

CITY OF DENTON CITY COUNCIL MINUTES

January 27, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Saturday, January 27, 2018 at 9:00 a.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

There were no citizen comments.

2. Work Session Reports

- A. ID 18-099 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 conflicts of interest, gifts, honoraria, travel, meals, entertainment, outside employment, representation of others, and improper influence, from attorney Alan Bojorquez.

Alan Bojorquez stated that the topics for discussion would include conflicts of interest; gifts, honoraria, travel, meals & entertainment; outside employment; representation of others; and improper influence.

Conflicts of interest included the amount of business interest that would trigger the Code of Ethics, whether exceptions or exclusions would apply, what level of membership in a nonprofit entity would trigger the Code of Ethics, what degree of familial relationships would be covered, and what would be required if there was a prohibited interest.

Council discussion on the amount of business interest to trigger the Code:

- Not having any amount of interest to allow Council to vote on item
- Not being so limited that it would prohibit multiple members from voting on certain items
- Not assume that everyone would vote in their self-interest.
- Balance the amount of interest with the ability to consider items
- Consider the amount of income versus the entity involved
- Whether a percentage should be used or a dollar amount
- Exclude managed mutual funds
- Consider including spouses

Council discussion on membership in nonprofit organizations:

- Applicable if dealing with a contract or some kind of impact on that organization
- Whether there was a distinction between board member versus a member of the Board of Directors; distinction between a dues paying member or a volunteer
- Whether Council would be able to vote on nominations to a city board/commission if a member of an organizations that the City dealt with

Council discussion regarding degree of familial relationships was to consider third degree on both affinity/consanguinity when there was a knowing aspect of the potential conflict.

Council discussion on a what would be required if there was a prohibited interest centered on in addition to the current practice of disclosure and abstention, Council would not have any discussion with staff or other council members on the topic. If the prohibition was cured, the conflict would be gone. A clear definition of lobbying should be included.

Council discussion on gifts:

- Whether to defer to state law which was to not to exceed \$50 in value
- Consider adding vendors not gifting to Council and employees
- Include the \$50 limit to include vendors and employees with a void provision for vendors if violated
- Not include vendors due to potential single source vendors
- Consider a tiered approach
- Consensus was to apply the provisions to employees; prohibition of vendors would be subject to ethics violation complaints; include steps if there was a repeated vendor violation or a large violation with the vendor contract subject to being voided upon consideration by Council including single source
- Consider an annual maximum of \$50 regardless of the source
- Add the El Paso wording regarding tickets/parking, etc.
- Include a definition of gift in terms of a tangible item; not allow cash but gift cards would be allowed
- Consider donating the gift to a non-profit organization

In terms of a speaker's fee, state law allow the acceptance if it was based on an individual's profession or educational background. It was not allowed if based on membership on council. Council was in agreement with that provision.

Regarding travel/transportation/lodging, Council discussed:

- That the rules would apply even if vendor was present
- An individual should pay his/her own way even if the vendor was present
- Travel/entertainment should be defined as a gift and if over \$50 not be allowed
- Consider \$200 per year; one gift per vendor
- Meals should have the same standards apply as to other gifts \$200 total for all categories.

Council discussion on outside employment

- Normally applied to staff
- City Manager Hileman noted that there was a disclosure to a department head for outside employment and signed by the City Manager. Any conflicts or revenue from vendors was not allowed.
- Council consensus was to complete the policy by the City Manager and then adopt it as part of the ethics ordinance.

Council discussion on representation of others

- Involved advocating on behalf of another person before city boards or commissions.

- Consider not allowing if being paid by a client
- Council members would not advocate to other board members
- Provision would only apply if there was a personal interest in the item, if not coming to Council
- Consensus was to consider whether the member was receiving compensation

Council agreed to include improper influence in the ethics ordinance with good definitions of providing a benefit or imposing a harm.

Bojorquez stated that he would note the Council's suggestions/directions and incorporate them into the draft ordinance for Council consideration.

3. Concluding Items

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Briggs requested a Work Session on the recent head count of homeless point-in-time count.

Council Member Duff requested information on large residential developments south of Denton (near Argyle) regarding how infrastructure was funded and/or any incentives.

Council Member Hudspeth requested a proclamation in honor of Mr. Gohlke and his retirement.

With no further business, the meeting was adjourned at 12:55 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS