

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. STANDARDS OF CONDUCT

- (a) An officer or 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. FINANCIAL INTERESTS

Any officer, whether elected or appointed, who has a financial interest in any matter that is pending before, or that might be 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. POLITICAL ACTIVITIES OF OFFICERS

(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. ADDITIONAL EMPLOYMENT

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 Commissioner 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

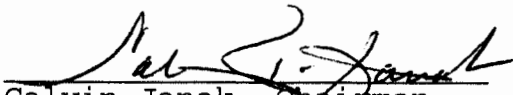
APPROVED AS TO FORM:



Ted W. Hejl, City Attorney

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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:

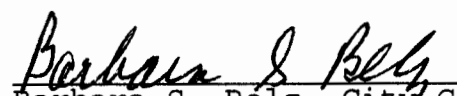

Ted W. Hejl, City Attorney

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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
City Clerk