BOARDS AND COMMISSIONS HANDBOOK

Revised 2015

Welcome!

On behalf of the City Council I would like to thank you for your willingness to serve the City as an appointed member of a board or commission. Your commitment of time and talent is a very important contribution to our community.

The work performed by citizens who serve on as volunteers on these boards and commissions is a vital part of our city government. Board and commission members assist the City Council in setting public policy, implementing public policy and in communicating that policy to the community as a whole.

In recognition of the important civic commitment members of boards and commissions have made, this orientation handbook has been prepared to assist new members in performing their duties.

It is our hope that your service to the City of Taylor will be both rewarding and fulfilling. Again, thank you for your willingness to serve.

Mayor
Taylor City Council

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CHAPTER 1: DEFINITIONS AND LEGAL LIABILITY

1.1 Boards and Commissions Defined

The work performed by citizens serving on boards and commissions is a vital part of the work of the city of Taylor government. Taylor has two types of boards and commissions: ADVISORY and DECISION-MAKING. Additionally, there are boards whose membership is appointed by the City Council but are separate entities. Appendix A provides a general description of each type of board and commission.

1.2 Definitions of Terms

AGENDA is required of a meeting of a city governmental body. An agenda stating the date, hour, place, and subject of each meeting must be posted at City Hall for at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted on the agenda can be discussed and acted on by the governmental body.

BOARD means a board or commission:

- which is established by city ordinance, city charter, interlocal contract, or state law;
- which serves as the board of a non-profit development corporation that acts as an instrumentality of the city; and
- any part of whose membership is appointed by the City Council, but does not include a board or commission which is the governing body of a separate political subdivision of the state.

CITY COUNCIL means the legislative and governing body of the City of Taylor consisting of five members who are elected by the citizens of Taylor for three year terms. Both the Mayor and Mayor Pro Tem are elected by the council members themselves and these terms are for one year.

CITY means the City of Taylor, Texas.

DELIBERATION means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

MEETING means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action. A social or informal event where council members attend is not considered a meeting.

MINUTES of every called meeting are required to be prepared, approved, and signed by the Chairman and attested to by the Secretary. The minutes become part of the City's permanent records.

OFFICER means the legislative and governing body of the city of Taylor consisting of the five council members including the Mayor and Mayor Pro Tem

PUBLIC OFFICIAL means any person who is appointed to a board or commission by the City Council.

1.3 Advisory Boards and Commissions

Advisory boards and commissions advise the City Council on public policy and play a very important role in city government by providing the Council with creative ideas, feedback from the community, and by serving as a sounding board for proposed public policy. It is important to remember that the role of advisory boards is not to set public policy but to advise the City Council.

ADVISORY BOARDS AND COMMISSIONS

Name	Members	Term (Yrs.)
Airport Board	7	3
Animal Control and Shelter Advisory Board	5	
CPIC	13	3
Library Board	7	3
Main Street Advisory Board	11	3
Moody Museum Board	11	3
Parks & Recreation	11+1 student	3
Tree Advisory Board	7	3

1.4 Decision-making Boards and Commissions

Decision-making boards and commissions are "quasi-judicial" and are governed by state law. Decision-making boards set or enforce public policy and are potentially subject to review by the courts. Members serving on decision-making boards should take an oath of office and are subject to the Texas Open Meetings Act and the Texas Public Information Act.

DECISION-MAKING BOARDS AND COMMISSIONS

Name	Members	Term (Yrs.)
Building & Standards Commission	5	2
Planning & Zoning Commission	9	3
Zoning Board of Adjustments	5	2

1.5 Separate Legal Entities

There are two boards serving the City of Taylor that are separate entities, corporations, or political bodies, even though the City Council may appoint the members to these boards. They are usually established under the provisions of a state statute which sets forth the functions, duties, responsibilities, and limitations of the corporation or political body.

The boards that are separate entities from the City of Taylor, but whose members are appointed by the City Council or the Mayor are:

SEPARATE LEGAL ENTITIES

Name	Members	Term (Yrs.)
Taylor Economic Development Corp.	5	3
Taylor Housing Authority	5	2
Civil Service Commission	3	3

The members appointed to these boards oversee the operation of an organization as a Board of Directors would a corporation. The City of Taylor has no authority over the members except for their appointment and budget review; and, therefore, the city has no liability for their actions. Board members will find that the organization to which they have been appointed will provide much of the information needed. The state statute establishing the organization, the articles of incorporation and the bylaws of the organization will provide a great deal of information.

1.6 Legal Liability

It is important to understand that the actions of members of the various city boards can subject the city to liability and subject the board members to personal liability. Therefore, board members are strongly encouraged to consult with the city attorney anytime they feel their actions, while serving on such board, may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.

As a general rule, quasi-judicial public officials cannot be held personally liable for erroneous acts while honestly exercising the judicial or quasi-judicial functions of their office. The board members who render decisions are considered quasi-judicial public officials. The problem with stating such a general rule as a proposition of law is that there will always be exceptions to the general rule. For example, if a court finds that a quasi-judicial public official performs certain functions in excess of his/her authority and such functions were not performed under a good faith assumption that the officer had the authority to act, then the public official will subject himself/herself to personal civil liability. If a person is damaged by the excessive acts of a quasi-judicial public official, then that public official will have to pay damages to the person harmed. The aggrieved person can also seek other remedies such as an injunction compelling the public official to perform or refrain from performing a particular act.

Officers of the city can also subject themselves, as well as the city, to liability if they perform their functions in a manner that denies an individual any right that is secured to that individual by the constitution or a statute. An example of how this type of liability could arise is if an officer illegally discriminates against an individual. A city and its officers, as a governmental entity, must treat all individuals or groups equally. Therefore, officers of the city should treat all individuals and groups in the same manner. If an officer illegally discriminates against an individual or group, that individual or group can seek monetary damages from the city and the individual officer for a violation of his rights under the state and federal civil rights statutes.

When members of boards are acting in good faith and within the bounds allowed by the city ordinances and procedures and the state and federal law, the city will provide a defense for such members to the greatest extent permissible. However, if a board or commission member violates a criminal law while serving in his/her official capacity, the city generally will not provide that member a defense. The reason for this is that if a criminal law was violated, the board member was probably acting outside the bounds of his authority.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the city or the board member may be subjected. You are reminded that the city attorney is available to the city boards and should be consulted on such questions.

CHAPTER 2: APPOINTMENT PROCESS

2.1 How Public Officials are Appointed

The City Council (and/or Mayor) is responsible for appointments to all of Taylor's boards. Citizens interested in being appointed are urged to obtain an application form (see Appendix A) from the city clerk's office at city hall or on the City's Web page: www.taylortx.gov. Applications must be received at least 72 hours prior to the council meeting scheduled with the appointment on the agenda.

2.2 Notice of Appointment

The city clerk will notify the City Council prior to the expiration of board terms. Appointments will be placed on a City Council agenda for Council action. After the City Council appoints a person to serve as a member of a board, the city clerk will notify the appointee, in writing of the appointment and furnish new members with a copy of this Boards and Commissions Handbook.

2.3 Eligibility and Qualifications

The City Council strives to appoint the most qualified citizens to serve on boards. Appointments, in most cases, will be made from applications on file with the city clerk. The qualifications required to serve on a particular board are determined by Taylor City ordinance. Many of the boards do not have specific eligibility requirements beyond voting residency, leaving the membership qualifications to the discretion of the City Council. City of Taylor voting residency requirements do not apply to the Moody Museum Board, Library Board, Main Street Advisory Board, Airport Board, or the Taylor Economic Development Commission (April, 2005).

Appointments to boards having eligibility requirements must be made in accordance with the governing city ordinance. Board members must continue to meet the eligibility requirements during the entire time they serve on the board.

2.4 Oath of Office

An oath of office (Appendix B) will be administered to all members of decision-making boards. The oath of office can be administered by the city clerk or a notary public for the state of Texas. The necessary forms are available in the city clerk's office.

CHAPTER 3: RESPONSIBILITIES OF PUBLIC OFFICIALS

3.0 Open Government Training

Effective January 1, 2006, elected and appointed officials are required by state law to receive training in Texas open government laws. The Office of the Attorney General offers free video training courses to attend in person, by DVD or online by visiting their website at http://www.oag.state.tx.us/opinopen/og_training.shtml . You may check with the City Clerk for additional options. All newly appointed municipal board members must complete the Open Meetings portion of the training within ninety (90) days of their appointment. The Certificate of Completion must be kept on file with the City Clerk for five (5) years.

3.1 Texas Open Meetings Act

The Texas Open Meetings Act is codified in the Texas Government Code section 551.001. This article generally requires that meetings of a governmental body be open to the public and enumerates some exceptions to the requirement. The Act also requires that the public be given notice of the time, place, and subject matter of meetings of governmental bodies. The Texas Open Meetings Act prohibits the use of secret ballots in meetings of governmental bodies.

3.1.1 Closed Meetings

The Taylor City Council, the Taylor Economic Development Corporation and the Taylor Housing Authority are the only city boards authorized under law to conduct closed meetings.

The Texas Open Meetings Act does allow for closed meetings on a few limited subjects. Closed meetings are only allowed for discussion of items that include pending litigation, certain personnel matters, receiving a gift or donation, to discuss deployment or implementation of security personnel or devices, and the lease or acquisition of real estate.

Before a closed meeting can be held, notice of the meeting identifying the sections of the Texas Open Meetings Act authorizing the closed meeting must be posted 72-hours in advance of the meeting. A quorum of the governmental body must convene in an open meeting and the presiding officer publicly announces that a closed meeting will be held and identifies the sections of the Texas Open Meetings Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions and votes must be made in an open meeting.

Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place that the meeting started and ended, and must certify by his/her signature that the agenda is a true and correct record of the proceedings. It is a misdemeanor offense for any individual to make public such certified agenda unless directed by a court order. The certified agenda must be preserved in a safe and secure place for a minimum of two (2) years. The city clerk or city attorney are available to answer questions pertaining to agendas, minutes, or any other questions that may arise regarding the Texas Open Meetings Act.

3.1.2 Penalties

A fine of not less than $100.00 nor more than $500.00 or imprisonment in the county jail for not less than one (1) month nor more than six (6) months, or both fine and imprisonment, can be imposed for violating the provisions of the Texas Open Meetings Act or conspiring to circumvent the provisions of the Texas Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

3.2 Robert's Rules of Order

Meetings are generally conducted under standard parliamentary rules as outlined in Robert's Rules of Order.

3.3 Agendas

City boards and commissions are expected to abide by the Texas Open Meetings Act and their agendas are properly posted on the city hall bulletin board at least seventy-two (72) hours preceding the scheduled time of the meeting. Only those matters posted on an agenda can be discussed and acted upon by the governmental body.

At the time of posting, copies of the agenda must be given to all members of the boards or commissions pertaining to the meeting being posted. If non-members attend the meeting, they should also be provided with an agenda. The agenda should be prepared (under the direction of the board chairman) by the board secretary, who is usually the ex-officio department head or staff person to the board.

Generally, the order of business on the agenda is: declaring a quorum, the reading, correcting and passing of the minutes from the last meeting, specific information listed for each agenda item to inform the public of the item being discussed. A general listing such as "Committee Reports" is not allowed. Items to be discussed must be specific.

3.4 Role of the Chairman

The role of the board chairman is to provide leadership to the group. He/She has certain duties and responsibilities which must be performed:

1. insure that the meeting is conducted in accordance with established rules; and

2. maintain order and bring the group to a conclusion on the matters before it.

3.5 Quorum

A quorum is the minimum number of members needed to officially conduct business. The quorum is generally established by the ordinance, resolution, or other document which establishes the board. Where no statement on the quorum number exists the quorum is the majority of the members. If no quorum exists, the meeting should be canceled and rescheduled.

3.6 Public Hearings

Public hearings are open forums that allow the public an opportunity to express their opinion on a specific issue related to the City of Taylor. Public hearings are generally conducted in the following manner:

1. The chairman of the board formally opens the public hearing.

2. After hearing all citizens who wish to comment on the issue, the chairman formally closes the public hearing.

3. Members of the board may ask questions directed to the citizen speaking during the public hearing. After the public hearing is closed, members of the public may speak ONLY in answer to a question directed to them by a member of the board.

4. If a public hearing draws a large number of interested citizens, a time limit for individual speakers may be set by the chairman before the public hearing opens, typically 3 or 4 minutes.

5. The chairman may use his/her judgment about how strictly this format is followed.

3.7 Minutes

Minutes of a decision-making board are required to be prepared, approved, signed and retained permanently in a safe and secure place. The minutes of decision-making boards MUST be signed by the chairman and attested to by the secretary or other member of the board once the minutes are approved by a majority of the members in a called meeting. The minutes become a part of the city's permanent records.

3.8 Texas Public Information Act

The Texas Public Information Act (formerly known as Texas Open Records Act) is codified in the Texas Government Code section 552.001. It declares the basis for the policy of open government expressed in the Public Information Act. It finds that basis in "the American constitutional form of representative government" and "the principle that government is the servant and not the master of the people." The Texas Public Information Act applies to virtually all local and state governmental bodies, private entities that are supported by or that expend public funds and/or information held by private entities in the constructive possession of governmental bodies.

All information held by a governmental body must be released unless the information falls within one of the acts specifying exceptions to disclosure. Virtually all information in the physical possession of a governmental body is subject to the act.

A written request for information that is received from a citizen by a public official under the Texas Public Information Act, should immediately file the written request with the City Clerk. The City Clerk will forward the open records request to the City Attorney for review. Upon direction from the City Attorney, the City Clerk will either produce the requested public information or forward a letter to the requestor stating the reasons why the information cannot be produced.

If the City Clerk cannot produce public information for inspection or duplication within ten (10) business days after the date the information is requested, the City Clerk is required to "certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication" and, if necessary, request an opinion from the Attorney General.

3.8.1 Penalties

A fine of not less than twenty-five ($25.00) dollars or more than four thousand ($4,000) dollars or confinement in the county jail for not less than three (3) days or more than three (3) months, or both fine and confinement, can be imposed for violating the provisions of the Texas Public Information Act.

3.9 Meeting Attendance

A public official that has a scheduled regular monthly or semi-monthly meeting shall be expected to maintain a suitable attendance record. It is important to keep in mind that your attendance is very important to the board you are serving on and that the City Council appointed you for your expertise. Because your attendance is important, the City Council has adopted the following attendance policy:

1. If a member is absent from more than twenty-five (25%) percent of the duly called meetings in any period of twelve (12) consecutive months or absent from more than two duly called meetings in any period of twelve consecutive months, whichever is greater, for any reason, other than a medical reason or a reason acceptable to the Chairman of that Board, which prevents the public officials' attendance, the member shall be disqualified and automatically removed from serving as a board member.

The term "duly called meetings" includes all meetings of the board and all meetings of subcommittees of the board on which the public official serves. The secretary of the board is responsible for maintaining records of the public officials' meeting attendance. The board secretary shall provide the City Council, through the City Clerk's office, with a quarterly attendance record, as well as copies of the minutes from each meeting held within that quarter.

3.9.1 Voting by Proxy

Proxy voting is automatically prohibited in organizations that have adopted Robert's Rules of Order or The Standard Code of Parliamentary Procedure.

3.10 City Staff Support

Each public official is encouraged to communicate openly with the city management staff. Suggestions, opportunities and constructive criticism are necessary for a proper relationship with management. However, each public official is strongly encouraged to communicate with the appropriate department head assigned to that board. Contact with operational type people or individuals below the department head level is discouraged. The community development director working with the planning and zoning members and the library director working with the library board, are examples of appropriate relationships.

3.11 Reports to the City Council

The City Council is highly dependent on each board member to make recommendations and offer possible solutions to city projects and opportunities. All members are encouraged to communicate the position of the total or majority of the group. Such communication or recommendations should be in a formal or written form from the entire board. Of course, each public official may from time-to-time want to visit informally with a member of the City Council. This one-on-one informal communication is necessary, but, to protect the integrity of the organization, the complete City Council should be addressed in terms of the majority of the members of the board.

CHAPTER 4. CODE OF ETHICS

4.1 Ordinance No. 99-17

The City Council adopted a Code of Ethics (Ordinance No. 99-17) for council members and all members of boards and commissions appointed by the City Council.

A copy is included in Appendix C.

City of Taylor
Boards and Committee Application

PLEASE TYPE OR PRINT CLEARLY:

Name _____

Address (Residence and Mailing)

_____

_____

How long at this residence? _____

Phone (Home) _____

Cell Phone _____

Fax _____

Email _____

Occupation _____

Employer _____

Address _____

_____

Work Phone _____

Business owner? ☐ Yes ☐ No

Additional information? _____

_____

_____

List the Board or Commission you are applying for. A person may not be appointed by the City Council to serve on more than one board or commission simultaneously. (Does not apply to the Comprehensive Plan Implementation Committee.) If more than one, please list in order of priority for which you wish to be considered.) : _____

Please consider attending a committee meeting of interest to you prior to submitting your application. Check the website at http://www.taylortx.gov for a complete roster of committee appointees.

List experience, training, skills or interests which you believe you could bring to this position. (Attach resume or additional pages if needed.)

_____

_____

_____

APPLICANTS FOR ZONING BOARD OF ADJUSTMENTS, PLANNING AND ZONING, BUILDING AND STANDARDS COMMISSION, AND PARKS AND RECREATION BOARD MUST BE A LEGAL RESIDENT OF THE UNITED STATES AND A VOTING RESIDENT WHO LIVES AND RESIDES* IN THE CITY OF TAYLOR. *(*Effective 12/16/08. Residency requirement does not apply to the Moody Museum Board, Library Board, Main Street Advisory Board, Airport Board, or the TEDC. Change in residency status during term can result in termination of appointment.)*

I hereby swear and affirm that the information provided above is true and correct

Signature _____ Date _____

DESCRIPTION OF BOARDS AND COMMISSIONS

Airport Board meets the fourth Tuesday at 5:30 pm each month and makes recommendations about the operations of the municipal airport and helps ensure that the airport meets the needs of the City and the air industry.

Animal Control Appeals Board and Shelter Advisory Committee meets quarterly and consists of a licensed veterinarian, a county or city official, a representative from an animal welfare organization, and an animal control shelter staff person.

Building & Standards Commission meets as needed to provide final interpretations concerning alleged violations of ordinances by upholding or overturning decisions made by the building officials. Members must be knowledgeable with the building, plumbing, mechanical, electrical and fire codes adopted by the city.

Civil Service Commission is a three member board appointed by the City Manager to adopt rules regarding hiring and promotional processes, the disciplinary process, maintenance of personnel files, and other subjects as defined by Civil Service Law.

Comprehensive Plan Implementation Committee has thirteen members appointed by Council to review the implementation status (Chapter 11) of the Taylor Comprehensive Plan twice a year.

Library Advisory Board meets the third Tuesday each month at 6pm and makes recommendations to the City Council regarding library operations and to help ensure that the Library meets the needs of the City.

Main Street Advisory Board meets the third Wednesday each month to carry out an annual action plan for implementation of a downtown revitalization program focused on: design/historic preservation, promotion, organization/management, and economic restructuring/development.

Moody Museum Advisory Board meets on the third Tuesday at 5:30 pm every other month and makes recommendations regarding the operation of the Moody Museum.

Parks and Recreation meets the third Wednesday at 6 pm to make recommendations to the City Council regarding sports and recreational programs, and facilities and helps ensure that they meet present and future needs.

Planning & Zoning Commission meets the second Tuesday at 6 pm and makes decisions regarding platting or replatting of land into subdivisions within the corporate limits and within the extraterritorial jurisdiction of the City and makes recommendations to the City Council regarding the regulations of the use of land, location of buildings, and the locations of businesses, in respect to their environments.

Taylor Economic Development Corporation (TEDC) meets at 5:00 pm once a month (usually the third Wednesday) and promotes, assists, and enhances economic development activities for the City.

Taylor Housing Authority meets on Tuesday afternoon and establishes policy and reviews operations of subsidized housing in Taylor. One member must be a Housing Authority resident.

Tree Advisory Committee meets quarterly on Tuesday at 6 pm to discuss beautification of the city through the planting and maintenance of trees and assist staff with the annual Arbor Day event.

Zoning Board of Adjustments meets on the first Tuesday of the month at 6 pm (or as needed) to hear and decide special exceptions to the zoning ordinance and rules on appeals. This board is autonomous.

Applications are public information. Incumbents whose terms expire are automatically considered for reappointment unless they indicate non-interest. Applications are kept on file for two (2) years from date of application.

Please complete and return to: **City Clerk, City of Taylor, 400 Porter St., Taylor, Texas 76574**
(512) 352-3676 or (Fax) (512) 352-8255 or email Susan.brock@taylortx.gov

Appendix B

OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, and that I will faithfully execute the duties of the office of _____, of the City of Taylor, of the state of Texas, and will to the best of my ability, preserve, protect and defend the constitution and laws of the United States and of this State, So Help Me God.

_____
Affiant's Signature

SWORN TO and subscribed before me by affiant on this the _____ day of _____, 20___.

_____
Notary Public Signature

Appendix C

ORDINANCE NO. 99-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAYLOR, TEXAS, ESTABLISHING A CODE OF ETHICS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING A PENALTY CLAUSE.

WHEREAS, the City Commission shall faithfully discharge all duties imposed upon it by the City Charter and the Constitution and laws of the State of Texas, independently and impartially deciding all matters brought before it with responsibility to the citizens of the City of Taylor, Texas; and

WHEREAS, the City Commission is the governing body for the City of Taylor, Texas, and must bear responsibility for the integrity of governance; and

WHEREAS, the City Commission shall govern the City with a commitment to preserving the values and integrity of representative local government and democracy; and

WHEREAS, the City Commission will seek to improve the quality and image of public service; and

WHEREAS, the City Commission will commit to improving the quality of life for the individual and the community by being dedicated to the faithful stewardship of the public trust.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAYLOR, TEXAS:

Section 1.

The facts contained in the preamble of this Ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2. **DEFINITIONS**

For the purposes of this Ordinance:

1. "Benefit" means anything reasonably regarded as economic gain or economic advantage, including benefit

to any other person in whose welfare the beneficiary is interested, but does not include a contribution to expenditure made and reported in accordance with law.

2. "Board" means a board, commission, or committee:

   A. which is established by City ordinance, charter, interlocal contract, or state law, or

   B. which serves as the board of a nonprofit development corporation that acts as an instrumentality of the City; and

   C. any part of whose membership is appointed by the City Commission, but does not include a board, commission, or committee which is the governing body of a separate political subdivision of the state.

3. "Employee" means a person employed and paid a salary by the City whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or City Commissioner.

4. "Negotiating concerning prospective employment" means a discussion between a City officer or employee and another employer concerning the possibility of the City officer or employee considering or accepting employment with the employer, in which discussion the City officer or employee responds in a positive way.

5. "Officer" means a member of the City Commission and any member of a board who is appointed by the City Commission. "Officer" does not include a member of a board:

   A. that functions only in an advisory or study capacity and which does not have the power to make findings as to the rights of specific parties; or

   B. of a nonprofit development corporation that acts as an instrumentality of the City.

Section 3. **POLICY**

(a) It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:

1. public officials and employees be independent, impartial and responsible only to the people of the City;

2. governmental decisions and policy be made using the proper procedures of the governmental structure;

3. no officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;

4. public office not be used for personal gain; and

5. the City Commission at all times be maintained as a nonpartisan body.

(b) To implement this Ordinance, the City Commission has determined that it is advisable to enact this Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(c) Notwithstanding any other provision of this Ordinance, a member of the board of directors of a reinvestment zone established under the Tax Increment Financing Act, as amended, may:

1. own property within that reinvestment zone; and

2. participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone.

SECTION 4. <u>STANDARDS OF CONDUCT</u>

(a) An officer of employee of the City shall not:

1. Accept or solicit a benefit that might reasonable tend to influence the officer or employee in the discharge of his official duties.

2. Use his official position to secure special privilege or exemptions for himself or others.

3. Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the

granting of fringe benefits to City employees a part of their contract of employment or as an added incentive to the securing or retaining of employees.

4. Disclose information that could adversely affect the property of affairs of the City, or directly or indirectly, use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.

5. Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent or member or in which he has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest, and:

   A. in the case of an officer, leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or

   B. in the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.

6. Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.

7. Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.

8. Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim, or other matter under the jurisdiction of the City, if the officer or employee is

negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the City Manager that a conflict of interest exists. If an officer or employee begins negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:

A. in the case of an employee, immediately notify the official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the City Manager determines that a conflict of interest exists, follow the instructions of the City Manager with regard to further involvement in the matter; or

B. in the case of a board member, immediately notify the board of which he is a member the nature of the negotiation or arrangement and:

   i. refrain from discussing the matter at any time with other board members or members of the City Commission if the City Commission will also consider the matter;

   ii. leave the room during debate hearing on the matter; and

   iii. abstain from voting on the matter; or

C. in the case of a member of the City Commission, file an affidavit with the City Clerk regarding the nature of the negotiation or arrangement and:

   i. refrain from discussing the matter at any time with other Commissioners or members of a board that will consider the matter;

   ii. leave the room during debate or hearing on the matter; and

   iii. abstain from voting on the matter.

9. Receive any fee or compensation for his services as an officer or employee of the City from any

source other than the City, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the City if there is no conflict with his City duties and responsibilities.

10. (a) In the case of a member of the City Commission or an employee, personally represent, or appear in behalf of, the private interest of others:

    i. before the City Commission or any City board or department;

    ii. in any proceeding involving the City; or

    iii. in any litigation to which the City is a party.

    (b) In the case of a board member, personally represent or appear in behalf of, the private interests of others:

    i. before the board of which he is a member;

    ii. before the City Commission.

    iii. before a board which has appellate jurisdiction over the board of which he is a member; or

    iv. in litigation or a claim to which the City or an employee of the City is a party if the interests of the person being represented are adverse to the City or an employee of the City and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to that board.

11. Use the prestige of his position with the City in behalf of any political party.

12. Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the City ordinances, rules or regulations or the achievement of official City programs.

13. Use City supplies, equipment or facilities for any purpose other than the conduct of official City business.

14. Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City or that reflects discredit upon the government of the City.

(b) The restrictions in this Section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.

(c) The restrictions and requirements of Subsection (a)(5) of this Section do not apply to an officer or employee of the City serving as a member of any board, commission, or other entity when transacting business on behalf of the City in an official capacity with that board, commission, or entity, if the officer or employee:

1. was appointed by the Chairman, City Commission, or City Manager to represent the City on the board, commission, or entity; and

2. has no financial interest in the board, commission, or entity or in the business being transacted.

SECTION 5. <u>FINANCIAL INTERESTS</u>

Any officer, whether elected or appointed, who has a financial interest in any matter that is pending before, or that might e considered by, the body of which the officer is a member shall:

1. disclose such interest to the other members of the body;

2. refrain from discussing the matter at any time with any other member of the body of which the officer is a member or with a member of any other body that might consider the matter;

3. leave the room during debate or hearing; and

4. refrain from voting on the matter.

SECTION 6. <u>POLITICAL ACTIVITIES OF OFFICERS</u>

(a) In elections other than for City Commission of the City, a member of the City Commission may not:

1. use the prestige of the member's position with the City on behalf of a candidate;

2. solicit or receive contributions; or

3. serve as the designated campaign treasurer for a candidate as required by Chapter 14, Texas Election Code.

(b) In any election, a member of a City board, commission, or committee, whether governmental or advisory, may not:

1. use the prestige of the member's position with the City on behalf of a candidate;

2. serve as the designated campaign treasurer for a candidate as required by Chapter 14, Texas Election Code.

3. personally solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(c) Subsections (a)(1) and (b)(1) do not prohibit a member of the City Commission or of a board from lending the member's name in support of a candidate so long as the office held with the City is not mentioned in connection with the endorsement.

SECTION 7. <u>ADDITIONAL EMPLOYMENT</u>

An employee of the City may accept employment from a public utility corporation enjoying the grant of a franchise, privilege, or easement from the City if:

1. the employee is to perform the duties of a security guard for the public utility corporation;

2. the employment is approved by the employee's department head; and

3. the employment does not conflict with his duties as an employee of the City.

SECTION 8. RESTRICTIONS ON CONTRACTING WITH THE CITY OR PROVIDING REPRESENTATION OF OTHERS

(a) An officer or employee in a position that involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the City may not, within 12 months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:

1. before the City concerning a project for which the person had responsibility as a City officer or employee; or

2. before any other agency on a project for which the person had responsibility as an officer or employee.

(b) A former officer or employee who is subject to the requirements of Subsection (a) shall, during the 24 months after leaving the service or employment of the City, disclose the officer or employee's previous position and responsibilities with the City when representing any other person or organization in any formal or informal appearance before a City agency.

(c) A member of the City Commission or an employee may not, within 12 months after leaving the service or employment of the City, either individually or as the officer or principal of a private business entity:

1. submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any City contract that is not required by state law to be competitively bid;

2. negotiate or enter into any City contract that is not required by state law to be competitively bid; or

3. have or acquire any financial interest, direct or indirect, in any City contract that is not required by state law to be competitively bid.

SECTION 9. LIMITATIONS ON EMPLOYEE POLITICAL ACTIVITY AND ON THE HOLDING OF ELECTIVE PUBLIC OFFICE BY AN EMPLOYEE

(a) An employee of the City immediately forfeits employment with the City if:

1. the employee becomes a candidate for election to the Taylor City Commission;

2. the employee becomes a candidate for nomination or election in a partisan election for public office within Williamson County or in a partisan election for a public office, the constituency of which includes all or part of Williamson County;

3. the employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the City; or

4. a managerial or supervisory exempt City employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the City that involve the employee's department.

SECTION 10. PENALTY FOR VIOLATION OF ARTICLE; APPEALS

(a) The failure of any officer or employee to comply with this Ordinance or the violation of one or more of the standards of conduct set forth in this Ordinance, which apply to him, shall constitute grounds for all legal remedies provided by law which may include, if permissible, expulsion, reprimand, censure, removal from office, or discharge. In the case of a City Commissioner, the matter shall be decided by a vote of two-thirds of the entire membership of the City Commission.

(b) The Commission hereby adopts the following procedures to implement a Censure Policy:

1. Two or more City Commissioners may file a written notice of censure against another City Commissioners with the City Clerk. The written notice shall set forth the allegation(s) of conduct which the accused Commissioner shall have allegedly violated. A copy shall be delivered to all Commissioners. A written response to the allegation(s) may be filed by the accused Commissioner ten (10) days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each Commissioner within two (2) days after the response is filed.

2. On the first regularly called meeting of the Commission, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the City Clerk shall formally read the notice and response into the public record. The Commission, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). If it is determined, based upon the merits, a public hearing is required, a public hearing shall be set on the allegation(s) by the Commission. A vote to hold a public hearing shall not be constructed to be a vote of censure.

3. At a public hearing, the accused City Commissioner has the right to be represented by legal counsel and present witnesses relative to the allegation(s).

4. A public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the City Commission, which shall be open to the public.

5. At a public hearing, the City Commission will hear evidence concerning the notice of censure. The City Commissioners proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The Commissioner who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure. After receiving evidence at an open public meeting, the City Commission shall then take a roll-call vote, after motion duly made and seconded, two-thirds of all members of the City Commission shall be required to sustain the censure of the Commissioner.

(c) In the case of an employee of the City, disciplinary action and appeals therefrom shall be in conformance with procedures established by the City Charter and personnel rules and regulations.

(d) In the case of members of boards or committees, the matters shall be decided by a majority vote of the City Commission.

(e) The decision of the bodies authorized to hear violations shall be final in the absence of bias, prejudice or fraud.

Section 11. **SEVERABILITY CLAUSE**

If any provision of this Ordinance or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this extent the provisions of this Ordinance are declared to be severable.

Section 12. **SAVINGS CLAUSE**

An offense committed before the effective date of this Ordinance is governed by the prior law in effect when the offense was committed and the former law is continued in effect for this purpose.

Section 13. **REPEALING CLAUSE**

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

INTRODUCED, PASSED, APPROVED and **ADOPTED** on the first reading this the 24 day of August, 1999.

Calvin Janak, Chairman
Board of Commissioners

ATTEST:

Barbara S. Belz, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

* * *

PASSED, APPROVED and **ADOPTED** on the second reading this the 30 day of August, 1999.

Calvin Janak, Chairman
Board of Commissioners

ATTEST:

Barbara S. Belz, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

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PASSED, APPROVED and **ADOPTED** on third and final reading this the 31 day of August, 1999.

Calvin Janak, Chairman
Board of Commissioners

ATTEST:

Barbara S. Belz, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Barbara S. Belz, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 99-17, passed and approved by the City Commission of the City of Taylor, Texas, on the 31 day of August, 1999, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 31 day of August, 1999.

Barbara S. Belz

Barbara S. Belz
City Clerk