

**CITY OF FORNEY, TEXAS
ORDINANCE NO. 18-_____**

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS," OF THE CITY OF FORNEY CODE OF ORDINANCES BY ADDING ARTICLE 1.12, "CODE OF ETHICS," INCLUDING REGULATIONS RELATED TO CONFLICTS OF INTEREST; INTERESTS IN PROPERTY ACQUIRED WITH PUBLIC FUNDS; NEPOTISM; BRIBERY; HONORARIUMS; GIFTS; CITY RECORDS; MISUSE OF OFFICIAL INFORMATION; ABUSE OF OFFICIAL CAPACITY; AND OFFICIAL OPPRESSION; PROVIDING FOR A SAVINGS, SEVERABILITY AND REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, statutory provisions governing the ethical conduct of public officials and employees are found in various codes including the Texas Local Government Code, the Texas Government Code and the Texas Penal Code; and

WHEREAS, the City Council ("Council") of the City of Forney ("City") finds it desirable and necessary to adopt a comprehensive ethics ordinance that sets out the statutory parameters relating to the conduct of public officials and employees in one easily accessible location; and

WHEREAS, the Council believes that a position in government is a position of public trust that demands a high standard of behavior; and

WHEREAS, each employee and official of the City should uphold the Constitution, laws and regulations of the United States and the State of Texas; and

WHEREAS, the City seeks to promote personal integrity, honesty and ethical conduct in all activities undertaken by City employees and officials through the adoption of this Ordinance; and

WHEREAS, the City seeks to inspire public confidence and trust in City officials and employees through the adoption of the "Code of Ethics."

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

Section 1. RECITALS

The Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as part of this Ordinance.

Section 2. ADOPTION OF CODE OF ETHICS

The Code of Ordinances, Chapter 1, "General Provisions," is hereby amended to add Article 1.12, "Code of Ethics," as follows:

The Code of Ethics attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby enacted by the Council.

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Zoning Ordinance, since the same would have been enacted by the Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Code of Ordinances shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Forney, Texas, this ____ day of _____, 2018.

Rick Wilson, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Jon Thatcher, City Attorney

EXHIBIT "A"

ARTICLE 1.12 CODE OF ETHICS

Section 1.12.001 Policy

It shall be the policy of the City of Forney that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the City; that no City Official or City Employee shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of his or her duties in the public interest; that public office not be used for personal gain; and that the City Council at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact a Code of Ethics for all City Officials and City Employees, 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. The overriding interest of the Code of Ethics is that City Officials and City Employees of the City of Forney shall always strive to avoid even the appearance of impropriety.

Section 1.12.002 Definitions

The terms used in this Article shall have the following meanings:

Business Entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate shall have the meaning assigned by Section 251.001, Election Code.

City Employee means any person employed by the City, including those individuals on a part-time basis, but shall not mean any independent contractor retained by the City.

City Official means the Mayor, every member of the City Council, the City Manager, the City Secretary, the City Attorney, the City Engineer, the Municipal Court Judge and all members of any commission, committee, or board appointed by the City Council or the Mayor.

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't Code Ch. 552).

Conflict Disclosure Statement means the Texas Ethics Commission disclosure statement form required by Chapter 176 of the Local Government Code.

Conflict of Interest Questionnaire means the Texas Ethics Commission conflicts of interest form required by Chapter 176 of the Local Government Code.

Economic Benefit means any taxable income or any money, real or personal 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.

Economic Interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than Two Thousand Five Hundred Dollars (\$2500.00). Service by a City Official as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an Economic Interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an Economic Interest in the securities or other assets unless the City Official participates in the management of the fund. A City Official does not have an Economic Interest in a matter if the economic impact on the City Official is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family Member means the spouse, parent or child, and the parents of a spouse, City Official, or appointee.

Gift means a favor, hospitality, or economic benefit other than compensation, but which does not include campaign contributions reported as required by state law, gifts received from a relative if given because of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust.

Income means economic benefit received.

Indirect Ownership means an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.

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.

Second Degree of Consanguinity or Affinity is defined through a chart in Section 1.12.003(c)4.

Social Media means the various electronic communication systems established for the purposes of mass communications and/or social networking, including the third-party services of Twitter, LinkedIn, Facebook, and Snapchat.

Source of Income means any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a City Official, Candidate, or family member or which would be taxable to said City Official, Candidate, or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.

Substantial Interest means the interest that a City Official and/or a family member has in a business or business entity or in real property as described below.

- (a) The City Official or family member owns ten percent or more of voting stock or shares of the business entity;
- (b) The City Official or family member owns ten percent or more or \$15,000.00 or more of the fair market value of the business entity; or
- (c) The funds received by the City Official or family member from the business entity exceed ten percent or more of the person's gross income for the previous year.

(d) The City Official has a Substantial Interest in real property if he, his parent, or child or, if married, his spouse or his spouse's parent, controls or has an interest in the real property and the interest has a market value of \$2,500.00 or more.

Third Degree of Consanguinity is defined through a chart in Section 1.12.003(c)(4).

Section 1.12.003 Standards of Conduct

(a) General Provisions

(1) No City Official may disclose any Confidential Information gained through the official's position concerning property, operations, policies, or affairs of the City, for gain or advantage in an Economic Interest of the City Official or the persons identified in Section (c)(2)(B) of this Section.

(2) No City Official may use the official's position or City-owned facilities, equipment, supplies, or resources of the City for gain in an Economic Interest of the City Official, for a political campaign of the Official, or for any of the persons identified in Section (c)(2)(B) of this Section. A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the City for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for the City.

(3) Except as specifically authorized by City ordinance, no City Official may appear before the body of which the official is a member to represent the City Official or any person identified in Subsection (c)(2)(B) of this Section. The City Official may designate and be represented by a person of the official's choice in any such matter.

(4) No City Official may act as surety for any person or business entity that has a contract with the City, or as a surety on any bond required by the City for a City Official.

(5) These General Provisions do not prohibit a City Official 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 official is a member.

(6) City Employees are prohibited from using the influence or prestige of their position or title in an endorsement of or opposition to any candidate for elective office and/or engaging or participating in political activity or campaigns while in uniform and/or on duty.

(7) City Council Members and all members of any commission, committee, or board appointed by the City Council shall not engage in any on-line discussion concerning business matters of the City in which other members of the commission, committee, board or council are also participating. On-line discussions include any form of Social Media or other digital media. City Officials are encouraged to direct any questions received on Social Media to the appropriate City department for response. All City Officials and City Employees shall not use any official City media outlet for personal reasons or personal gain.

(b) Gifts

No City Official may solicit or accept any contribution, gift, or economic benefit that is offered or given with the intention of influencing the judgment or discretion of such official; or given in consideration of the favorable exercise of the official's judgment or discretion in the past.

(c) Conflict of Interest

(1) Substantial Interest. No City Official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a Substantial Interest in the property or business entity.

(2) Economic Interest

(A) No City Official may vote on or participate in any decision-making process on a matter requiring filing of a Conflicts Disclosure Statement if the official has an Economic Interest in the outcome of the matter under consideration.

(B) To avoid the appearance and risk of impropriety, a City Official may not take any official action that the official knows is likely to affect the Economic Interests of:

(i) The City Official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity or a client of the City Official;

(ii) An employer of the City Official, the employer's parent, child, step-child, or spouse;

(iii) A business entity for which the City Official serves as an officer or director or serves in any policy-making position;

(iv) A person or business entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, received an Economic Benefit;

(v) A person or business entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

(3) Conflicts Disclosure Statement and Recusal

(A) A City Official shall file a sworn Conflicts Disclosure Statement with the City Secretary whenever a person or entity has contracted with the City or is considering doing business with the person or entity and the City Official has an employment relationship or other business relationship with the person or entity or the City Official has received or will receive an Economic Benefit in or with the person or entity, or if the person or entity, has given to the City Official gifts that have a value in the aggregate of more than \$250.00 in the 12-month period

preceding the date the City Official becomes aware that the City has a contract with such person or entity or that the City is considering doing business with such person or entity. The City Official shall file the Conflicts Disclosure Statement with the City Secretary no later than 5:00 p.m. on the seventh business day after the date the City Official becomes aware of the facts that require the filing of the Statement.

(B) A City Official commits an offense if the City Official knowingly fails to file the Conflicts Disclosure Statement. An offense under the above subsection 1.12.003(c)(3)(A) is a Class C misdemeanor.

(C) The City Secretary shall accept and file any and all City Official Conflict Disclosure Statements and any Vendor Conflict of Interest Questionnaires.

(D) The City Secretary shall maintain a list of City Officials and shall make that list available to the public and any person who may be required to file a Conflicts of Interest Questionnaire. The City Secretary shall maintain copies of the Conflict Disclosure Statements and Conflict Questionnaires on the City's internet website.

(E) A City Official having a Substantial Interest in the outcome of a matter under consideration shall disclose that the official has a Substantial Interest and recuse himself/herself immediately from voting and from the discussion of 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.

(4) Consanguinity and Affinity

Affinity Kinship (Marriage) Relationships

1st Degree	2nd Degree
Father-in-Law	Spouse's Grandfather
Mother-in-Law	Spouse's Grandmother
Son-in-Law	Spouse's Brother (Brother-in-Law)
Daughter-in-Law	Spouse's Sister (Sister-in-Law)
Spouse	Spouse's Grandson
	Spouse's Granddaughter
	Brother's Spouse (Sister-in-Law)
	Sister's Spouse (Brother-in-Law)

Consanguinity (Blood) Relationships

1st Degree	2nd Degree	3rd Degree
Father	Grandfather	Great-Grandfather
Mother	Grandmother	Great-Grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-Grandson
	Granddaughter	Great-Granddaughter

		Uncle
		Aunt

(5) Budget Matters

The Council shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the Council has a Substantial Interest. The member of the Council that has the Substantial Interest may not participate in the separate vote.

Section 1.12.004 Interest in Property Acquired with Public Funds

(a) Disclosure of Interest in Property

A City Official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.

(b) Affidavit

The affidavit must:

- (1)** state the name of the City Official;
- (2)** state the City Official's office, public title, or job designation;
- (3)** fully describe the property;
- (4)** fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
- (5)** state the date when the person acquired an interest in the property;
- (6)** include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
- (7)** contain an acknowledgement of the same type required for recording a deed in the deed records of the county.

The affidavit must be filed with the county clerk of the county in which the City Official resides and the county clerk of each county in which the property is located.

Section 1.12.005 Nepotism

(a) Prohibition

- (1)** A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from City funds or fees of office if:

(A) the individual is related to the City Official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); or

(B) the City Official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(2) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under a public official's direction or control and that is to be compensated directly or indirectly from City funds or fees of office if:

(A) the individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); and

(B) the appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(b) Exceptions

(1) The prohibitions in section 1.12.005(a) do not apply to:

(A) an appointment to the office of a notary public or to the confirmation of that appointment;

(B) an appointment or employment of a personal attendant by an officer of the City for attendance on the officer who, because of physical infirmities, is required to have a personal attendant; or

(C) any other appointment excepted under Chapter 573, Government Code.

(2) The prohibition in section 1.12.005(a)(1) does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

(A) the individual is employed in the position immediately before the election or appointment of the City Official to whom the individual is related in a prohibited degree; and

(B) that prior employment of the individual has been continuous for at least 2 (two) years.

(3) If, under Subsection (b)(2), an individual continues in a position, the City Official to whom the individual is related in a prohibited degree may not participate in any

deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

Section 1.12.006 Honorariums

(a) Prohibition

A City Official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the City Official would not have been requested to provide but for the City Official's official position or duties.

(b) Exception

This section does not prohibit a City Official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the City Official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

Section 1.12.007 Gifts

(a) Prohibition

(1) A City Employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the City Employee knows to be subject to regulation, inspection, or investigation by the City Employee or the City.

(2) A City Employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the City Employee knows to be in his custody or the custody of the City.

(3) A City Employee or a City Official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the City shall not solicit, accept, or agree to accept any benefit from a person the City Employee or City Official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(4) A City Employee or City Official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any benefit from a person the City Employee or City Official knows is interested in or likely to become interested in any matter before the City Employee or City Official or tribunal.

(b) Donation of Unsolicited Gift

A City Employee or City Official who receives an unsolicited benefit that the City Employee or City Official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions

The prohibitions set out in this section do not apply to:

- (1)** a fee prescribed by law to be received by a City Employee or City Official or any other benefit to which the City Employee or City Official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a City Employee or City Official;
- (2)** a gift or other benefit conferred because of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or
- (3)** a benefit to a City Employee or City Official required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:
 - (A)** the benefit and the source of any benefit in excess of \$50 is reported in the statement; and
 - (B)** the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are not reimbursable by the state or the City;
- (4)** a political contribution as defined by Title 15, Election Code;
- (5)** an item with a value of less than \$50, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
- (6)** an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- (7)** food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or
- (8)** any gift or benefit otherwise excepted under section 36.10, Penal Code.

Section 1.12.008 City Records

(a) Prohibition

A City Official or City Employee shall not:

- (1)** knowingly make a false entry in, or false alteration of, a City record;

- (2) make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine City record;
- (3) intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a City record;
- (4) possess, sell, or offer to sell a City record or a blank City record form with intent that it be used unlawfully;
- (5) make, present, or use a City record with knowledge of its falsity; or
- (6) possess, sell, or offer to sell a City record or a blank City record form with knowledge that it was obtained unlawfully.

(b) Exception

It is an exception to the application of Subsection (a)(3) of this Section that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

Section 1.12.009 Misuse of Official Information

(a) Prohibition

- (1) A City Employee or City Official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:
 - (A) acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - (B) speculate or aid another to speculate on the basis of the information; or
 - (C) as a City Official or City Employee coerce another into suppressing or failing to report that information to a law enforcement agency.
- (2) A City Employee or City Official shall not with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - (A) the City Official or City Employee has access to by means of his office or employment; and
 - (B) has not been made public.

In this section, "information that has not been made public" means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Chapter 552, Government Code.

Section 1.12.010 Complaints Against City Officials and City Employees; Procedures

(a) All complaints or allegations of a violation of this Code of Ethics against a City Official or City Employee shall be made in writing, sworn to before a notary public, and filed of record with the City Attorney. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this Code of Ethics alleged to have been violated. As determined by the City Attorney, a general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein, and anonymous complaints shall not be considered.

(b) Within one (1) business day after receipt of the complaint, the City Attorney shall notify the Mayor, the City Manager and the implicated City Official or City Employee of the existence and nature of the complaint. If the Mayor is not available or is implicated in the complaint, the notification shall be in order of successor of duties.

(c) Within three (3) business days after notification by the City Attorney, the Mayor or successor City Official shall schedule a special called meeting of the City Council to consider the complaint in executive session. At such meeting, the City Attorney shall present a written report to the City Council describing in detail the nature of the complaint and his or her findings and conclusions as to a possible violation of this code. The non-implicated City Council Members in attendance shall then review the complaint and either reject the complaint or invoke an investigation. In the event the City Council decides to reject the complaint, the vote to reject shall be taken in open session without further investigation. In the event the City Council decides to invoke an investigation, the City Attorney shall select and appoint an independent private attorney to fully investigate the alleged improprieties. Said attorney shall be selected from a list of four (4) attorneys appointed by the City Council prior to such meeting. Two (2) attorneys shall be appointed by the City Council prior to January 1 of each even-numbered calendar year. Two (2) attorneys shall be appointed by the City Council prior to January 1 of each odd-numbered year. Said attorney shall have all of the powers of investigation as is given to the City Council by reason of Section 3.06 of the City of Forney Charter. The investigating attorney shall report back to the City Council in writing within ten (10) business days from his or her appointment, unless an extension is granted by a majority of the non-implicated City Council Members. Such report shall be comprehensive and explain in detail all facts, findings, and conclusions in support of the attorney's opinion as to whether a violation of this Code of Ethics has occurred.

(d) The City Council shall consider the findings of the investigating attorney's report at the meeting in which it is presented, at which time the person(s) accused shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his or her behalf. The final action, decision, or vote of the City Council regarding the complaint shall be taken or made only in a meeting that is open to the public.

Section 1.12.011 Confidentiality and Ex Parte Communications

(a) No City Official or City Employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.

(b) 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).

Section 1.12.012 Sanctions and Violations

(a) The failure of any City Council Member to comply with or who violates one (1) or more of the standards of conduct in this article which apply to him or her shall constitute grounds for reprimand. Such reprimand shall require a two-thirds vote of the eligible City Council Members. Offenses committed in violation of the City Charter shall be punished in accordance with the terms of the City Charter or Rules of Procedure for the City Council and the Boards, Commissions and Committees, as amended.

(b) The failure of any other City Official to comply with or who violates one (1) or more of the standards of conduct in this Code of Ethics shall constitute grounds for expulsion, reprimand or removal from office to the extent allowed by law.

(c) In the case of any City Employee, disciplinary action and appeals therefrom shall be in conformance with procedures established by the City Charter and personnel rules and regulations.

(d) Except with regard to violations of Chapters 171 and 176 of the Texas Local Government Code, violations of the Penal Code, or violations of the Government Code, a violation by any City Official or City Employee as designated herein of one or more of the provisions of this Article shall not be deemed to be a Class C misdemeanor under the laws of the State of Texas.

Section 1.12.013 Distribution and Proof of Compliance

The City Secretary shall make available to each new City Official designated in this Article, a copy of the text of this Ordinance; Chapter 171 and Chapter 176 of the Texas Local Government Code pertaining to conflicts of interest; the Texas Open Meetings Act (Tex. Gov. Code Ch. 551); and the Texas Public Information Act (Tex. Gov. Code Ch. 552) (collectively referred to in this section as the "Ethics Statutes").