mayhill Rd., Denton, Denton County, Texas and the Council's action on December 5, 2017 under Ordinance No. 2017-385. Consultation with the City's attorneys regarding legal issues associated with both the lease and use of said property and the ordinance described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

B. ID 17-1715 Deliberation regarding Economic Development Negotiations - Texas Government Code Section 551.087; Consultation with Attorneys - Texas Government Code Section 551.071

Discuss, deliberate, and receive information from staff and provide staff with direction regarding economic development incentives to potentially be offered to Project High Flyer.

The City Council seeks to have Project High Flyer locate in or near the territory of the City. Consultation with the City's attorneys about legal issues related to economic development incentives to potentially be offered to Project High Flyer. A public discussion of these legal issues would conflict with the duty of the City's attorneys to the City of Denton and its City Council under the Texas Disciplinary Rules of Professional Conduct.

With no further business, the Council returned to Open Session and the meeting was adjourned.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS