

**To the Mayor and Members of the City Council****November 12, 2019**

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**SUBJECT: PROPOSED ORDINANCE RESTRICTING CERTAIN LOBBYING AND CONTRACTING ACTIVITIES WITH THE CITY BY FORMER CITY EMPLOYEES**

Several weeks ago, several Councilmembers requested that staff explore a “cooling-off period” policy. All public servants have a responsibility to minimize the possibility of real, apparent or potential conflict of interest between their responsibilities within their service to the public and their subsequent employment outside the public service. A cooling-off period is a prohibition against certain members of staff and appointed officials from being able to solicit the City of Fort Worth on behalf of another person, organization or company with the intent to influence after leaving their position.

Cooling-off period policies are not uncommon, especially in governmental organizations. Post-employment measures reinforce the integrity of the public service by preventing public servants from improperly benefiting themselves or others after they leave their positions with the government. Improper benefits may arise, for example, from official dealings with external organizations or with individuals who could offer public servants employment opportunities in exchange for preferential treatment. Improper benefits could also arise from the misuse of confidential or non-public information for personal benefit after leaving the employ of government.

A survey of several other Texas cities found that the typical cooling-off period in policies are for a one-year period and are restricted to certain individuals. In the draft ordinance, attached for consideration, appointed officials, department directors and assistant directors or “An employee of the City who had substantial and personal involvement in the handling of a matter...”

Staff is proposing placing a city council action item on the City Council meeting agenda of December 10<sup>th</sup> to approve adoption of a “cooling off” period ordinance. If you have any questions or concerns related to this effort, please contact Jay Chapa, Assistant City Manager or Sarah Fullenwider, City Attorney.

**David Cooke**  
**City Manager**

Attachment

## ARTICLE I. IN GENERAL

### Section 2-15. FORMER CITY OFFICERS

#### (a) Definitions

For purposes of this section:

*Former City Officer* shall mean any person, who immediately prior to his or her departure date with the City, was:

1. The City Manager, Assistant City Manager, City Attorney, City Secretary, City Auditor, Municipal Judge or Municipal Pro Tem Judge;
2. A Director or Assistant Director of a City Department; or
3. An employee of the City who had substantial and personal involvement in the handling of a matter as defined herein.

*Departure Date* means the last day of employment with the city. When leave time is taken prior to termination, the departure date is the last day of the leave period.

*Substantial and Personal Involvement* means that a person, either as a person assigned to handle or participate in the handling of the matter or as a supervisor making decisions with respect to the matter, exercised discretion or decision-making in the handling of a matter.

- (b) No Former City Officer shall, during the one year period following his or her Departure Date from the City, communicate directly with a member of the city council, a city employee, or a board or commission to influence municipal legislation or administrative action unless lobbying on behalf of another governmental agency as its employee or as a consultant under contract with the governmental agency. This subsection does not apply to a board or commission that is only advisory in nature.
- (c) No Former City Officer shall, within one year period following his or her Departure Date, enter into a contractual relationship with the city or hold more than a 20 percent interest in any entity that has a contractual relationship with the city. Any violation of this subsection, with knowledge, express or implied of the person or entity will render the contract voidable by the City Manager or the City Council. If the contract is voided, the individual or company shall be barred from additional contracting with the city for a period of three years. This subsection does not apply to contracts awarded on a competitive bid basis.
- (d) A Former City Officer shall be prohibited from communicating directly with the Mayor, a member of the City Council or a city employee in an attempt to secure access to information not otherwise available to the general public.
- (e) Nothing in this subsection shall prohibit a Former City Officer from accepting employment with the city or another entity following his Departure Date.
- (f) Nothing in this subsection shall prohibit a Former City Officer from serving on a City board or commission.
- (g) A Former City Officer is afforded the same rights as any citizen to address the City Council in public meetings for their own benefit or to make uncompensated direct communications to the City Council relating to matters of purely civic or public concern
- (h) Any violation of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.