

ORDINANCE NO. 2016-006

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CITY OF WIMBERLEY ORDINANCE NO. 2006-010, "CODE OF ETHICS," TO PROHIBIT THE DISCLOSURE OF CONFIDENTIAL INFORMATION OBTAINED DURING EXECUTIVE SESSION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council ("Council") of the City of Wimberley ("City") finds that a position in government is a position of public trust that demands a high standard of behavior; and

WHEREAS, the Texas Open Meetings Act, sections 552.071 *et seq.* sets forth various situations in which members of the Council, members of city boards and commissions, and certain city employees are authorized to retire into executive session to discuss confidential legal matters affecting the City, personnel matters, economic development matters, or other confidential matters as authorized by the Act; and; and

WHEREAS, in order to protect the integrity of the legislative process and the financial well-being of the City, it is essential that the topics discussed in executive session remain confidential; and

WHEREAS, only the Council, acting as a deliberative body, may vote to waive the City's attorney-client privilege or to disclose otherwise confidential matters discussed in executive session; and

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

**SECTION I. FINDINGS OF FACT**

All of the above premises 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. AMENDMENTS**

- A. Ordinance No. 2006-010, Exhibit A (Code of Ethics), Section I (Definitions), Subsection B (Specific Definitions), is hereby amended as follows:

“5. Confidential Information means any information that a City Official would be privy to because of the official's position but otherwise is not available to the public under the provisions of the Texas Public Information Act [TEX. GOV'T CODE §§ 552.001 *et seq.*] or the executive session provisions of the Texas Open Meetings Act [TEX. GOV'T CODE §§ 551.071, *et seq.*].”

B. Ordinance No. 2006-010, Exhibit A (Code of Ethics), Section II (Standards of Condu), Subsection A (General Provisions), is hereby amended to add the following:

“6. No City Official may disclose Confidential Information discussed during executive session in the absence of a court order or majority vote by the City Council authorizing such disclosure.”

### 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

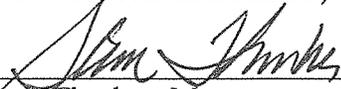
This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

**SECTION VII. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which 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 3rd day of March, 2016, by a vote of 3 (Ayes) to 2 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

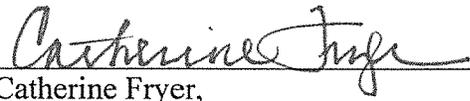
**CITY OF WIMBERLEY, TEXAS**

  
\_\_\_\_\_  
Steve Thurber, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Catherine Fryer,  
City Attorney

