

February 1, 2018

Jo Ann Touchstone
City Secretary
City of Lakeway
1102 Lohmans Crossing
Lakeway, TX 78734



Dear Jo Ann:

I would like to file a formal ethics complaint against Mayor Joe Bain. Mayor Bain's intentional actions in regard to the consideration of recommended changes to the City Charter, Section 7.01 and 7.07 over the period of December 2017 through January 2018, are in violation of the **Code of Ordinances, Chapter 2: Administration and Personnel, Article 2.04: Code of Ethics, Division 2. Officials, Sec. 2.04.3 General Prohibitions, (f) Hindrance: "It is a violation of this Code for an Official to knowingly perform or fail to perform any act to deliberately thwart the execution of City ordinances, rules or regulations, or the achievement of official City programs."**

Article 1.03 City Council, Division 2 Rules and Order of Business, Sec. 1.03.032 Preparation, contents and posting of agenda, (a) establishes the mayor's responsibility in preparing the agenda. Part (b) 5 states that each agenda item shall be *specifically* described and there shall be a provision for citizen participation on each comment for which a vote is planned. The agenda for the Special Council Session originally scheduled for January 16, 2018 and eventually held on January 29 stated the action to be taken would be: "Consider approving the Charter Review Committee recommendations to amend the Lakeway City Charter for submission to voters in the May 5, 2018 Special Election." There is evidence to prove that the item to be acted on was much more specific.

All items except for 7.01 and 7.07, which relate to the selection of volunteers for commissions, boards and committees, were already handled in a regular council session in December. The real purpose of the special January 29 meeting was to *specifically* discuss the charter amendments to 7.01 and 7.07 and to conduct a "work session" to discuss an ordinance which would replace the charter language. Evidence: email exchanges between council and staff and the recording of December Council Meeting and agreement to hold a "working session" as soon as possible.

In addition, Sec. 1.03.033 (a) and (b) of that same article establishes the mayor as the presiding officer of all council meetings and the enforcer of compliance to meeting rules. The mayor showed bias in applying the rules when he allowed former mayor Dave DeOme to speak for 5:55 minutes (without setting the timer) in opposition to changes to 7.01 and 7.07 during Citizen's Participation at the December 18, 2017 council meeting.

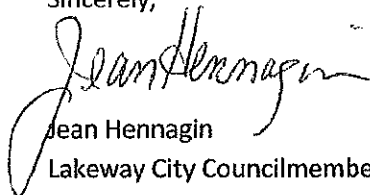
In addition, Sec. 1.03.034(c) mandates that the mayor present a clear statement of the topic to be considered *before* citizen's participation. As stated above, the public was not given a clear written or verbal statement of the topic to be considered before Mayor Bain asked for citizen's participation at the

Special Council Session on January 29. He did, however, notify two opposition speakers as to the specific topic to be discussed, as they came prepared.

Mayor Bain's opposition to amending the charter to remove the authority of the mayor to appoint all volunteers to boards, commissions and committees is well documented. In addition to the above violations of the Code of Ethics and the ordinances stated above, Mayor Bain's actions were criminal and violate the Texas Open Meetings Act.

I look forward to providing additional details and evidence to the Board of Ethics.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Hennagin". The signature is written in a cursive style with a large initial "J".

Jean Hennagin
Lakeway City Councilmember
719 Mariner
Lakeway, TX 78734
512-745-1940