

ORDINANCE NO. 091-032

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, TO PROVIDE FOR RESTRICTIONS ON FORMER CITY OFFICIALS AND EMPLOYEES; TO PROVIDE FOR REPEAL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A SAVINGS CLAUSE; TO PROVIDE FOR PENALTIES; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, is hereby amended by adding a section to be numbered 2-6, which section reads as follows:

Sec. 2-6, Restrictions on Former City Officers and Employees.

- a. When used in this section, the terms "Before the City" shall mean before any Official of the City.
- b. When used in this section, the term "Represent" shall include all communications with and appearances Before the City in which the City is asked to make a decision, as that term is defined in this chapter. The term "represent" does not include communications and appearances involving only ministerial action on the part of the City.
- c. When used in this section, the term "Case, Project or Matter" shall refer to specific cases, projects or regulatory matters, rather than generic policies, procedures or legislation of general application. For instance, the zoning process or site plan review process is not a "case, project or matter" within the meaning of this section; however, a specific zoning case or site plan would constitute a "case, project or matter" subject to the restrictions imposed in this section. It is not the intent of this chapter, and this chapter shall not be construed, to proscribe the practice of any profession or occupation by

former City Officials and Employees other than before the City and as provided in Section 2-7.

d. An Employee in a position which involves significant decision-making, advisory, or supervisory responsibility, or an Officer who leaves the service or employment of the City shall not, within twelve (12) months after leaving that employment or service, Represent any other person or Entity in any formal or informal appearance, if the Officer or Employee has received or shall receive remuneration from the person, Entity or members of the Entity being Represented

1. Before the City concerning a Case, Project or Matter over which the person exercised discretionary authority as a Employee or Officer; or

2. Before any other agency on a Case, Project or Matter over which the person exercised discretionary authority as a Employee or Officer.

e. A former Employee or Officer who is subject to the requirements of subsection (d) shall, during the twenty-four (24) months after leaving the service or employment of the City, disclose his previous position and responsibilities with the City and the work performed, if any, as an Employee or Officer regarding the matter for which he is appearing Before the City whenever he Represents any other person or Entity in any formal or informal appearance Before the City.

f. In any formal or informal appearance Before the City, a person Representing a person or Entity which employs a former Officer or Employee who had discretionary authority over the project or matter for which the person or Entity is appearing Before the City shall disclose any former involvement of such former Officer or Employee in the project or matter. This disclosure requirement shall be in effect for twenty-four (24) months after the former Officer or Employee leaves City service or employment.

g. No Employee or Officer shall approve or vote to approve any oral or written contract for land services, supplies or materials between the City and either a former Employee or Officer or an Entity which employs such former Employee or Officer during the twelve (12) month period following such former Employee's or Officer's departure from the City's employment or service. Notwithstanding the foregoing, upon a finding by the City Council that the economic or other benefit to the former Employee or Officer is minimal or insignificant, the City Council may vote to

waive the prohibition contained in this paragraph.

SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Five Hundred and no/100 Dollars (\$500.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 5. That Chapter 2, Administration; of the Code of Ordinances, Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. This ordinance shall take effect and be in force from and after its adoption as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this 25th day of June, 1991.

  
MAYOR

ATTEST:

  
CITY SECRETARY

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