



# Office of the City Attorney Ethics Advisory Opinion

No. 2017-01

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**Date:** May 31, 2017  
**Subject:** May a current City employee prepare and submit engineering plans to the City?

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## **Issue**

May a current City of Laredo (the “City”) employee prepare and submit engineering plans to the City?

## **Background**

A current City employee has requested an advisory opinion addressing the Ethics Code restrictions on current employees and their interactions with the City. This employee works with the Utilities Department and is considering providing services to an engineering consulting firm or re-opening a previous engineering company. The employee advises the outside employment would take place on personal time and would not involve the use of City resources and confidential information. Further, the employee indicates the present employment with the City does not involve the review of plans submitted to the City. Thus, the employee would not review plans in which the employee is involved in as a consultant engineer. Lastly, the employee would not sign and seal documents presented to the City of Laredo involving water or wastewater systems.

## **The Ethics Code**

### **Representation of Private Interests**

Section 2.05(b) of the Ethics Code provides, in relevant part:

A city official or employee shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

Ethics Code § 2.05(b). The Ethics Code defines “representation” as a “presentation of fact, either by words or by conduct, made to induce someone to act.” *Id.* § 1.02(cc). Representation “before the city” includes representation before a city official or employee. *See id.* § 1.02(d). The prohibition on representation of private interests before the City also applies to former city

officials and employees for a period of one year after the termination of their official duties. *See id.* § 3.02(b).

The Engineering Division of the Utilities Department is responsible for reviewing, approving, and inspecting all water and wastewater systems constructed for the City. As part of the approval process, developers submit plans to the City for review and approval. The plans require the signature and seal of the engineer submitting the plans. The seal can only be used by a registered professional engineer licensed to practice in the State of Texas. City staff reviews the submitted plans and, based on the information provided, determines whether the submitted plans are in compliance with the City's standards and specifications. This decision by staff directly affects the continued progress of the project. Accordingly, we conclude submission of plans to the City constitutes "representation" before the City. Thus, the city employee may not submit engineering plans to the City on behalf of a private entity while employed with the City and for a period of one year after termination of the employee's official duties.

### **Conclusion**

Based upon the facts presented, the City employee cannot make a submission of engineering plans on behalf of a private entity while employed with the City of Laredo and for a period of one year after the termination of the employee's official duties.