

CITY OF ANNA, TEXAS

ORDINANCE NO. 777-2018

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, ADOPTING GENERAL STANDARDS OF ETHICS; CONFLICTS OF INTEREST AND RELATED DISCLOSURES; GIFTS AND HONORARIUMS; ADOPTING RELATED DEFINITIONS AND INTERPRETATION OF TERMS; ETHICS TRAINING; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Anna, Texas (the "City") has previously adopted regulations relating to standards of conduct and ethics for its elected and appointed officials; and

WHEREAS, since the City's adoption of the above-described regulations the Texas State Legislature has substantially amended related and substantially overlapping regulations; and

WHEREAS, it is the desire of the City Council to preserve substantive provisions of the City's ethics regulations that do not conflict with state law and to update certain regulations as set forth in current state law;

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

Section 1. Ethics Code

The Anna Code of Ethics Code shall be solely as stated in this ordinance.

1.01 Representation of Private Interests

(a) Representation Before the City. A City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, before the City. For the purposes of this subsection, "before the City" means before the City Council, or a Board, commission, or other body appointed by the City Council.

(b) Representation in Litigation Adverse to the City.

(1) Salaried Officials. A paid City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, in any litigation or other adverse proceeding to which the City is a party, if the interests of that person, group or entity are adverse to the interests of the City.

(2) Non-Salaried Officials. A non-salaried City Official shall not represent any person, group, or entity, other than himself, or his spouse or minor children, in

any litigation or other adverse proceeding to which the City is a party, if the interests of that person, group, or entity are adverse to interests of the City and the proceeding is substantially related to the non-salaried City Official's duties to the City.

1.02 Confidential Information

- (a) Improper Access. A City Official shall not use his position to secure Official Information about any person or entity for any purpose other than the performance of the Official's duly authorized responsibilities.
- (b) Improper Disclosure or Use. A City Official shall not publicly disclose Confidential Government Information or use such information to further or impede anyone's personal interests.

This rule does not prohibit:

- (1) any disclosure or use that is authorized or required by law;
- (2) the confidential reporting of illegal or unethical conduct to authorities designated by law to receive such information.

1.03 Public Property and Resources

A City Official shall not use, request, or permit the use of City facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

- (a) pursuant to duly adopted City policies, or
- (b) to the extent and according to the terms that those resources are lawfully available to the public.

1.04 Interaction with City Staff

- (a) City Councilmember's and Board member's interaction with the City Manager or staff must recognize the lack of authority in any individual City Councilmember, Board member or group of City Councilmembers or Board members except when explicitly authorized by the City Council or Board.
- (b) City Councilmembers and Board Members will not make public individual judgments of the performance of the City Manager, his staff, the City Attorney, the City Secretary, or the Municipal Judge except as authorized by City policy, ordinance, or the City Charter.

- (c) City Councilmembers and Board members may not attempt to coerce or intimidate City employees, interfere with City employees' duties, or otherwise circumvent the authority of the City Manager.

1.05 Actions of Others

- (a) Violations by Other City Officials. A City Official shall not knowingly assist or induce, or attempt to assist or induce, another City Official to violate any provision in this Code of Ethics.
- (b) Using Others to Engage in Forbidden Conduct. A City Official shall not violate the provisions of this Code of Ethics through the acts of another.

1.06 Conflicts of Interest.

- (a) A City Official shall not knowingly violate Texas Local Government Code Section 171.001, et seq., as amended and to the extent applicable.
- (b) A City Official shall not knowingly violate Texas Local Government Code Section 176.001, et seq., as amended and to the extent applicable.
- (c) A city official shall not knowingly violate City of Anna Home-Rule Charter Section 3.10 or Section 14.08.

1.07 Gifts and Honorariums.

- (a) A City Official shall not knowingly violate Texas Penal Code Section 36.01, et seq., as amended and to the extent applicable.
- (b) A city official shall not knowingly violate City of Anna Home-Rule Charter Section 14.09.

1.08 Definitions.

As pertains to the provisions in this Section 1, the following definitions shall apply unless the context clearly indicates otherwise:

Board – A board, commission, or committee that is established by the City and that is not solely an advisory body to the City Council. A “Board” includes the board of any Type A or Type B corporation created by the City under Chapter 501, 504, and/or 505 of the Texas Local Government Code.

Confidential Government Information – All information held by the City that is not available to the public under the Public Information Act (Chapter 552, Local Government Code, as amended), and any information from a meeting closed to the

public pursuant to the Texas Open Meetings Act (Chapter 551, Local Government Code, as amended).

City – the City of Anna, Texas.

Official – Includes the following persons: the Mayor; Members of the City Council; Municipal Court Judges and Magistrates; the City Manager; the City Secretary; the City Attorney; and Members of a Board.

Official Information – Information gathered pursuant to the power or authority of City.

Representation – All forms of communication and personal appearances in which a person, not acting in performance of official duties, formally or informally, serves as an advocate for private interest, regardless of whether the Representation is compensated. Lobbying, even on an informal basis, is a form of Representation. Representation does not include appearance as a fact witness or uncompensated expert witness in litigation or other similar proceedings.

Section 2. Open Government and Ethics Training.

All City Officials shall be required to timely obtain all required training under state law for compliance with the Texas Open Meetings Act (Texas Government Code Section 551.001 et seq.) and/or other applicable law pertaining to ethics and open government.

Section 3. Wording Interpretation

The gender of the wording throughout this Ordinance shall always be interpreted to mean either sex. All singular words shall include the plural, and all plural words shall include the singular. All references to the laws of the State of Texas or the Home Rule Charter, Ordinances, or Resolutions of the City of Anna, Texas shall mean “as presently enacted or hereafter amended”.

Section 4. Civil Fine

Any person, whether or not a City Official, who knowingly and willfully violates any portion of this Code of Ethics is subject to a fine not exceeding five hundred dollars (\$500.00). The Civil Fine under this section may be imposed by a majority of the City Council after holding a public hearing and finding a knowing and willful violation of one or more provisions of this ordinance.

Section 5. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. Ordinance No. 244-2006, as amended, is hereby repealed. If

any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional or invalid. Ordinance

Section 6. Effective Date.

This ordinance shall be in full force and effective from and after its passage.

PASSED by the City Council of the City of Anna, Texas, this 27th day of July 2018.

ATTESTED:

APPROVED:

Carrie A. Smith
Carrie Smith
City Secretary

[Signature]
Wade Pike, Mayor

