

City of Gonzales
Receipt of Code of Ethics

I, _____, hereby acknowledge that I have received a copy of the updated Code of Ethics for City of Gonzales Employees and City Officials and ordinance passed October 10, 2019 by the Gonzales City Council.

I acknowledge that I have read and thoroughly understand the expectations and standards of decorum and appropriate process set before me as a City Official actively serving upon the

_____.

Board Member Signature

Date

ORDINANCE NO. 2019-20

AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, ESTABLISHING A CODE OF ETHICS FOR ALL CITY OFFICIALS AND EMPLOYEES; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council strives to increase public confidence in our municipal government; and,

WHEREAS, the City Council finds that it is in the best interest of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust; and

WHEREAS, the City Council has determined that city officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner; and

WHEREAS, the City Council wants to enhance public confidence in our municipal government, by providing that each city official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but aspire daily to carry out their duties objectively, fairly, and lawfully; and

WHEREAS, the City Council has determined that it is in the best interest and welfare of the City to preserve the integrity and nonpartisan nature of City government by adopting a Code of Ethics for all City Officials and Employees.

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

Section 1. The City Council of the City of Gonzales, Texas hereby amends the City of Gonzales Code of Ordinances Article 9.800 establishing a Code of Ethics for all City Officials and Employees as set forth in the Attached "Exhibit A".

Section 2. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.


Section 8. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 10th day of October, 2019.



Mayor, Connie L. Kacir

ATTEST:



Kristina Vega, City Secretary

EXHIBIT "A"

CHAPTER 9 PERSONNEL ARTICLE 9.800 CODE OF ETHICS AND CONDUCT FOR CITY OFFICIALS AND EMPLOYEES

Sec. 9.801 Statement of Purpose.

The citizens and businesses of Gonzales are entitled to have fair, ethical and accountable local government which earns the public's full confidence for integrity. The strong desire of the City of Gonzales to fulfill this expectation therefore requires that city officials, both elected and appointed, and employees:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Be independent, impartial and fair in their judgment and actions;
- The office or position be used for the public good, not for personal gain; and

To this end, the Gonzales City Council has adopted this Code of Ethics and Conduct for city officials and employees to assure public confidence in the integrity of local government and its effective and fair operation.

Sec. 9.802 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings subscribed to them in this section.

Business. A corporation, partnership, sole proprietorship, firm, holding company, joint stock company, receivership, trust or any other for profit or non-profit entity.

City Council. The legislative and governing body of the city consisting of the mayor and city council members.

City Official. Any member of the city council and any appointed member of a board, commission, or committee set up by ordinance, resolution, state law or otherwise, on a temporary or permanent basis, and the City Manager.

Employee. Any person employed by the city, including those individuals on a part-time basis, including independent contractors hired by the city for repetitive performance of services, but not independent contractors engaged for occasional services or professional services.

Sec. 9.803 Act in the Public Interest.

Recognizing that stewardship of the public interest must be their primary concern, city officials and employees will work for the common good of the people of Gonzales and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Gonzales City Council, boards, commissions, and committees.

Sec. 9.804 Comply with the Law.

City officials and employees shall comply with the laws of the nation, the State of Texas, and the City of Gonzales in the performance of their public duties. These laws include but are not limited to: the United States and Texas constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

Sec. 9.805 Conduct of City Officials and Employees.

The professional and personal conduct of city officials and employees must be above reproach and avoid even the appearance of impropriety. City officials and employees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other city officials and employees, board, commission, and committee members and the public.

Sec. 9.806 Respect for Process.

City officials and employees shall perform their duties in accordance with the processes and rules of order established by the City Council and boards, commissions, and committees governing the public deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

Sec. 9.807 Conduct of Public Meetings

City officials have an obligation to attend meetings and be prepared for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of meetings.

Sec. 9.808 Decisions Based on Merit

It is expected that city officials and employees review material, participate in discussion and base their decisions on the merits and substance of the matter at hand.

Sec. 9.809 Communication

Prior to permitting final action to be taken on a matter under consideration city officials and employees shall publicly share substantive information, which they may have received from sources outside the public decision-making process, that is relevant to such action by the Council, boards, commissions, or committees.

Sec. 9.810 Conflicts of Interest and Disclosure.

City officials and employees shall familiarize themselves and abide by the following conflicts of interest and disclosure statutes and principles:

- (a) Section 171 of the Local Government Code which requires council members and certain officers to file an affidavit disclosing a substantial interest in a business or property that would be beneficially affected by a decision of the city council and thereafter abstaining from participation in discussion and voting on the matter. Once the disclosure is made the city

official is to remove themselves from the meeting area to ensure their presence does not hinder the discussion of the item or influence the vote.

- (b) Section 176 of the Local Government Code which requires city council members and the city administrator to file a conflicts disclosure statement disclosing any business relationship with a person or business doing business with the city or being considered by the city for a business relationship.
- (c) Section 176.003(a)(2)(B) of the Local Government Code which requires the disclosure of gifts of an aggregate value of more than \$250.00 in the twelve (12) month period preceding a transaction described in Section 176, other than gifts of food, lodging, transportation, or entertainment accepted as a guest.
- (d) Sections 553.001-553.003 of the Government Code which requires the filing of an affidavit before the date the city will acquire a property in which public servants have a legal or equitable interest.
- (e) City employees shall disclose potential conflicts of interest to their supervisor and avoid participation in the handling of matters wherein employees have a personal interest.
- (f) In order to assure their independence and impartiality on behalf of the public good, city officials and employees are prohibited from using their positions to influence government decisions in which they have a personal interest.

Sec. 9.811 Corruption

City officials and employees shall familiarize themselves and abide by the Penal Code mandates concerning corruption, including specifically Section 36.02 prohibiting bribes, Section 36.08(d) prohibiting illegal benefits, Section 36.09 prohibiting receipt of prohibited gifts, Section 39.02 concerning abuse of official capacity and Section 39.06(a) concerning misuse of official information. (Penal Code Section 36.10 provides the exceptions to 36.08 and 36.09)

Sec. 9.812 Political Advocacy

- (a) City officials and employees shall not utilize the city's name or logo for purposes of endorsing any political candidate or business. City employees shall not engage in electioneering while on the job. Electioneering means working for the election of a candidate to political office.
- (b) City employees shall not be appointed or retained on the basis of their political support or activities. Employees shall not engage in political activities relating to a campaign for elective office while in uniform or on active duty. Employees elected to city offices shall be required to resign their employment upon acceptance of the office.
- (c) City employees are prohibited from using their municipal title or position in any advertisement or endorsement of products, persons or activities, without exclusive authorization by the City Council.

Sec. 9.813 Confidential Information

City officials and employees shall respect the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests.

Sec. 9.814 Use of Public Resources

City officials and employees shall not use public resources generally unavailable to the public, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

Sec. 9.815 Representation of Private Interests

In keeping with their role as stewards of the public interest, city officials and employees shall not appear on behalf of private interests of third parties before the Council or any board, commission, committee, or proceeding of the City.

Sec. 9.816 Advocacy

City officials and employees shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, city officials and employees shall explicitly state they do not represent their body or the City of Gonzales, nor will they allow the inference that they do.

Sec. 9.817 Policy Role of City Officials and Employees

City officials and employees shall respect and adhere to the Gonzales city governmental structure as outlined in State law, the City's policies and procedures. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. Except as provided by the City ordinance, city officials therefore shall not interfere with the administrative functions of the City or the professional duties of the City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Sec. 9.818 Independence of Boards, Commissions, and Committees

Because of the value of the independent advice of boards, commissions, and committees to the public decision-making process, city officials shall refrain from using their position to influence unduly the deliberations or outcomes of board, commission, and committee proceedings. This section should not be interpreted to limit the participation of a city official on a board, commission or committee to which they have been duly appointed by the city council.

Sec. 9.819 Positive Work Place Environment

City officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City officials shall recognize their special role in dealing with City employees and refrain from creating the perception of inappropriate direction to staff.

Sec. 9.819 Implementation

- (a) As an expression of the standards of conduct for city officials and employees expected by the City, the Gonzales Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when city officials and employees are thoroughly familiar with it and embrace its provisions.
- (b) Ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards, commissions, and committees and newly elected and appointed officials and new employees.
- (c) City officials and employees entering office, including those appointed to boards, commissions and committees shall sign a statement affirming they have read and understood the City of Gonzales Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be reviewed periodically by the City Council, boards, commissions, and committees, and the City Council shall consider recommendations from boards, commissions, committees, employees, and citizens for revision as it becomes necessary.

Sec. 9.820 Compliance and Enforcement

- (a) The Gonzales Code of Ethics and Conduct expresses standards of ethical conduct expected for city officials and employees of the Gonzales City Council, boards, commissions, and committees.
- (b) City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.
- (c) The chairs of boards, commissions, and committees and the Mayor have the additional responsibility to intervene when city officials' actions appear to be in violation of the Code of Ethics and Conduct and are brought to their attention.
- (d) The City Council may impose sanctions, such as reprimand, formal censure, or loss of committee assignment, on city officials whose conduct does not comply with the City's ethical standards. The City Council also may act to remove members of boards, commissions, and committees from office.

Sec. 9.821 Complaint Process

(a) Employees

1. A complaint that an employee has violated any provision of this Article may be submitted to the City Manager. If the complaint is that the City Manager has violated any provision of this Article may be submitted to the Mayor and the presiding officer of the City Council.

2. Complaint against employees shall be processed as a disciplinary matter under the provisions stated for the handling of a complaint or grievance in the personnel policy.

(b) City Officials

1. Inquiry

- i. Any suspected violation or alleged violation by a city official must be reported to the chair of the respecting board, commission or committee or when it is a member of the City Council, to the Mayor. Any suspected violation or alleged violation by the chair shall be reported to the vice-chair and any suspected violation or alleged violation by the Mayor shall be reported to the Mayor Pro-Tem and the City Attorney. In the case of a City staff member making the report regarding a city official, the report shall be made to the City Manager, who will then report it to the Mayor and/or City Attorney. Upon report, the following procedures addressing violations or alleged violations shall apply.
- ii. The role of leading an inquiry of any city official, other than a member of the City Council member for any violation or alleged violation of this policy lies with the chair of the respective board, commission or committee. If the chair is the subject of an inquiry, the vice-chair, or the next ranking official by seniority and the City Attorney (if requested) will lead the inquiry. All board, commission or committee members who are not the subject of an inquiry have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement. A recommendation for action shall be made by the board, committee or commission shall be forwarded to the City Council for consideration and possible action. The City Council is not bound by the recommendation and may take the action deemed appropriate by the City Council.
- iii. The role of leading an inquiry of any Council member for any violation or alleged violation of this policy lies with the Mayor, Mayor Pro-Tem, and the City Attorney. If the Mayor is the subject of an inquiry, the Mayor Pro-Tem, or the next ranking official by seniority and the City Attorney will lead the inquiry. All Council members who are not the subject of an inquiry have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement.

2. Enforcement Options

The members of the City Council and appointed boards commissions and committees have the obligation to govern themselves responsibly in the enforcement of any violation of this policy. The objective for establishing rules of enforcement pertaining to this policy is to provide fair, consistent, concise, and efficient guidelines for the use of enforcement against violations of this policy. As

a general matter, enforcement of this policy may be progressive, but circumstances may indicate that strong actions be taken immediately. Furthermore, Council is not bound to the enforcement guidelines of this policy, and should make decisions on a case-by-case basis. City Council, as a collective body, may change the order of the disciplinary steps listed below, or may choose not to use any step, depending on the circumstances under review.

City Council members may take any appropriate disciplinary action including, but not limited to:

- Cautioning

- Cautioning is identified as a verbal reprimand due to a violation. The cautioning is only a verbal reprimand and shall not be recorded.
- A cautioning shall only be administered in private by the Mayor with only one (1) member of Council present. If the Mayor is receiving the cautioning, it shall be administered in private by the Mayor Pro-Tem with only one (1) member of Council present.

- Correction

- Correction is identified as a verbal reprimand due to multiple policy violations. The correction of any city official, including the Mayor, will not be administered in writing and shall be conducted privately in Closed Session unless requested to be done in Open Session.
- A quorum of Council plus one (1), shall be present during the correction of another Council member or city official.
- The City Attorney shall be notified of the correction before the correction is administered and the City Attorney shall be present during the administration of the correction if requested.

- Censure

- The act of placing a city official under censure is an official and public reprimand of a city official by the body of the City Council for multiple and/or serious infractions against the Code of Ethics. Therefore, city officials who are placed under censure are considered to be 'not in good standing' with the Council.
- The censure of any Council member, including the Mayor, shall be administered in writing.
- Censure may last up to sixty (60) days or as appropriately defined by City Council on a case by case basis.
- At the end of the censure period, the censure has expired and shall not be extended.
- A city official placed under censure may return to a good standing status once their censure period has ended.

- The body of the City Council may determine to end the censure period of a city official prior to the conclusion of said period at their discretion.
- All censure hearings shall be conducted in the Closed Session of City Council.
- Because censures are administered in writing, a censure must be publicly voted on in open session of City Council. The censure of any city official must be passed by a 2/3 supermajority vote.

- Removal
 - Unless state law provides otherwise, city officials, other than members of the City Council, serve at the pleasure of the City Council and may be removed at will by a majority of the members of the City Council present at any meeting where such is posted as an item for consideration.