



STAFF REPORT

City of Dripping Springs

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Submitted By: Aniz Alani, City Attorney

Council Meeting Date: October 6, 2026

Agenda Item Wording: Discussion and possible action regarding an ordinance amending Article 2.02, Ethics, of the City of Dripping Springs Code of Ordinances to address disclosure of covered relationships, participation in matters presenting local conflicts, procedures for obtaining legal guidance, and related administration.

A. Recommended Action

Discuss the proposed ordinance and provide direction on the scope of the local disclosure and nonparticipation rules. If Council wishes to proceed to adoption, direct staff to return a clean final ordinance incorporating Council's direction and resolving the exhibit and enactment language.

B. Summary

Article 2.02 establishes standards of conduct and disclosure for City officials. The proposed ordinance would add procedures for City Council and members of City boards, commissions, and committees to identify and address relationships connected to matters before them. It preserves state-law requirements while proposing separate local standards for covered relationships and local conflicting interests.

The draft also addresses questions first identified during a meeting, records of disclosure and recusal, good-faith reliance on authorized legal guidance, forms, training, and vendor contacts.

C. What the ordinance would do

1. Extend the local review process to City bodies

The proposed definition of "member" includes the mayor, council members, and regular, alternate, and ex officio members of City boards, commissions, committees, task forces, and other City bodies. The proposed rules address matters brought before those bodies for briefing, recommendation, decision, or vote—not just final Council action.

2. Identify relationships for review

The draft identifies family and household ties, outside employment and clients, specified financial interests, leadership or representative roles in organizations, and certain prospective business relationships as potentially covered relationships. A covered relationship is not automatically disqualifying. Its significance depends on the pending matter and whether the relationship is specially affected or presents competing duties; the draft also excludes some broad, shared, remote, and speculative interests from local conflict treatment.

3. Separate disclosure from recusal

The draft encourages disclosure when a relationship could reasonably raise an appearance concern, but says that disclosure alone does not require a member to abstain. A local conflicting interest would generally require nonparticipation. This distinction is important: an explanation on the record can improve transparency without necessarily depriving a City body of a member's participation.

4. Provide a meeting-time procedure

Members are encouraged to review agendas and raise possible issues in advance. If an issue first comes to light after an item is called, the draft directs the member to disclose it, pause participation, seek guidance if available, and make any required filing. The presiding officer may recess, pass, or defer an item to allow review. The draft also addresses questions arising in a closed meeting and calls for an appropriate record of disclosure, abstention, recusal, or return to participation without describing privileged advice in the minutes.

5. Address legal guidance and administration

The proposed safe harbor protects a member from local sanctions under this article when the member fully discloses material facts, obtains advice from authorized City counsel, and reasonably acts in accordance with it. The draft expressly states that this local protection does not waive state law. It also authorizes City Secretary forms, permits Council to establish annual or periodic disclosures by later resolution or policy, and contemplates training and plain-language public guidance; it does not itself require annual filing.

D. Legal and Administrative Considerations

Texas law requires an affidavit and abstention when the statutory conditions for a substantial interest are met; it also provides a limited majority exception. Chapter 171 expressly preserves municipal ordinances defining and prohibiting conflicts, while a Type A general-law municipality's ordinances must not be inconsistent with state law. The proposed local standards have been reviewed against those limits. Tex. Loc. Gov't Code § 171.004; § 171.007; § 51.012.

E. Implementation and fiscal impact

City staff would need to develop practical forms and guidance, provide or arrange training, and establish a consistent method for recording disclosures and recusals. The draft does not supply an implementation budget or quantify staff time. Actual workload will depend on the scope of the final disclosure triggers, how often questions require legal review, and whether Council later adopts annual filing requirements.

F. Attachments

Draft ordinance