

**Ordinance No. 24-09-05-01**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE CITY'S ETHICS POLICY BY AMENDING ARTICLE 1.1800 "ETHICS POLICY" BY AMENDING SECTION 1.1803(f)(2) POLITICAL ACTIVITY; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING**

**WHEREAS**, the City's Ethics Ordinance seeks to encourage high ethical standards in official conduct by public servants and to provide standards of ethical conduct for the city's public servants; and

**WHEREAS**, City officers and employees enjoy constitutionally protected rights to freedom of expression, including the right to engage in political speech and political activities; and

**WHEREAS**, state law prohibits the use of public resources to advocate for or against a candidate or a measure on a ballot; and

**WHEREAS**, the City Council seeks to ensure that public officers and employees are free to exercise their right to free speech on political matters in a manner that does not violate provisions of state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS:**

**SECTION I. FINDINGS OF FACT**

All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II. AMENDMENT**

Article 1 of the Code of Ordinances of the City of Lago Vista, Texas, is hereby amended by amending Section 1.1803(f)(2), as set forth in Exhibit A to this Ordinance, which is attached and incorporated herein for all purposes.

**SECTION III. SAVINGS**

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 City under any section or provisions of any ordinances at the time of passage of this Ordinance.

**SECTION IV. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

**SECTION V. REPEALER**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

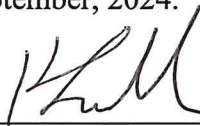
**SECTION VI. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

**SECTION VII. PROPER NOTICE AND MEETING**

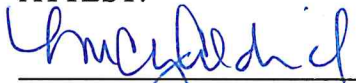
It is hereby officially found and determined that the meeting at that this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this 5th day of September, 2024.

  
\_\_\_\_\_  
Kevin Sullivan  
Mayor



ATTEST:

  
\_\_\_\_\_  
Lucy Aldrich  
City Secretary

On a motion by Councilor Marion, seconded by Councilor Prince, the above and foregoing ordinance was passed and approved.

## **Exhibit A**

### **Section 1.1803(f)**

#### (2) Political Activity.

(A) Limitations on the political activities of city officials and employees are imposed by state law, the city charter, and city personnel rules. In addition, the ethical restrictions listed below shall apply.

(B) No employee shall solicit or receive contributions to the campaign funds of any candidate on city property.

(C) The following is a list of activities that are, except as specifically provided otherwise, prohibited:

(i) The placement of campaign signs on premises owned by the city other than when a city facility is being used as a polling place.

(ii) The placement of bumper stickers on city vehicles or vehicles supported in whole or in part by an allowance provided by the city. This prohibition does not apply to personal vehicles that are used for city business for which mileage reimbursement is provided by the city.

(iii) On-duty attendance at a political rally or function for a candidate on a ballot unless assigned to be present for legitimate city reasons, such as providing security.

(iv) An employee that is off-duty attending a political rally or function for a candidate on a ballot shall not wear any city uniform, or official city item, or clothing that identifies the employee as an employee of the city.

This subsection shall be narrowly construed and in no event shall this section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city officers or employees shall not utilize public resources to engage in such political activities. This prohibition includes, while in uniform or on duty, making public comments or statements advocating for or against any candidate or any measure on the ballot. Private verbal statements or comments made by any officer or employee of the city to any other officer or employee of the city concerning any candidate for elective city office are not subject to subsection (f), provided the individuals involved are off-duty and not in uniform.

## Exhibit A

### Section 1.1803(f)

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(B) No employee shall solicit or receive contributions to the campaign funds of any candidate ~~on city property,~~

(C) The following is a list of activities that are, except as specifically provided otherwise, prohibited:

(i) The placement of campaign signs on premises owned by the ~~city other than when a city facility is being used as a polling place,~~

(ii) The placement of bumper stickers on ~~city vehicles or vehicles supported in whole or in part by an allowance provided by the city. This prohibition does not apply to personal vehicles that are used for city business for which mileage reimbursement is provided by the city,~~

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(iv) An employee that is off-duty ~~attending a political rally or function for a candidate on a ballot~~ shall not wear any city uniform, ~~or official city item,~~ or clothing that identifies the employee as an employee of the city.

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~~Deleted: for city office~~

~~Deleted: or take part in the management, affairs, or political campaign of any city candidate. Current members of the city council who are seeking reelection may engage in any activity on behalf of their own campaign efforts. However, the mayor and councilmembers are prohibited from taking part in the management, affairs, or political campaign of any other city candidate.~~

~~Deleted: permissible within the sole discretion of the individual employees and City Council~~

~~Deleted: public servant~~

~~Deleted: personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city~~

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~~Deleted: so long as there is no active participation by the city employee; provided that~~

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~~Deleted: (iv) The donation of a political contribution that does not exceed the statutory limit for nonreportable contributions; provided that a candidate for, and the occupant of, an elective city office is prohibited from soliciting contributions from city employees.¶~~

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