

**ORDINANCE NO. 116,
AMENDMENT NO. 02**

AN ORDINANCE AMENDING ORDINANCE NO. 116 (AMENDMENT NO. 02), REGULATING ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES OF THE TOWN OF HORIZON CITY, TO REVISE SECTION 116.070, PROHIBITED ACTS, BY DELETING SUBSECTION 1 REGARDING CANDIDATE FOR PUBLIC OFFICE; AND PROVIDING FOR REPEALER AND SEVERABILITY AND EFFECTIVE DATE

WHEREAS, an Ordinance No. 116 was enacted on the 10th day of August 2004, as amended by Amendment No. 01 on August 22, 2017, to regulate the Ethical Conduct for officers and employees of the Town of Horizon City; and

WHEREAS, Section 116.070 of the Ordinance prohibits appointive officers and employees of the City from continuing in such position after becoming a candidate for nomination or election to any public office;

WHEREAS, Section 150.041 of the Texas Local Government Code adopted in 2013 states that a municipality may not prohibit a municipal employee from becoming a candidate for public office and may not take disciplinary action (including termination) against the employee solely because the employee becomes a candidate for public office. The statute further states that the employee is still expected to fulfill all the duties and responsibilities associated with their employment.

WHEREAS, the City Council now desires to further amend the ordinance to delete the prohibition on continuing in city employment if an appointive officer or employee becomes a candidate for public office, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, that:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Section 116.070, Prohibitive Act, Subsection 1, shall be amended to delete the prohibition on continuing city employment if an employee becomes a candidate for public office and the subsection shall hereby read as follows:

Section 116.070 Prohibited Acts

1. [Reserved]

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SAVINGS CLAUSE

That all previous ethics ordinances shall remain in full force and effect, save and except as amended by this Ordinance.

5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

6. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

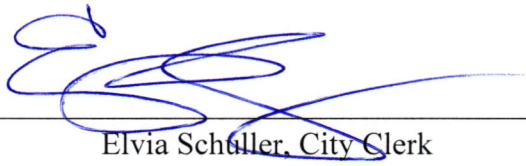
PASSED & APPROVED this, the 13th day of March 2018.

TOWN OF HORIZON CITY:

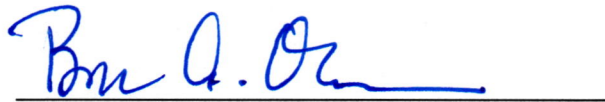
by: _____

Ruben Mendoza, Mayor

ATTEST:


Elvia Schuller, City Clerk

APPROVED AS TO FORM:


Bertha A. Ontiveros, Assistant City Attorney



First Reading	2/13/2018
Second Reading	3/13/2018