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VIA EMAIL: [delia.garza@austintexas.gov](mailto:delia.garza@austintexas.gov)

The Honorable Delia Garza  
Austin Council Member, District 2

RE: Your Campaign Ethics Problem

Dear Council Member Garza,

This morning you signed up to run for Travis County Attorney. I am calling on you to either immediately resign from the Austin City Council or pledge to voters that you will still abide by the Austin campaign contribution ethics limitations you would otherwise be subject to as a Council member.

I am very familiar with Travis county government and have a deep respect for the special role the County Attorney plays, not only as the attorney for all the county officers, but particularly the role enforcing broad ethics-based transparency laws like campaign finance laws, open records, and open meetings countywide for all governmental bodies in Travis County. There is no other local elected office more crucial to enforcing transparency in state or local government than the County Attorney.

Yet, there is absolutely nothing in your Council service, or your very limited law practice, that indicates you have any commitment to setting high standards for ethics or transparency laws; nothing at all. To be frank, even disregarding that you let your law license lapse,<sup>1</sup> you lack any significant experience actually practicing law that would be necessary to lead a County Attorney's Office full of real attorneys who are really devoted to practicing law. If you got elected, you would be—demonstrably—the least qualified County Attorney in Travis County's history. Your ability to lead that law office would be suspect from Day One.

But if you run for County Attorney *while keeping your City Council position* (and city paycheck), you are immediately faced with a very serious ethics problem from the day your campaign begins, and the day you accept money from that still-secret PAC. Through the City Charter and ordinances, the voters of Austin have set high standards for limiting the size of

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<sup>1</sup> What kind of *serious* attorney does that?

campaign contributions, particularly from lobbyists and PACs, that a Council member or candidate can accept.

You have had a PAC raising money for your County Attorney race, the source(s) and amounts of which have not been disclosed. Austin's campaign finance laws would prohibit any person from contributing more than \$400 to your campaign, would limit a contribution from a lobbyist to \$25, would limit you to one campaign Committee, would limit amounts contributed to a Political Action Committee supporting you, and limit the amount you could receive from a PAC. *See Austin Charter, Article III, §§ 8(A), 8(B); City Code 2-2-53, 2-2-56, 2-2-57.*

These campaign ethics laws are intended to avoid having an Austin Council Member in a position of voting on matters after special-interest contributors (and especially lobbyists) made unlimited campaign contributions to that Council Member. These laws are intended to promote public faith that votes by Council members for special interests—like you so often have done—are not tied to who gave the Council member the most money. It also prevents an unscrupulous Council member from, in effect, sitting at the Council dais voting while figuratively wearing a sign to the highest bidder that says “Bribe Me.” But if you stay on the Council while taking unlimited campaign contributions in your race for County Attorney, that is exactly the position you are going to be in. You can also, with a wink as a voting Council member, pressure people with business before the Council to contribute large sums to your County Attorney campaign. That's just wrong and completely at odds with Austin's campaign contribution limitations.

For example, your buddy and lobbyist Richard Suttle could make a \$10,000 contribution to you for County Attorney the same day you cast your Council vote his way for the hurried Land Development Code Revision. You cannot ignore, and the public should not ignore, the potential influence those unlimited campaign contributions will have on your Council votes. You cannot ethically take those big campaign contributions while also being a Council member. And if you do, you are foretelling a decline—before you would even take office—in the ethical standards that we have come to expect from the Travis County Attorney's Office.

Believe me, I understand your interest in keeping your City paycheck while you run for higher office and a much bigger paycheck. But it is at times just like this—when your selfish interest conflicts with doing what's right and with avoiding doing what's wrong as a public official—that tests the ethical mettle you should have. Donald Trump has failed that ethics test over and over; will you? What makes you think that you, as a Democrat, are somehow forgiven for committing the same unethical conduct as a Republican like Trump?

You have also already demonstrated the kind of conflict-of-interest you create with your ongoing City Council votes and the future role you seek: representing the County and its officials. Your in-your-face vote comes to mind against the County Judge and Commissioners' request, made in person to Council, to let the County use HOT tax revenue for eastside economic development at the Expo Center. I would also point out that if you take these unlimited contributions (via the PAC or directly) but (hopefully) lose the Democratic Primary on March 3<sup>rd</sup>, you could still change your mind and run for re-election to Council since you wouldn't have to file until 45 days before the November election. *See Austin Charter, Article III, § 4.* That means that, in early 2020, you would have received *unlimited* campaign contributions (that would violate the City Charter and Code) and that, at least, would increase your name identification and campaigning

in District 2 if you then, in the Fall 2020, run for Council again. If that's what happens, you would make a mockery of Austin's voter-approved Council campaign contribution limitations.

There is nothing you can do, at this point, about your lack of experience and qualification for the Office of County Attorney, but you certainly can take action to avoid campaigning for the office in violation of basic ethics standards. So, I'm calling on you to resign from the Austin City Council immediately or fully comply, in your campaign for County Attorney, with the Austin Charter campaign contribution limitations.

ALESHIRELAW, PC



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