

CITY OF SEGUIN  
STATE OF TEXAS

ORDINANCE NO:

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEEE, DIVISION 3, ETHICS POLICY, TO ADD A SECTION RESTRICTING FORMER EMPLOYEES FROM CERTAIN REPRESENTATION IN A PROCEEDING AGAINST THE INTERESTS OF THE CITY; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE AS A SUPPLEMENT TO THE CITY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City's ethics policy serves to set out certain rules governing the conduct of city officials and employees; and

WHEREAS, as currently drafted City employees, particularly directors or other supervisors, who leave employment with the City are free to represent clients in front of the City Council and other City Boards and Commissions; and

WHEREAS, many cities restrict former employees, for a period of time, from representing clients where the City is the main focus of their representation; and

WHEREAS, a restriction against representation of clients doing business with the City removes any aura of impropriety and favor that might exist when a recent employee represents that client.

**BE IT ORDAINED BY THE CITY COUNCIL OF SEGUIN, TEXAS**

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 2, Administration, Article IV, Officers and Employees, Division 3, Ethics Policy, Section 2-158 is amended to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

- (1) *Outside employment.*
  - (a) *Policy.* This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements.
  - (b) *Purpose.* The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.
  - (c) *General rule.* City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part-time jobs if, in the opinion of the city manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the

conditions of the outside employment or terminate either the off-duty employment or their city employment.

(d) *Disclosure.* Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the city manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.

(2) *Political activity.*

(a) *Policy.* The general prohibition contained in this provision is intended to protect the integrity of the municipal election process and applies only to municipal elections that are administered by the city. This provision is not intended to limit the political involvement of a city employee in county, state or national elections.

(b) *General rule.* No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following list of activities are the only activities permitted:

1. The placement of campaign signs on premises owned by the city employee.
2. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.
3. Attendance at a political rally or function for a city council candidate, so long as the city employee does not actively participate in the rally or function.

(3) *Restriction on former employees*

(a) No former city employee shall, for a period of two years from the date of leaving city employment, knowingly:

1. Appear at a meeting of a board or commission staffed by members of the department of which the employee was a member, as a representative for any private person, including the employee or any immediate family member, or any group or interest.
2. Represent, directly or indirectly, any private person, including the former employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party.
3. This subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(4) Prohibited interest in discretionary contracts

(a) This subsection applies only to contracts or sales made on a discretionary basis and does not apply to contracts or sales made on a competitive bid basis. Within two (2) years of the termination of official duties, a former City officer or employee shall neither have a financial interest, direct or indirect, in any discretionary contract with the City, nor have a financial interest, direct or indirect, in the sale to the City of any land, materials, supplies, or service.

(b) Any violation of this section, with the knowledge, expressed or implied, of the individual or entity contracting with the Council shall render the contract involved voidable by the City Manager or the Council. A former City officer or employee has a prohibited "financial interest" in a discretionary contract with the City, or in the sale to the City of land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:

1. The former officer or employee;
2. His or her parent, child, or spouse;
3. An entity in which the former officer or employee, or his or her parent, child or spouse, directly or indirectly owns:
  - a. Ten (10) percent or more of the voting stock or shares of the entity, or
  - b. Ten (10) percent or more of the fair market value of the entity; or
4. An entity of which any individual or entity listed in subsection (1), (2) or (3) is:
  - a. A subcontractor on a City contract;
  - b. A partner; or
  - c. A parent or subsidiary entity.

**SECTION TWO.** This Ordinance shall become effective beginning ten days after its publication.

**SECTION THREE.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

**SECTION FOUR.** City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

**PASSED UPON FIRST READING** this 1<sup>st</sup> day of November 2022.

**PASSED UPON SECOND READING** this 15<sup>th</sup> day of November 2022.

---

DONNA DODGEN , Mayor

ATTEST:

---

Naomi Manski, City Secretary