

An Ordinance of the City of Plano, Texas, amending Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas; adding a new section 2-109 regarding recusal requirements for City Council Members related to campaign contributions; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

WHEREAS, transparency and integrity in the election process is a priority of the City Council; and

WHEREAS, it is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who are elected to act on their behalf in government; and

WHEREAS, there may be a public perception that a relationship exists between substantial contributions and access to elected officials even if there is no indication of same; and

WHEREAS, to diminish the perceived or actual connection between contributions and influence, the City adopts the below campaign contribution recusal requirement to promote public confidence and, it is hoped, a greater degree of citizen participation in the electoral process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

SECTION I. Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, is hereby amended by adding Section 2-109, Campaign Contribution Recusal Requirement for City Council Members, which shall read in its entirety as follows:

“Section 2-109. Campaign Contribution Recusal Requirement for City Council Members.

The acceptance of a campaign contribution in excess of \$1000 by any City Council Member(s) shall create a conflict of interest based on an appearance of impropriety with regard to any matter that would materially benefit a campaign contributor or any business entity in which said campaign contributor has a substantial interest. Campaign contributions shall include loans, offsets to expenditures, and in-kind donations. For purposes of this section, a substantial interest in a business entity shall have the same meaning for campaign contributors as set out in section 171.002 of the Texas Local Government Code for local public officials. It shall be the responsibility of the campaign contributor, and not the City Council Member, to identify their substantial business interests impacted by this section.

Should a conflict of interest arise under this section, the impacted member(s) of City Council should recuse themselves, state the grounds for the conflict of interest on the record by filing an affidavit with the City Secretary, withdraw from debate on the issue, and abstain from the vote on the matter. The recusal requirement applies only to contributions made to the City Council Member for their current elected position and not to any prior elected positions held.

In the event a quorum cannot be obtained because of recusals pursuant to this section, abstention is not required and the impacted members of City Council may vote as long as the nature of the conflict of interest is fully disclosed on the record.

The complaint, investigation and violation provisions in sections 2.104, 2.105 and 2.106 of the City Code do not apply to the requirements in the herein section.”

SECTION II. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION III. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION V. This Ordinance shall become effective immediately upon its passage as required by law.

DULY PASSED AND APPROVED, THE _____ DAY OF DECEMBER, 2020.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY