

**Minutes of a Meeting of the
Ethics Ad Hoc Committee
Of the City of Georgetown, Texas**

Monday, April 23, 2018

The Ethics Ad Hoc Committee met on Monday, April 23, 2018 at **6:00 PM** in the Main Floor Conference Room of City Hall, 113 E. 8th Street, Georgetown, Texas. Committee Members, Tim Smith, Camarie Perry, Kelly McClennahan, Bob Glandt and Cass Wheeler were in attendance. Committee Members Jerry Lawhon, Peggy Moore, and Paula Trietsch-Chaney were absent.

REGULAR SESSION

- A. Call Meeting to Order – Tim Smith, Chair

Chair Smith Called the meeting to order at 6:04 PM.

- B. Consideration and possible action to approve the minutes from the meeting held March 26, 2018 – Tim Smith, Chair

Chair Smith asked the Committee Members if they had any corrections, additions or changes to the draft minutes for the meeting held March 26, 2018.

Motion by Wheeler, second by Glandt, to approve the March 26, 2018 minutes.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

- C. Discussion, consideration and possible action regarding recommendations to the City of Georgetown City Council on amendments to the City of Georgetown Ethics Ordinance – Tim Smith, Chair

The Committee continued discussion, started at the previous meeting, regarding establishing regulations for lobbyists. This had been asked to be reviewed by Councilmember Eby. All Committee members present

agreed that this would be outside of the scope set for them by the City Council and no action should be taken.

Chair, Tim Smith, suggested that the Committee review the eight provisions set forth in the San Antonio Ethics Code which Councilmember Rachel Jonrowe had asked the Committee to consider. He suggested that each section be reviewed one at a time.

Section 2-44: Unfair advancement of private interests was discussed. The Committee asked that language for 3rd degree be changed to 2nd degree and that references to employees be dropped. City Attorney, Charlie McNabb, was asked to harmonize this with the current draft ordinance and asked if value would be added with these actions. McNabb said that Sections b2 and b4 of the San Antonio Code were already covered in the City's Charter and Human Resource policies. He explained that these pertain to both direct reports and employees, but not the City Council. He noted that the City Council does not supervise anyone other than their direct reports – City Manager, City Attorney and City Secretary. McNabb said that an appointed official would not be permitted to appoint a person who was related. He said he will check the language for repetition and add it to the draft ordinance. McNabb noted that b3 and b4 in the provisions have already been addressed in other documents.

Motion by McClennahan, second by Wheeler to add language as discussed.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

Section 2.45 regarding Gifts was discussed next. The Committee discussed their favor for the Georgetown draft ordinance language and decided not to include this section. The Committee had set a gift amount of \$25 or more at their previous meeting and asked that this dollar amount be included.

Section 2.47: Representation of private interests, was discussed. The Committee said that they like the language in this section and asked McNabb to harmonize the language and check the draft ordinance for consistency. McNabb said the existing draft ordinances encompasses the language.

The Committee discussed the language for compensation. McNabb noted that the existing draft does not have language for compensation. The Committee discussed the more detailed San Antonio code and if it was

necessary in the Georgetown draft ordinance and asked McNabb for his thoughts. McNabb said that 'a' and 'b' are already covered in the draft, but that 'c' and 'd' could be added if the Committee saw fit.

Motion by McClennahan, second by Perry, to include sections C and D from the San Antonio Ethics Code Sec.2-47 in the Georgetown draft ordinance.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

McNabb said that he will add these and check the language for consistency and placement.

San Antonio code Section 2.51 – Action of Others – was discussed next. There was discussion questioning whether it is possible to create an ethics violation through someone else. McNabb said there this language is not currently included in the draft ordinance.

Motion by Smith, second by McClennahan, to include the language from section 2.51 of the San Antonio code in the Georgetown draft ordinance.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

The Committee discussed section 2.56 from the San Antonio Code – Subsequent representation of private interests. They determined that the language ties closely with Section 2.47 and does not need to be added in the city draft. McNabb said the language was fairly standard and consistent with federal law.

Motion by McClennahan, second by Wheeler, to have the City Attorney combine the language with necessary edits in the city ordinance.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

The Ethics Ad Hoc Committee discussed Section 2.57 – Prior participation in the negotiation, award or administration of contracts. The definition of discretionary contract was discussed. McNabb said this would apply to services as well. The term “direct or indirect” was discussed and determined to be too broad. The Committee discussed not adding this section and instead adding language on discretionary contract. Adding Section 2.57 and not adding Section 2.58 was also discussed. The Committee decided that the sections were different. McNabb said he did not like the “direct or indirect” language. The Committee agreed that

omitting the word "indirect" would be helpful, as both words are not needed.

The Committee discussed the complexity and vagueness of Section 2.58 and decided not to include it.

Motion by Glandt, second by Wheeler to insert Section 2.57.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

McNabb said that Section 2.56 and 2.57 will pick up much of the language that the Committee wishes to include and that he will check for consistency.

The Committee determined that Section 2.58 did not have value.

Section 2.59 – Persons seeking discretionary contracts, housing and retail development incentives and the purchase sale or lease of real estate – was discussed by the Committee. Political contributions and indirect contributions were discussed. McNabb noted that local regulation of political contributions is not necessary, because it is covered by state and federal regulations that apply.

Motion by McClennahan, second by Wheeler, to add 'a', skip 'b' and add 'c' from the San Antonio Code Section 2.59.

Approved: 5-0 (Lawhon, Moore and Trietsch-Chaney absent)

D. Discussion regarding future agendas and meeting dates and times – Tim Smith, Chair


The Ethics Ad Hoc Committee set the next meeting for May 21, 2018 at 6 PM at City Hall, 113 E. 8th Street in Georgetown.

ADJOURNMENT

Motion by Perry, second by Glandt to adjourn the meeting. Chair, Tim Smith, adjourned the meeting at 6:53 PM.

Date 5/29/18


Board Chair


Board Secretary