

CHAPTER 2 - ADMINISTRATION

ARTICLE IV – OFFICERS AND EMPLOYEES

DIVISION 2. - CODE OF ETHICS FOR CERTAIN OFFICERS

Sec. 2-461. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Censure means a formal written resolution of the city council reprimanding one of its members for violation of the code of ethics.

Duties in office means the duties of an officer relative to their service under the laws and the constitution of the state the Charter and ordinances of the city.

Officer means any member of the city council, planning & zoning commission, board of adjustment, and any appointive board, committee, authority, or commission set up by ordinance, resolution, the Charter or state law on a permanent basis, except any members of a board, commission, authority or committee that function in an advisory or study capacity.

Reprimand means a formal or informal public admonition concerning a violation of the code of ethics.

Sanction means a formal written resolution of the city council imposing an incentive for securing enforcement which may include, but not be limited to, disqualification of consideration of a matter, forfeiture of council appointments or duties.

(Ord. No. 3-18-03D, §1(1-10-1), 3-18-2003; ORD-029-20, 12-15-2020)

Cross reference— Definitions generally, §1-2.

Sec. 2-462. - Policy.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that officers be independent, impartial and responsible only to the people of the city; that the efficient function of city government requires diligent attendance to the business of the city by its officers; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no officer should have any interest financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with proper discharge of such office in the public interest; that public office not be used for personal gain; and that the city council or board or commission at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact this code of ethics for all officers, whether elected or appointed, paid or unpaid, 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.

(Ord. No. 3-18-03D, §1(1-10-2), 3-18-2003)

Sec. 2-463. - Unethical activity.

No officer of the city shall:

- (1) Accept any gift or favor from any person that might reasonably tend to influence such person in the discharge of official duties, or grant in the discharge of official duties any improper favor, service or thing of value.
- (2) Use such person's official position to secure special privileges or exemptions for such person or others.
- (3) Grant any special consideration, treatment or advantage to any citizen, individual, business, organization or group beyond that which is available to every other citizen, individual, business, organization or group.
- (4) Disclose information that could adversely affect the property, government or affairs of the city, or directly or indirectly use any information gained by reason of such person's official position for such person's own personal gain or benefit or for the private interest of others.
- (5) Transact any business on behalf of the city in such person's official capacity with any business entity with which such person is an officer, agent or member or in which such person owns a substantial interest. In the event that such a circumstance should arise, then such person shall make known such interest, and in the case of an officer, abstain from voting on the matter, state the reasons for doing so and have nothing further to do with the matter involved.
- (6) Engage in any outside activities which will conflict with, or will be incompatible with, the duties assigned to such person's service to the city or reflect discredit upon the city, or in which such service in the city will give to such person an advantage over others engaged in a similar business, vocation or activity.
- (7) Accept or engage in outside activities incompatible with the full and proper discharge of duties and responsibilities of such person with the city, or which might impair independent judgment in the performance by such person of public duty.
- (8) Receive any fee or compensation for services as an officer of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit such person performing the same or other services for a private organization that such person performs for the city if there is no conflict with city duties and responsibilities of such person.
- (9) Represent while an officer, directly or indirectly, or appear in behalf of private interests of others before:
 - a. Any agency of the city or any board, commission, authority or committee, or represent any private interest of others in any action or proceeding involving the city, or participate on behalf of others in any litigation to which the city might be a part, or even accept any retainer or compensation that is contingent upon a specific action taken by the city or any of its agencies, except as may be authorized by law.
 - b. The board, commission, authority or committee of which such person is a member, or before the city council or board which has appellate jurisdiction over the board, commission, authority or committee of which such person is a member with regard to matters that may be the subject of specific action by any such body.

- (10) Use the prestige of such person's position or office in behalf of any single political party in such a way that it gives the impression of being endorsed by the government of the city, but such person shall at all times maintain the nonpartisan policy of the city; provided, that all officials are encouraged to register, participate, and vote as they may choose in all elections.
- (11) 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.
- (12) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business unless these supplies, equipment or facilities are authorized through an appropriate contact or license or membership available to the general public or otherwise made available for public use.
- (13) Engage willfully and knowingly in any dishonest act or be convicted of any crime involving moral turpitude, in connection with their duties in office which is prejudicial to the government of the city or impairs the operation of the city. Nothing contained in this section shall be construed to mean that conviction of solely a class C misdemeanor shall be construed as grounds for unethical conduct.
- (14) Knowingly disclose confidential information obtained in an executive session unless and until the information becomes public.
- (15) Fail to maintain professionalism and common courtesy when commenting on City matters and official business.
- (16) Make derogatory comments against individuals, businesses or entities, including but not limited to social media contexts in official capacity.
- (17) Violate the City of Rowlett Communications Policy, as amended.

(Ord. No. 3-18-03D, §1(1-10-3), 3-18-2003; ORD-029-2020, 12-15-2020)

Sec. 2-464. - Personal or private interest of officer.

Any officer who has either a personal or private interest in any matter pending before such person's office shall disclose such interest to the other members thereof, and shall refrain from discussing the same publicly with any other member thereof and shall not vote thereon.

(Ord. No. 3-18-03D, §1(1-10-4), 3-18-2003)

Sec. 2-465. - Attendance of all meetings.

Attendance of all officers at meetings of their respective office shall be mandatory unless excused. In order for an absence to be considered excused, an officer shall be responsible for notifying the mayor or chairperson in the event of an absence prior to any meeting. If the officer notifies the mayor, mayor pro tem, deputy mayor pro tem or chairperson in any other manner or after the absence, the validity of the excuse shall be decided by the membership of the council or board. A partial absence and a complete absence shall be considered the same. The officers may compel attendance of their members at all of their respective meetings.

(Ord. No. 3-18-03D, §1(1-10-5), 3-18-2003)

Sec. 2-466. - Violation of code of ethics; appeal.

(a) All complaints and allegations of violations of this code of ethics against an officer of the City shall be made in writing promptly following the conduct complained of, and shall be made on a form provided by the City, sworn to before a notary public, and filed of record with the City Secretary's office. The complaint shall describe in detail the act or acts complained of and the specific section(s) of the code alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigative procedures contained herein; and anonymous complaints shall not be considered. A complaint may be considered only against an officer while such person holds his/her position or office.

(b) The City Secretary shall provide a copy of the complaint to the affected officer and to the City Council. The Council shall consider the complaint and may conduct an investigation, appoint personnel to investigate, and/or appoint a committee comprised of no more than three members of the council to investigate and submit a report to the council as a whole for consideration. The person subject to the complaint should be encouraged to answer the allegations in the complaint in writing to be submitted to the party(s) conducting the investigation.

(c) The Council shall consider the merits of the complaint and any submitted reports, and shall make a determination as to the truth of the allegations and the disciplinary action, if any, to be imposed.

(d) Should the council sustain the allegations in a complaint, it may, by majority vote of those present at a meeting called for such purpose, take the following actions:

- (1) Issue a statement finding the complaint to be without merit, brought for the purpose of harassment, or brought in bad faith;
- (2) Issue a letter of admonition or reprimand;
- (3) Remove from office the offending officer, other than a member of the council, for serious or repeated violations;
- (4) Issue a censure if the council finds that serious or repeated violations have been committed intentionally by a member of the council.

(e) Deliberations and decisions of the council on complaints pertaining to another councilmember shall be conducted without the participation of the subject member.

(f) The decision of the council on a complaint shall be final and binding, and no appeal may be taken therefrom.

(ORD-029-20, 12-15-2020)

Secs. 2-467—2-470. - Reserved.