

**Notice of Meeting for the
Ethics Commission
of the City of Georgetown
September 17, 2019 at 6:00 PM
at City Hall Community Room - 808 Martin Luther King Jr. Street**

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating at a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office, at least three (3) days prior to the scheduled meeting date, at (512) 930-3652 or City Hall at 808 Martin Luther King Jr. Street, Georgetown, TX 78626 for additional information; TTY users route through Relay Texas at 711.

Regular Session

(This Regular Session may, at any time, be recessed to convene an Executive Session for any purpose authorized by the Open Meetings Act, Texas Government Code 551.)

- A Call to Order -- Robyn Densmore, City Secretary/Board Liaison
- B Election of the Officers of Chair, Vice Chair and Secretary -- Robyn Densmore, City Secretary/Board Liaison
- C Review and discussion of the current Ethics Ordinance -- Robyn Densmore, City Secretary/Board Liaison and Skye Masson, First Assistant Attorney
- D Discussion regarding possible future agenda items -- Robyn Densmore, City Secretary/Board Liaison

Adjournment

Motion to Adjourn the Meeting.

Certificate of Posting

I, Robyn Densmore, City Secretary for the City of Georgetown, Texas, do hereby certify that this Notice of Meeting was posted at City Hall, 808 Martin Luther King Jr. Street, Georgetown, TX 78626, a place readily accessible to the general public as required by law, on the _____ day of _____, 2019, at _____, and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Robyn Densmore, City Secretary

City of Georgetown, Texas
Ethics Commission
September 17, 2019

SUBJECT:

Call to Order -- Robyn Densmore, City Secretary/Board Liaison

ITEM SUMMARY:

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Robyn Densmore, City Secretary

City of Georgetown, Texas
Ethics Commission
September 17, 2019

SUBJECT:

Election of the Officers of Chair, Vice Chair and Secretary -- Robyn Densmore, City Secretary/Board Liaison

ITEM SUMMARY:

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Robyn Densmore, City Secretary

City of Georgetown, Texas
Ethics Commission
September 17, 2019

SUBJECT:

Review and discussion of the current Ethics Ordinance -- Robyn Densmore, City Secretary/Board Liaison and Skye Masson, First Assistant Attorney

ITEM SUMMARY:

FINANCIAL IMPACT:

NA

SUBMITTED BY:

ATTACHMENTS:

	Description	Type
☐	2018 Ethics Ordinance	Backup Material
☐	Ethics Review Presentation	Presentation

ORDINANCE NO. 2018-69

AN ORDINANCE AMENDING CHAPTER 2.20 ENTITLED “ETHICS” OF THE CODE OF ORDINANCES OF THE CITY OF GEORGETOWN RELATING TO ETHICS RULES APPLICABLE TO CITY OFFICIALS; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, in 2004 the City Council of the City of Georgetown adopted an Ethics Ordinance, which was codified as Chapter 2.20 of the City Code of Ordinances; and

WHEREAS, on October 24, 2017 the City Council took action to amend the City's Ethics Ordinance and appoint an Ad-Hoc Ethics Committee; and

WHEREAS, on June 12, 2018 the City Council reviewed the recommendations of the Ethics Ad Hoc Committee; and

WHEREAS, on August 14, August 28, and September 11, 2018 the City Council deliberated upon the ethical standards for City Officials and provided direction on the specific provisions of an ethics ordinance; and

WHEREAS, these provisions are to be more comprehensive and cover a broader range of ethical standards for City Official not included in the Texas Statute.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations 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 3. Chapter 2.20 entitled “Ethics” of the Code of Ordinances of the City of Georgetown, Texas is hereby amended and shall provide as shown in EXHIBIT A.

Section 4. If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: 2018-69

Description: Ethics Ordinance

Date Approved: 11/13/2018, 2018

Page 1 of 14

provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 5. That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect ten (10) days on and after publication in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the 23 day of October, 2018.

PASSED AND APPROVED on Second Reading on the 13 day of November, 2018.


ATTEST:

THE CITY OF GEORGETOWN


Shelley Nowling, City Secretary

By: 
Dale Ross, Mayor

APPROVED AS TO FORM:


Charlie McNabb, City Attorney

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: 2018-69

Description: Ethics Ordinance

Date Approved: 11/13/2018, 2018

Page 2 of 14

EXHIBIT A

Chapter 2.20 Ethics

Section 2.20.010: Declaration of Policy

- A. City Officials will lead the City with a commitment to the preservation of the values and integrity of representative local government and a dedication to the promotion of efficient and effective governing.

City Officials shall comply with, and are expressly subject to, all local ordinances, policies, and procedures. City Officials will be independent, impartial, and responsible. City Official shall not permit any interest, financial or otherwise, to conflict with the proper discharge of duties in the public interest. Governmental decisions and policies are to be made in the proper channels of the governmental structure. Public office shall not be used for illegal or improper personal gain. City Officials shall at all times strive to avoid even the appearance of impropriety or partisanship. The City Council shall be maintained as a nonpartisan body.

Public office is a position based on trust and service to the citizens of Georgetown. City Officials have a special responsibility to the citizens of Georgetown, and the following principles shall govern the conduct of each City Official. City Officials shall:

1. be loyal to the interests of the citizens of Georgetown above all else. This loyalty supersedes conflicting loyalty to advocacy or interest groups, membership on other boards, employment with other organizations, and personal interests as an individual citizen of the City;
2. be dedicated to integrity in all public and personal relationships and conduct themselves, both inside and outside City service, so as to give no occasion for the distrust of their integrity, impartiality, or devotion to the best interests of the City and the public trust;
3. refrain from any activity or action that may hinder the ability to be independent, objective, or impartial on any matter coming before the City;
4. condemn any unethical or illegal activity, such as using confidential information for personal gain or misusing public funds or time;
5. recognize that public and political policy decisions are ultimately the responsibility of the City Council;
6. conduct business in open meetings to further transparency and direct accountability to the citizens of Georgetown; and
7. comply with the City's Ethics Ordinance (Chapter 2.20 of the Georgetown Municipal Code) and other applicable rules and laws governing the conduct of City Officials.

B. This Chapter has four purposes:

1. To establish ethical standards in official conduct by City Officials;
2. To establish guidelines for ethical standards of conduct for all City Officials;
3. To require disclosure by City Officials of financial or other interests in matters affecting the City; and
4. To provide discipline for those who violate this Chapter.

C. The City recognizes that City Officials are active in the community and, therefore, cannot and should not be without any personal and financial interest in the decisions and policies of government. City Officials retain their rights as citizens to interests of a personal or financial nature and their rights to publicly express their views on matters of general public interest. It is not the intent of this Chapter to diminish the rights of City Officials as citizens of the community.

D. The provisions of this Chapter do not apply to political contributions, loans, expenditures, reports, or regulation of political campaigns or to the conduct of candidates in campaigns.

E. This Chapter is intended to go beyond the requirements of Chapter 171 of the Texas Local Government Code. This local ethics ordinance is more comprehensive and covers a broader range of financial benefits that might accrue to a City Official that are not included in the Texas Statute.

Section 2.20.020: Definitions

For the purposes of this Chapter the following definitions apply:

- A. "Business Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.
- B. "City Official" means the Mayor, every member of the City Council, the City Manager, the City Secretary, the City Attorney, and all members of any commission, committee, or board appointed by the City Council.
- C. "Confidential Information" means any information that a City Official would be privy to because of the official's position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Tex. Gov. Code Ch. 552).
- D. "Economic Benefit" means any money, Property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.
- E. "Family Member" means a person who is related to a City Official as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law,

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 4 of 14

mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, step son-in-law, stepdaughter, step daughter-in-law, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in law.

For purposes of this Chapter, spouse of a City Official includes a domestic partner, which means an individual who lives in the same household and shares common resources of life in a close, personal, intimate relationship with the City Official if under Texas law the individual would not be prevented from marrying the City Official on account of age, consanguinity, or prior undissolved marriage to another. A domestic partner may be of the same, or opposite, gender as the City Official.

- F. "Gift" means a favor, hospitality, or Economic Benefit, of a value in excess of \$50.00 other than compensation but which does not include campaign contributions reported as required by state law, gifts received if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust.
- G. "Household member" means a person living in the same single-family residence, apartment, or other housing intended for separate living quarters as the City Official, whether or not said person is related or unrelated to the City Official. This term includes roommates, lodgers, or anyone sharing the housing unit as their primary residence with the City Official.
- H. "Income" means Economic Benefit received.
- I. "Property" means real estate, personal items, equipment, goods, crops, livestock, or an equitable right to income from real estate, personal items, equipment, goods, crops, or livestock.

Section 2.20.030: Conflicts of Interest.

- A. *General Rule.* It is unlawful for a City Official to take any official action in a matter involving any of the following:
 - 1. An outside employer of the City Official or the City Official's Family Member or a member of the City Official's household;
 - 2. A Business Entity if
 - a. The City Official or the City Official's Family Member owns:
 - i. Five percent or more of voting stock or shares of the business entity; or
 - ii. Five thousand dollars or more of the fair market value of the Business Entity; or
 - b. The City Official or the City Official's Family Member receives funds from the Business entity that exceed ten percent of that person's gross income for the previous year;

3. Real Property in which the City Official or the City Official's Family Member or member of the City Official's household has an equitable interest or a legal ownership; or
 4. A person or Business Entity from whom the City Official or a City Official's Family Member has solicited, or received and not rejected a good faith offer of employment within the past six-months
- B. *Recusal and disclosure.* A City Official whose conduct, if he or she took an official action, would otherwise violate subsection A or a state conflict of interest law must recuse himself or herself from the discussion of and voting on the matter. The City Official shall also promptly file an affidavit with the City Secretary disclosing the nature and extent of the conflict and the affidavit shall be included in the official minutes of the body.
- C. *Rule of Necessity.* If abstention pursuant to subsection B would leave a City Council, or a commission, committee or board appoint by the City Council with less than a quorum capable of acting, members must disclose their conflicts on the public record, but they may then discuss and vote on the matter.
- D. *Exceptions.* The following are exceptions to Section 2.20.030 (A):
1. Ownership of an interest in a mutual or common investment fund that holds securities or other assets unless the City Official in question participates in the management of the fund;
 2. Service by a City Official as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable or other civic organization; or
 3. The effect of the matter on a business entity, real property, or person would be indistinguishable from its effect on members of the public in general or a substantial segment of the public.

Section 2.20.040: Gifts

- A. *General Rule.* It shall be unlawful for any City Official to solicit or accept any Gift that is offered or given with the intention of influencing the judgment or discretion of such the City Official or that is given in consideration of the favorable exercise of the City Official's judgment or discretion in the past.
- B. *Disclosure Requirements.* A City Official who receives gift(s) while traveling of lodging, transportation, food, or entertainment as a guest from a person or business entity that reasonably appear to exceed \$2000.00 in aggregate value in the previous twelve months must file with the City Secretary a disclosure form with the following information:
1. The date the gift was received and who received it;
 2. A description of the gift and the travel during which the gift was received;
 3. The fair market value of the gift;
 4. The name, address, and employer of the person who provided the gift;

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 6 of 14

5. The name of any organization or individual represented by the person on whose behalf the person was acting in providing the gift.
- C. A disclosure statement required above must be filed no later than 5:00 p.m. on the fourteen (14) business day after the date on which the City Official becomes aware of the facts the require the filling of the disclosure statement or after the date on which the City Official completes the travel.

Section 2.20.050: General Standards of Conduct

A. General Provisions. No City Official shall knowingly:

1. Disclose any Confidential Information gained through the official's position concerning Property, operations, policies, or affairs of the City, for gain or advantage in financial interests of the City Official or a Family Member or Household Member of the City Official.
2. Use the official's position or City-owned facilities, equipment, supplies, or resources of the City for gain in a financial interest of the City Official, for a political campaign of the Official, or for any Family Member or Household Member of the City Official.
3. Appear before the body of which the City Official is a member to represent the City Official, or a Family Member or Household Member of the City Official, unless specifically authorized to do so by City Ordinance.
4. Act as surety for any person or business entity that has a contract with the City or as a surety on any official bond required of an officer of the City.
5. Acquire an interest in any contract, transaction, property subject to a zoning decision, or other matter, if the City Official knows, or has reason to know that the interest will be affected by an impending official action of the City.
6. Enter into an agreement or understanding with any other person that official action by the City Official will be rewarded or reciprocated by the other person.
7. Assert the prestige of the City Official's City position for the purpose of advancing private interests.
8. State or imply that he or she is able to influence City action on any basis other the merits.
9. Shall represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the City is a party, if the interests of that person, group, or entity are adverse to the interests of the City.
10. Assist or induce, or attempt to assist or induce, any person to violate any provision of this Chapter.
11. Violate the provisions of this Chapter through the acts of another person.

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 7 of 14

B. *Exceptions.* The following exceptions apply to the General Standards of Conduct listed in subsection (A):

1. Section 2.20.050 (A) (9) shall not apply to City Officials who are classified as a City Official only because he or she is an appointed member of a committee, commission, or board.
2. A City Official is not prohibited from representing the City Official's interest in the City Official's owner-occupied homestead before any City body except the body of which the City Official is a member.
3. A City Official may designate and be represented by a person of the City Official's choice in any matter subject to Section 2.20.050 (A) (3).

Section 2.20.060: Ethics Commission

A. Creation of Ethics Commission.

1. This Chapter creates an Ethics Commission that consists of eight members, all of whom must reside within the corporate limits of the City. Each member of the City Council may nominate a citizen from his or her district to serve on the Commission, and the Mayor may nominate one citizen from the City at large. Nominations must be confirmed by a vote of the City Council.
2. A vote to reject a nominee requires a super-majority. Members of the Commission may not hold or be a candidate for any City elected or appointed office at the time of their service on the Commission.

B. Role of the Ethics Commission.

1. The Ethics Commission has jurisdiction over ethics complaints involving City Officials.
2. The Ethics Commission shall have the authority to review and investigate complaints filed in accordance with this Chapter and issue a written finding of the Commission's determination when appropriate.
3. Service on the Ethics Commission does not preclude a member from filing a complaint with the Commission. The Commission member filing the complaint must recuse himself/herself from the Commission procedure.
4. The Ethics Commission makes recommendations to the City Council regarding revisions and changes to this Chapter.
5. The Ethics Commission may seek any necessary assistance from the City Council and City Manager regarding financial support needed to carry out the Commission's duties.
6. If warranted, independent legal counsel, a C.P.A., or other professional advisors may be utilized to advise and assist the Commission and take part in hearings.

C. Terms of Service.

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 8 of 14

1. Except as provided below, members of the Commission shall serve two-year terms. No member may serve more than two consecutive terms.
2. The terms of the initial Commission members shall begin on the day that is one day after the date that the City Council approves the appointment of the first eight Commission members. The terms of the initial eight Commission members shall be staggered by members drawing lots at the first Commission meeting such that four members serve until March 1 of the calendar year that is one year following the calendar year that the Commission members were initially appointed, and four members shall serve until March 1 of the calendar year that is two years following the calendar year that the Commission members were initially appointed. Thereafter, all terms shall be for two years.
3. The second and subsequent appointments of members to the Commission shall be staggered and shall be for terms of two years.

D. *Commission Vacancies.*

1. All vacancies shall be filled for unexpired terms.
2. Members hold office until their successors have been appointed and continue to hold office after a successor has been appointed for the limited purpose of disposing of all complaints unresolved during that member's term.
3. No member may participate in a decision regarding a complaint for which hearings have commenced prior to his or her appointment.

E. *Officers.*

1. The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary at its annual meeting.
2. The Vice-Chairperson shall conduct meetings in the absence of the Chairperson or in the event of a vacancy in that position.
3. The officers serve one-year terms.

- F. *Quorum.*** Five or more members of the Commission constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable vote of five or more members.

Sec. 2.20.070- Role of the City Attorney.

- A.** The City Attorney serves as legal counsel to the Ethics Commission. When complaints are filed relating to the Mayor, City Council members, City Manager, City Attorney, or other City Official on a matter in which the City Attorney has served as Ethics Advisor, independent legal counsel may be utilized to advise the Commission and take part in its proceedings.

- B.** The City Attorney serves as Ethics Advisor to City Officials. As Ethics Advisor, the City Attorney is available to respond confidentially to inquiries relating to the

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Page 9 of 14

Description: Ethics Ordinance

Date Approved: _____, 2018

Ethics Ordinance (this Chapter) and may render advisory opinions on potential conflicts of interest or violation of this Section at the request of a City Official. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this Section unless material facts were omitted or misstated by the person requesting the opinion.

- C. If a complainant alleges a violation by the City Attorney, the complaint must be filed with the City Secretary, with a copy to the Mayor and the City Manager.

Section 2.20.080: Complaint Procedures

A. *Filing.*

1. Any person who believes that there has been a violation of this Chapter may file a sworn complaint. A complaint alleging a violation of this Chapter must meet the requirements of Section 2.20.080 (A) (2) and must be filed with the City Secretary.
2. Required Contents of a Complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:
 - a. The name of the complainant;
 - b. The street or mailing address and the telephone number of the complainant;
 - c. The name of the person who allegedly committed the violation;
 - d. The position or title of the person who allegedly committed the violation;
 - e. The nature of the alleged violation, including, if possible, the specific rule or provision of this Chapter alleged to have been violated;
 - f. A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and must contain the following:
 - i. Documents or other material available to the complainant relevant to the allegation;
 - ii. A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents, if known; and
 - iii. A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.
 - g. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

3. The complaint must be accompanied by an affidavit stating that the information contained in the complaint is true and correct and that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Chapter.
4. Upon request, the City Secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.

B. Confidentiality and Ex Parte Communications.

1. No City Official shall reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.
2. All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Tex. Gov. Code Ch. 552).
3. After a complaint has been filed, and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission. This provision does not prevent a member of the Commission from consulting with the City Attorney regarding procedure and legal issues.

C. Notification.

1. A copy of a complaint which meets the requirements of this Section shall be promptly forwarded by the City Secretary to the City Attorney, the Ethics Commission, and to the person charged in the complaint.
2. The person alleged in the complaint to have violated this Chapter shall be provided with a copy of the Ethics Ordinance (this Chapter) and informed that:
 - a. 14 days of receipt of the complaint, a sworn response must be filed with the City Secretary;
 - b. Failure to file a response does not preclude the City Attorney from processing the complaint;
 - c. A copy of any response to a complaint must be provided by the City Secretary to the complainant, who may within seven days respond by sworn writing filed with the City Secretary, who shall provide a copy of the sworn writing to the person charged in the complaint. Copies of all responses shall also be provided by the City Secretary to the Ethics Commission.
3. City Officials have a duty to cooperate with the City Secretary, the City Attorney, and the Ethics Commission in any proceeding under this Chapter.

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 11 of 14

Section 2.20.090. - Hearing Process.

A. Preliminary Hearing.

1. As soon as reasonably possible, but in no event later than 60 days after receiving a complaint, the Commission shall conduct a Preliminary Hearing. The purpose of the preliminary hearing is to determine whether there are reasonable grounds to believe that a violation of this Chapter has occurred.
2. The complainant and the City Official named in the complaint have the right of representation by counsel.
3. Statements at a Preliminary Hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing.
4. The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence which are presented to prove the alleged violation as stated in the written complaint.
5. The City Official named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The official may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the official agrees that a violation has occurred, the Commission may consider the appropriate sanction.
6. Only members of the Commission may question the complainant, the independent counsel for the Commission, or the City Official named in the complaint.
7. At the conclusion of the Preliminary Hearing one of the following actions shall be taken:
 - a.If the Commission does not determine that there are reasonable grounds to believe that a violation of this Chapter has occurred, the complaint shall be dismissed.
 - b. If the Commission determines that there are reasonable grounds to believe that a violation of this Chapter has occurred, it shall schedule a final hearing.
 - c.If the City Official has agreed that a violation has occurred, the Commission may proceed to determine the appropriate sanction.

B. Final Hearing.

1. A final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this Section has occurred, but in no event shall it be held more than 30 days after said determination. The Commission may grant two postponements, not to exceed 15 days each, upon the request of the City Official named in the complaint.

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Description: Ethics Ordinance

Date Approved: _____, 2018

Page 12 of 14

2. If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its powers of investigation. Failure to comply with these requests becomes part of the material to be considered by the Commission in making this determination.
3. The issue at a final hearing is whether a violation of this Chapter has occurred. The Commission shall make its determination based on the evidence in the record. All witnesses shall make their statements under oath. If the Commission determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this Chapter which have been violated, and within five working days deliver a copy of the findings to the complainant, the person named in the complaint, and the City Secretary. The City Secretary shall deliver a copy of the findings to the City Council.

Section 2.20.100: Sanctions and Violations.

- A. If the Commission determines that a violation of this Chapter has occurred after completing the Hearing Process, it shall consider appropriate sanctions. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so.
- B. If the Commission determines that a violation has occurred, they may impose the following sanctions:
 1. A letter of notification when the violation is clearly unintentional, or when the respondent's conduct complained of was made in reliance on a public written opinion of the City Attorney. A letter of notification may advise the respondent of any steps to be taken to avoid future violations.
 2. A letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.
 3. A reprimand when the violation has been committed intentionally or through disregard of this article.
 4. A letter of censure when a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article by a City Official.
- C. If the Commission determines that a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article by a City Official other than a City Council member, the Commission may recommend to City Council the removal or suspension of the City Official, including a recommendation for the length of a suspension. The final authority to carry out a recommendation regarding removal of a City Official is the City Council.

{00010248 / v3 / / COUNCIL / ETHICS / 10/15/2018}

Ordinance Number: _____

Page 13 of 14

Description: Ethics Ordinance

Date Approved: _____, 2018

- D. If the Commission determines that a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article by a City Council member, the Commission may make a finding to recommend the initiation of a recall procedure of the City Council Member pursuant to the City Charter. The final authority to carry out a recommendation regarding recall of a City Council Member rests with the citizens.
- E. Copies of all sanction letters issued by the Commission under this Section shall be sent to the City Council and the City Secretary.



THE CITY OF GEORGETOWN

ETHICS ORDINANCE REVIEW

CITY OF GEORGETOWN

ETHICS ORDINANCE CHAPTER 2.20



CITY ETHICS ORDINANCE

Applies to:

- **Mayor**
- **Council Members**
- **City Manager**
- **City Secretary**
- **City Attorney**
- **Members of City Boards, Committees, and Commissions**



CITY ETHICS ORDINANCE

DECLARATION OF POLICY

- City officials shall
 - Lead the City with a commitment to the preservation of the values and integrity of representative local government and a dedication to the promotion of efficient and effective governing.
 - Comply with and are expressly subject to all local ordinances, policies and procedures.
 - Be independent, impartial and responsible.
 - Not permit any interest, financial or otherwise, to conflict with proper discharge of their duties.
 - Strive at all times to avoid even the appearance of impropriety

CITY ETHICS ORDINANCE

PURPOSES

- To establish high ethical standards in official conduct by City Officials
- To establish guidelines for ethical standards of conduct for all City Officials
- To require disclosure by City Officials of private financial or other interest in matters affecting the City
- To provide discipline for violations



CITY ETHICS ORDINANCE

WHAT IS NOT ALLOWED - GENERAL

- Disclosure of confidential information obtained through the Official's position for gain or advantage
- Use of the Official's position or any City-owned facilities, supplies, equipment, or resources for gain or for a political campaign
- Appearance before the same body of which the Official is a member to represent the Official or others
- Acting as surety for a person or entity that has a contract with the City or as surety on any bond required by the City for a City Official
Note: this is a Class A Misdemeanor under state law
- Asserting prestige of office for purpose of advancing private interests



CITY ETHICS ORDINANCE

GIFTS

- ❑ Unlawful to solicit or accept any gift offered or given to influence City Official or given in consideration of favorable decision in the past
- ❑ A Gift includes a favor, hospitality or economic benefit in excess of \$50.00 of value
 - Does not include gifts received on account of friendship or kinship or anything received by will or inheritance
- ❑ If you receive gifts in excess of \$2,000 value within the past 12 months when travelling as a guest, you must file disclosure of those with the City Secretary.



CITY ETHICS ORDINANCE

CONFLICT OF INTEREST

You may not take any action on a matter involving:

- Your outside employer or your family member or household member's outside employer;
- Business entity if you or family member:
 - Owns 5 % or more of voting stock in business; or
 - Owns \$5,000 or more fair market value in the business; or
 - Receives more than 10% of gross income from that business.
- Real property if you or family member has equitable or legal ownership.
- Person or business entity if you or family member solicited or received and did not reject a good faith offer of employment in past six months.



CITY ETHICS ORDINANCE

FAMILY AND HOUSEHOLD MEMBERS

Any person who is related to a City Official as spouse including a domestic partner or as any of the following, whether by marriage, blood, or adoption:

- parent, child, siblings, uncle, aunt, niece, nephew, grandparent, grandchild, parents-in-law, son-in-law, daughter-in-law, stepparents, stepchildren, step son-in-law,, step daughter-in-law, step-siblings, half-siblings, brother-in-law or sister-in law

Any person living in the same single-family residence, apartment or other separate living quarters with the City Official is a member of the household.



CITY ETHICS ORDINANCE

CONFLICT OF INTEREST

- ❖ *Rule of Necessity.* If conflicts of interest would result in a lack of a quorum, members must disclose their conflicts publicly but may discuss and take action on the matter.
- ❖ *Exceptions.*
 - Ownership of an interest in a mutual or common investments fund
 - Service by the City Official in non-profit or charitable organization

IF YOU HAVE A CONFLICT OF INTEREST WHAT SHOULD YOU DO?

Disclose – fill out the affidavit form attesting to the conflict

Refrain – from participating in the discussion or vote on the matter

Abstain – recommend leaving the dais/table at the beginning of the item and not returning until all discussion and action on that matter has been completed and the next matter is called



CITY ETHICS ORDINANCE

SANCTIONS

- If the Ethics Commission determines a violation occurred
 - A letter of **notification** - when the violation is clearly *unintentional*
 - A letter of **admonition** - when the Commission finds the violation is *minor*
 - A letter of **reprimand** - when the Commission finds a *intentional* violation has been committed
 - A letter of **censure** - when the Commission finds that a *serious* violation has occurred or *repeated* violation has been intentionally committed
- City Council receives letters issued by the Commission
- Commission may recommend suspension or removal of Council-appointed Officials from office if warranted

City of Georgetown, Texas
Ethics Commission
September 17, 2019

SUBJECT:

Discussion regarding possible future agenda items -- Robyn Densmore, City Secretary/Board Liaison

ITEM SUMMARY:

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Robyn Densmore, City Secretary

City of Georgetown, Texas
Ethics Commission
September 17, 2019

SUBJECT:

Motion to Adjourn the Meeting.

ITEM SUMMARY:

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Robyn Densmore, City Secretary