

ORDINANCE NO. 2025-47

AN ORDINANCE OF THE CITY OF LEAGUE CITY, TEXAS, FORMALLY RECOGNIZING AND DECLARING ATTORNEY-CLIENT COMMUNICATIONS AS CONFIDENTIAL INFORMATION OF THE CITY; SPECIFYING THAT THE AUTHORITY TO WAIVE SUCH CONFIDENTIALITY OR PRIVILEGE RESTS ONLY WITH THE CITY COUNCIL ACTING AS A BODY OR WITH THE CITY ATTORNEY ACTING UNDER THE DIRECTION OF THE CITY COUNCIL; PROVIDING THAT, IN COMPLIANCE WITH SUBCHAPTER K OF CHAPTER 552 OF THE TEXAS GOVERNMENT CODE, COUNCIL MEMBERS SHALL EXECUTE CONFIDENTIALITY AGREEMENTS REGARDING THE RECEIPT AND HANDLING OF CONFIDENTIAL INFORMATION OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of League City, Texas, is a home-rule municipality organized under the Constitution and laws of the State of Texas; and

WHEREAS, the City Council of the City of League City ("City Council") serves as the governing body of the City and, in that capacity, collectively constitutes the client for purposes of the attorney-client relationship with the City Attorney's Office; and

WHEREAS, the City Council recognizes that attorney-client communications, as defined by Texas Rule of Evidence 503, are confidential in nature and that maintaining such confidentiality is essential to protecting the City's legal interests and ensuring the provision of effective legal counsel; and

WHEREAS, the City Council further acknowledges that under Texas Penal Code Section 39.06 (Misuse of Official Information), a public servant commits an offense if, in reliance on information to which the person has access by virtue of office or employment and that has not been made public, the person uses, discloses, or aids another to use or disclose that information for a nongovernmental purpose, with intent to obtain a benefit or to harm or defraud another; and

WHEREAS, Chapter 552 of the Texas Government Code, commonly known as the Texas Public Information Act, provides exceptions from public disclosure for certain information, including attorney-client communications protected under Section 552.107(1), and establishes procedures under Subchapter K for the handling of confidential information by members of a governing body; and

WHEREAS, the City Council desires to formally recognize and declare attorney-client communications as confidential information of the City, to affirm the process by which such confidentiality may be waived, and to ensure compliance with Subchapter K of Chapter 552 of the Texas Government Code through the execution of confidentiality agreements by Council Members;

WHEREAS, the City Council affirms that the free flow of information to and among its members is essential to effective governance and informed decision-making; and

WHEREAS, the City Council further finds that maintaining attorney-client confidentiality and ensuring equal access to information among all members are complementary goals that protect

the City's legal interests and support transparent, well-informed deliberation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. Findings. The above recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of the City Council. The City Council further finds that protecting the confidentiality of attorney-client communications is necessary to preserve the City's legal interests and to ensure effective representation by counsel.

Section 2. Declaration of Confidentiality. The City Council of the City of League City hereby formally recognizes and declares that attorney-client communications, as defined by Texas Rule of Evidence 503, constitute confidential information of the City. The City Council affirms that such communications shall be treated and maintained as confidential to the fullest extent allowed under applicable law.

Section 3. Authority to Waive Confidentiality or Privilege. The authority to waive such confidentiality or privilege on behalf of the City rests solely with the City Council acting as a body, or with the City Attorney acting under the direction of the City Council. No individual Council Member, officer, or employee has independent authority to waive or disclose attorney-client communications of the City.

Section 4. Confidentiality Agreements. In compliance with Subchapter K of Chapter 552 of the Texas Government Code, Council Members shall execute confidentiality agreements regarding the receipt and handling of confidential information of the City. Such agreements shall remain in effect during each Council Member's term of office and shall acknowledge the duty to safeguard all confidential and privileged materials received by virtue of their position.

Section 5. Admonition Concerning Misuse of Confidential Information. Council Members are hereby placed on notice that Texas Penal Code Section 39.06 (Misuse of Official Information) prohibits a public servant from misusing, disclosing, or using information to which the person has access by virtue of office or employment and that has not been made public. Under this statute, an offense occurs if a public servant, with intent to obtain a benefit or with intent to harm or defraud another, discloses or uses such information for a nongovernmental purpose, or otherwise acquires or aids another to acquire a pecuniary interest or speculate on the basis of such information. For purposes of this section, "information that has not been made public" means information to which the public does not generally have access and that is prohibited from disclosure under Chapter 552 of the Texas Government Code. A violation of this statute constitutes a felony offense under state law.

Section 6. Preservation of Privilege. Disclosure of attorney-client communications to members of the City Council under this Ordinance does not constitute a waiver of the City's attorney-client privilege or any other confidentiality protection recognized by state or federal law.

Section 7. Construction with State Law. This Ordinance is intended to be consistent with and supplemental to the Texas Public Information Act, the Texas Rules of Evidence, and other applicable law. Nothing in this Ordinance shall be construed to conflict with or expand the scope of confidentiality or privilege beyond that recognized by state law. In the event of a conflict, state law shall control.

Section 8. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 11. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance.

PASSED first reading the _____ day of _____, 2025.

PASSED AND ADOPTED the _____ day of _____, 2025.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)