



## City of San Antonio, Texas

Ethics Advisory Opinion No. 2013-04

December 3, 2013

*Issued By: City Attorney's Office*

### **I. Issue:**

May a member of an advisory board appear before the City Council to speak on a matter relating to the board member's official duties?

### **II. Inquiry**

A City employee has inquired, on behalf of a member of a City advisory board, whether that member may speak at a City Council meeting, advocating on behalf of a matter that will be brought before the advisory board at a later date. She inquires whether there are any impediments to the board member's appearance under the City's Ethics Code.

### **III. Representation of Private Interests by City Board Member**

The Ethics Code includes some restrictions on the ability of City boards and commissions members from representing private interests before the City. However, those restrictions are limited to representation on matters related to the business of the board.

Section 2-47(a) of the Ethics Code states:

**Representation Before the City by a Member of the Board.** A City official or employee who is a member of a board or other City body shall not represent any person, group, or entity:

- (1) before that board or body;
- (2) before City staff having responsibility for making recommendations to, or taking any action on behalf of, that board or body, unless the board or body is only advisory in nature; or

- (3) before a board or other City body which has appellate jurisdiction over the board or body of which the City official or employee is a member, if any issue relates to the official's or employee's official duties (*emphasis added*).

In this instance, the City Council does have appellate jurisdiction over the board member's board. Accordingly, the member would be prohibited from representing private interests before that body if the issue relates to business before his own board. The facts presented in this inquiry indicate that the member's board has or will soon have jurisdiction or business related to the matter on which she wishes to present at City Council. Therefore, the member may not appear before City Council in her capacity as a citizen to speak on this issue of interest to her.

#### **IV. Conclusion**

A City board member may not appear before a board or other City body that has appellate jurisdiction of the board on which she serves to offer testimony or comment in her capacity as a private citizen if the issue relates to her official responsibilities to the City.