

CITY OF LAKEWAY

AMENDMENT No. 2017-07-17-01

CODE OF ETHICS

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2.04, DIVISIONS 2 AND 3, ENACTING SECTION 2.04.031(8), AND AMENDING SECTIONS 2.04.159, 2.04.160, AND 2.04.163 OF THE LAKEWAY CODE OF ORDINANCES; PROHIBITING MISREPRESENTATIONS OF IDENTITY BY CITY OFFICIALS; AND MODIFYING RULES REGARDING COMPLAINTS, NOTICES, AND INITIAL DETERMINATIONS, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; CODIFICATION; PROPER NOTICE & HEARING; POPULAR NAME; PURPOSE; DEFINITIONS; SCOPE; AND ENFORCEMENT.

- WHEREAS,** the City Council of the City of Lakeway (“City Council”) seeks to preserve the trust placed upon municipal officials by the citizenry; and
- WHEREAS,** the City Council strives to promote ethical conduct and foster an environment where ethical decision-making is the norm; and
- WHEREAS,** the public sector values embraced by the City emphasize avoiding misleading or confusing the citizenry; and
- WHEREAS,** pursuant to Texas Local Government Code, Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** pursuant to Texas Local Government Code, Section 51.071, the City has full power of local self-government, and may exercise the authority incident to local self-government; and
- WHEREAS,** pursuant to Lakeway’s Home Rule Charter, Article 2, Section 2.01, the City has general authority to pass and enforce an ordinance, and exercise all municipal powers, functions, rights, privileges and immunities not prohibited by state or federal law; and
- WHEREAS,** pursuant to Chapter 171 and 176 of the Texas Local Government Code, the City has the specific authority to regulate the actions of government officials; and

WHEREAS, the City Council finds that the requirements of the attached amendment to this Ordinance are reasonable, necessary, and proper for the good government of the City of Lakeway.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lakeway:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 2, Article 2.04, Section 2.04.031 is hereby created, and Sections, 2.04.159, 2.04.160, and 2.024.163 of the City of Lakeway Code of Ordinances are hereby amended, so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined bold text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached amended and new rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication in accordance with state law, and Section 3.17 of the Home Rule Charter.

7. PROPER NOTICE & MEETING

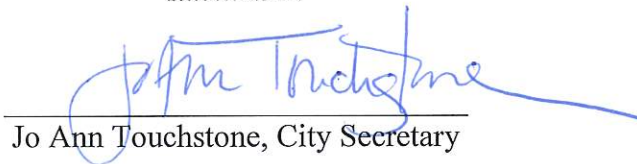
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 17th day of July 2017, by a vote of 7 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

by: 
Joe Bain, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary



City of Lakeway

CODE OF ORDINANCES

CHAPTER 2: ADMINISTRATION AND PERSONNEL

ARTICLE 2.04: CODE OF ETHICS

Division 2. Officials

Sec. 2.04.031 General prohibitions

It is a violation of this code for an official to:

(8) Misrepresentation. It is a violation of this code for an official to misrepresent the official's identity when communicating with any person or entity. This prohibition applies solely to communications regarding matters pending before the city, issues of city business, and city elections. This prohibition does not apply to officials engaged in law enforcement activities.

Division 6. Board of Ethics

Sec. 2.04.159 Complaints

- (a) Complaints are allegations that an official violated this code.
- (b) Complaints must be filed with the city secretary.
- (c) To be actionable, a complaint must:
 - (1) Be in writing, containing the complainant's:
 - (a) Name;
 - (b) Address; and
 - (c) Phone number;
 - (2) Be signed; **and**

(3) Allege a specific violation of this code; and

(4) Be filed within one (1) year of the conduct giving rise to the allegation. If evidence could not have reasonably been discovered within the one-year period later became known, a complaint may be filed within one (1) year of the date of discovery.

(d) Complaints satisfying the requirements of this section will be referred by the city secretary to the board chairperson.

Sec. 2.04.160 Notices

(a) The subject of a complaint and all persons named in the complaint will be given a copy of the complaint ~~and notification of any scheduled board meeting at which the complaint will be addressed at least~~ within three (3) business days of the complaint having been filed before the board meeting.

(b) The subject of a complaint will be given notification of any scheduled subcommittee or board meeting at which the complaint will be addressed at least seven (7) business days before the ~~board~~ meeting

~~(b c)~~ Agendas of board meetings will be posted in compliance with the Texas Open Meetings Act.

Sec. 2.04.163 Initial determination

(a) Before the board considers a complaint, waiver, or advisory opinion, a subcommittee comprised of three (3) board members appointed by the board chairperson will evaluate the matter and submit an initial determination to the board chairperson.

(b) Initial determinations are preliminary, written assessments regarding the application of this code to a particular situation or behavior. The purpose of the initial determination is to state whether the nature of the complaint warrants consideration by the board by placing the complaint on a future board agenda.

(c) Subcommittee meetings are not posted or open to the public.

(d) Attendance at subcommittee meetings is limited to the three board members, city manager and city attorney (unless the allegation is against one of those persons).

(e) The three board members in attendance will choose among themselves one member to serve as acting chairperson. The acting chairperson is responsible for writing the initial determination, but may seek clerical assistance from the city secretary or guidance from the city manager and/or city attorney.

(~~d~~ f) The initial determination from the subcommittee will be submitted to the city secretary, who will disseminate it to the board chairperson, board members, city attorney, and city manager, the subject of the complaint, and the complainant within three (3) business days of the determination having been filed with the city secretary.