CITY OF FRISCO, TEXAS **ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 00-01-11; AMENDING ORDINANCE NO. 09-04-25 (CODE OF ETHICS); PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Frisco, Texas ("Frisco") desires for all of its citizens to have confidence in the integrity, independence, and impartiality of those who act on their behalf in government; and

WHEREAS, the City Council of Frisco ("City Council") previously adopted Ordinance No. 00-01-11 to establish a Code of Ethics to provide citizens with confidence in those who act on their behalf in government; and

WHEREAS, the City Council amended Ordinance No. 00-01-11 in its entirety when it adopted Ordinance No. 09-04-25; and

WHEREAS, the City Council has investigated and determined that Ordinance No. 09-04-25 stands alone as the Frisco Code of Ethics and Ordinance No. 00-01-11 is no longer needed; and

WHEREAS, when the City Council enacted Ordinance No. 09-04-25 they investigated and determined that it was unnecessary for a member of the City Council or Frisco Boards or Commissions to remove themselves from the room where action was being taken on a matter in which the member had a conflict; and

WHEREAS, it has come to the attention of the City Council that Part B, Section 2 (b) (4) of the Code Ethics still includes the requirement that a member of the City Council, Board or Commission leave the room; and

WHEREAS, the City Council seeks to repeal Ordinance No. 00-01-11 and amend Part B, Section 2 (b) (4) in the Code of Ethics so that it is consistent with the remainder of the Code of Ethics.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Ordinance No. 00-01-11 Repealed. Frisco Ordinance No. 00-01-11 is hereby repealed in its entirety and replaced by Ordinance No. 09-04-25, as amended. The effective date of the repeal of Ordinance No. 00-01-11 discussed in this Section is immediate.

Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 00-01-11, occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Section 2 (b) (4) of Part B of the Frisco Code of Ethics. Section 2 (b) (4) of Part B of the Frisco Code of Ethics is hereby amended to read as follows:

"SECTION 2: UNFAIR ADVANCEMENT OF PRIVATE INTERESTS

...

(b) Special Rules. The following special rules apply in addition to the general rule:

...

(4) In any land Matter which comes Before the City Council, Planning and Zoning Commission, or Board of Adjustments and in which any member of the City Council or aforementioned Boards and Commissions has a financial interest in any property within two hundred feet (200') of the Matter before it, such member shall disclose the existence of the interest by filing a statement with the record keeper. The member of the City Council, Planning and Zoning Commission, or Board of Adjustments may speak on the item and, thereafter, remove himself from the dais or area in which the other members of the City Council, Planning and Zoning Commission or Board of Adjustments who are voting on the land Matter are seated. In addition, any state law provision regarding a conflict of interest shall also be followed.

..."

SECTION 4: Severability Clause. Should any article, section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Frisco hereby declares that it would have adopted this Ordinance, and each article, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one of or more article, section, subsection, sentence, clause or phrase be declared unconstitutional or invalid.

SECTION 5: Repealing/Savings Clauses. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption as required by the City Charter and by law.

PASSED AND APPROVED by the City of Frisco, Texas, on this the _____ day of _____, 2009.

By: _____
Maher Maso, Mayor

ATTEST:

By: _____
Jenny Page, City Secretary

APPROVED AS TO FORM:

Courtney A Kuykendall

Abernathy Roeder Boyd & Joplin P.C.
Courtney A. Kuykendall, City Attorney