

DIVISION 2. CODE OF ETHICS

Part I. Rules of Ethical Conduct

Sec. 2-33. Statement of purpose and principles.

~~(a) — *General.* It is the policy of the mayor and city council of the City of League City to hold its elected officials and the appointed officials and employees to the highest standards of ethical conduct. The city council believes that it has a responsibility to make every reasonable effort to assure the citizens of League City that their elected and appointed officials and city employees will always place the public's interest above their own. To that end, the city council has concluded that current state laws regulating the conduct of local public officials should be supplemented by adopting additional regulations for the city's elected and appointed officials and city employees and that city staff should be directed to provide, at least once a calendar year, educational programs to the city's elected and appointed officials and city employees on their legal and ethical obligations under state and local law, including, particularly, their obligation to avoid conflicts of interest.~~

~~(b) — *Ethical values.* It is the official policy of the city that:~~

- ~~(1) — City officials shall be independent, impartial, and responsible to the citizens of the city;~~
- ~~(2) — City officials shall not have a financial interest, and shall not engage in any business, transaction, or professional activity, or incur any obligation, that conflicts with the proper discharge of their duties for the city in the public interest.~~
- ~~(3) — The principles of personal conduct and ethical behavior that should guide the behavior of city officials include:
 - ~~a. — A commitment to the public welfare;~~
 - ~~b. — Respect for the value and dignity of all individuals;~~
 - ~~c. — Accountability to the citizens of the city;~~
 - ~~d. — Truthfulness; and~~
 - ~~e. — Fairness.~~~~
- ~~(4) — Under such principles of conduct and ethical behavior, city officials should:
 - ~~a. — Conduct themselves with integrity and in a manner that merits the trust and support of the public;~~
 - ~~b. — Be responsible stewards of the taxpayers' resources; and~~
 - ~~c. — Take no official actions that would result in personal benefit in conflict with the best interests of the city.~~~~
- ~~(5) — To implement the purpose and principles set out in this policy, the city council has determined that it is advisable to enact rules of ethical conduct to govern city officials. It is the purpose and intent of city council to assure a fair opportunity for all of the city's citizens to participate in government, to adopt standards of disclosure and transparency in government, and to promote public trust in government.~~

(c) ~~*Purpose and effect.* The statements of purpose and principles that introduce this policy are for guidance only. They are not intended to create binding obligations, to serve as a basis for disciplinary action, or to create any private cause of action. The rules of ethical conduct that follow are intended not only to serve as a guide for official conduct, but also as a basis for discipline of city officials who do not abide by them.~~

(Ord. No. 2009-43, § 2, 12-8-2009; Ord. No. 2011-59, § 2, 11-8-2011)

Sec. 2-34. Rules of ethical conduct.

(a) *Definitions.* In this article:

~~*Administrative board* means any board, commission, or other organized body:~~

- ~~(1) That has, by law, final decision-making authority on matters within its jurisdiction and that is either: (a) established under the City Charter or by city ordinance, or (b) whose members are appointed or confirmed by the city council; or,~~
- ~~(2) Created as a non-profit economic development corporation by the city council under the authority of the City Charter or any other authority.~~

~~*Advisory board* means a board, commission, or other organized body other than an administrative board, that was created by an act of the city council whose members are appointed or confirmed by the city council and are charged with making recommendations to the city council on matters within its jurisdiction.~~

~~*Appointed city executive employee* means any city employee appointed directly by the city manager and who reports directly to the city manager.~~

~~*Appointed city officer* means the city manager or any person appointed directly by the city council and who is compensated as an employee of the city.~~

~~*Board* means a group created by the city council to serve a particular purpose and with a membership set by the mayor or the city council, sometimes referred to as a commission or committee.~~

~~*City Official* means the Mayor, a member of the City Council member, an administrative board member, or an advisory board member and/or, in applicable circumstances, any employee of the city.~~
~~*Appointed city officer.*~~

~~*Member(s)* means all appointees to a Board who have voting authority.~~

~~*Ethics panel* means the body charged with reviewing and acting on complaints and requests for declaratory relief filed under this article.~~

~~(b) *Covered officials.* The rules of ethical conduct contained in this division 2 apply generally to city officials, appointed city officers, appointed city executive employees and in certain defined circumstances to candidates for city council, former city officials, former appointed city officers, and former appointed city executive employees. To be amended, any revisions to the rules of ethical conduct must be adopted by the city council by ordinance and as amended as of the date of adoption are applicable from that date of adoption. The rules of ethical conduct as to negotiations and transactions with vendors doing business with the city do not apply to such persons as are named in this section regarding business, supply, and other such contracts in existence prior to the date of adoption of revisions to the code of ethics. All such persons as are named in this section are subject to such revisions upon the date of adoption by the city council.~~

~~(b) *Conflicts of interest, generally* Required Disclosure and Possible Abstention.~~

~~All City Officials shall comply with the notice and applicable voting abstention requirements identified in state law, including Texas Local Government Code Chapter 171 and Chapter 176, regarding disclosure of real property/business interests and disclosure of vendor relationships.~~

- PART II CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE II. - CITY COUNCIL
Part II. Ethics Complaint Review Process

- ~~(1) A city official shall abstain from participation in discussion of and any vote on a matter, and shall file an affidavit stating the nature and extent of his or her interest in a matter, if action on the matter by the body on which the city official serves will have a special economic effect that is distinguishable from its effect on the public on any of the following:
 - a. The city official;
 - b. The city official's outside employer or client;
 - c. The city official's spouse, parent, or child; or
 - d. A public or private business entity for which the city official, or his or her spouse, parent, or child serves as a director, general partner, or officer, or in any other policy making position.~~
 - ~~(2) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a person if, within the 12 months preceding the date of the vote, the city official has filed a conflicts disclosure statement under V.T.C.A., Local Government Code Chapter 176 relating to that person.~~
 - ~~(3) A city official shall abstain from participation in, discussion of, and any vote on a matter involving a business entity if:
 - a. The city official has a substantial interest in another business entity that has had one or more business transactions with the business entity involved in the matter to be voted on;
 - b. The business transaction or transactions occurred within the 12 months immediately preceding the date of the matter to be voted on; and
 - c. The business transaction or transactions resulted in a payment or payments totaling more than \$10,000.00.~~
 - ~~(4) A city official required to abstain from voting under the preceding paragraph (c)(3) must file an affidavit stating the nature and extent of the interest in the business entity. For purposes of the preceding paragraph (c)(3), a "business entity" and "substantial interest in business entity" have the meanings respectively provided for in V.T.C.A., Local Government Code § 171.001(2) and § 171.002(a), as amended.~~
 - ~~(5) Affidavits of conflict of interest filed pursuant to the requirements of this section or state law shall be filed with the city secretary before any vote on the matter and as soon as possible after the city official becomes aware of the need to file the affidavit.~~
 - ~~(6) A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter.~~
 - ~~(7) The abstention of a city official, pursuant to the requirements of this section or state law, shall be recorded in the minutes or audio recording of the meeting of the respective body on which he or she serves.~~
- ~~(cd) *Council member prohibited from doing business with the city* [Certain Transaction Prohibited and Disclosures Required](#).~~
- ~~(1) [No current Board Member, Member of the City Council or spouse, parent or child of either shall directly enter into a contract or transaction with the City that exceeds \\$1,000.](#)~~

- PART II CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE II. - CITY COUNCIL
Part II. Ethics Complaint Review Process

(2) In addition to the requirements of Chapter 171 of the Local Government Code, current Board Members or Members of the City Council are prohibited from voting on or participating in a matter involving a business entity or real property where the Member has a Substantial Interest that will result in a special economic effect on the business that is distinguishable from the effect on the public.

- a. A Member has a "Substantial Interest" in a business entity if the Member: (1) owns 5 percent or more of the voting stock or shares of the business entity; (2) owns either 5 percent or more or \$10,000 or more of the fair market value of the business entity; or (3) receives funds from the business entity that exceed 5 percent of the Member's gross income for the preceding year.
- b. A member has a "Substantial Interest" in real property if the interest is an equitable or legal ownership interest with a fair market value of \$1,000 or more.
- c. A Member with a Substantial Interest in a business entity or real property must disclose the nature of substantial interest to the City Manager before a vote or decision is taken on the proposed contract or transaction.

~~(1)(3) This section does not apply to the city's acquisition by eminent domain proceedings of an interest in land owned by a City Official.~~

~~(1) Except as provided below, no council member shall have a financial interest in any significant contract or transaction involving the sale or lease of goods, real estate, or services, or the lending of credit, to the city.~~

~~(2) For the purposes of this section, the ownership by a council member or his or her spouse, parent or child of the stock or instruments of debt of a publicly traded company does not give the council member a financial interest in any contracts or transactions that company has with the city, provided that the value of the interest held is less than five percent of the value of the company.~~

~~(3) For the purpose of this section, a contract or transaction is significant only if the total payments made by the city pursuant to the contract or transaction exceed \$1,000.00 in the aggregate.~~

~~(4) This section does not apply to the city's acquisition by eminent domain proceedings of an interest in land owned by a council member.~~

~~(e) Disclosure of certain gifts to city officials.~~

~~(1) Except as provided below, a city official who receives as a guest, a gift of food, lodging, transportation, or entertainment that reasonably appears to exceed \$500.00 in value shall file with the city secretary within 30 calendar days after receiving the gift a written disclosure statement containing the following information:~~

- ~~a. A description of the gift of food, lodging, transportation, or entertainment that was received;~~
- ~~b. The date or dates on which the gift was received;~~
- ~~c. The name of the host who paid for, or provided, the gift; and~~
- ~~d. A statement that the aggregate value of the gift is believed to exceed the sum of \$500.00.~~

~~(2) The requirements of subsection (e)(1), above, do not apply to a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the status of the recipient as a city official.~~

- PART II CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE II. - CITY COUNCIL
Part II. Ethics Complaint Review Process

~~(3) This section does not apply to any gift that is required to be and is reported under any other state law, including a required election campaign filing.~~

(df) Appearance on behalf of private interests of others.

~~(1) A member of the city council City Officials shall not appear before the city council or any administrative board or advisory board for the purpose of representing the interests of another person or entity. However, a member of the city council City Official may, to the extent otherwise permitted by law, appear before any such body to represent the member's his/her own interests or the interests of the member's City Official's spouse or minor children.~~

~~(2) A city official including advisory board members who are not members of the city council shall not appear before the body on which he or she serves for the purpose of representing the interests of another person or entity, and shall not appear before any other body for the purpose of representing the interests of another person or entity in connection with an appeal from a decision of the body on which the city official or advisory board member serves. However, the city official or advisory board member may, to the extent otherwise permitted by law, appear before any such body to represent the city official's own interests or the interests of the city official's spouse or minor children.~~

~~(g) Misuse and disclosure of confidential information.~~

~~(1) It is a violation of this ethics code for a city official to violate V.T.C.A., Penal Code, § 39.06 (Misuse of Official Information), as amended.~~

~~(2) A city official shall not disclose to the public any information that is deemed confidential under any federal, state, local law, or council rules.~~

(eh) Restrictions on political activity and political contributions.

- (1) No city official or candidate for city council shall meet with any employee or group of employees of the city for political campaign purposes while such employees are on duty unless part of an approved city council activity.
- (2) No city official shall, directly or indirectly, coerce or attempt to coerce any city employee to:
 - a. Participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity relating to a particular party, candidate, or issue; or
 - b. Refrain from engaging in any lawful political activity.
- (3) The following actions by city officials are not prohibited by this section:
 - a. The making of a general statement encouraging another person to vote in an election;
 - b. A solicitation of contributions or other support that is directed to the general public or to an association or organization; and
 - c. The acceptance of a campaign contribution from a city employee.
- (4) No city official shall use, request, or permit the use of city facilities, personnel, equipment, or supplies for the creation or distribution of materials to be used in a political campaign or for any other purpose in support of a political campaign. However, meeting rooms and other city facilities that are made available for use by the public may be used for political purposes by city officials under the same terms and conditions as they are made available for other public uses.

- PART II CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE II. - CITY COUNCIL
Part II. Ethics Complaint Review Process

(f) *Regulations applicable to former city officials.*

- (1) A former ~~member of city council~~ City Official shall not use or disclose confidential government information acquired during the member's service ~~on the city council~~ with the City. A former ~~member of city council~~ City Official is not prohibited from disclosing information if:
 - a. The information is no longer confidential;
 - b. The information involves reports of illegal or unethical conduct and is disclosed to a law enforcement agency; or
 - c. The disclosure is necessary to further public safety and is not otherwise prohibited by law.
- (2) ~~No former member of city council shall have a financial interest in a significant contract with the city, within the meaning of section (d)(3) of this chapter within 13 months following the expiration of the former member's most recent term of office.~~ No former Member of the City Council shall directly enter into a contract or transaction with the City that exceeds \$1,000 within 60 months following the end of the Member's most recent term of Office.
- (3) No former Member of the City Council may be employed by the City in any capacity within 60 months following the end of the former Member's most recent term of office.

~~(3) Pursuant to subsection (b), if, within two years after commencement of a contract between an individual/company and the city, the company or individual who negotiated and entered into the said contract with the city then hires a city official, former city official, appointed city officer, former appointed city officer, appointed city executive employee, or former appointed city executive employee, or a city employee who while acting in such capacity had substantial and personal involvement with the negotiation of said contract, the said contract shall, at the option of the city manager, be cancelled and/or the individual/company shall be barred from additional contracting with the city for a period of three years. Any such decision may be appealed to the city council, provided that notification of any such appeal shall be served upon the city secretary no later than ten days from the date the company or individual has been notified of the city manager's decision. For purposes of this subsection, the term "had substantial and personal involvement" means that a person, either as a person assigned to handle or participate in the handling of the matter or as a supervisor, or city official, or appointed city officer, or appointed city executive employee, in making decisions with respect to the matter, exercised discretion or decision-making in the handling of a matter that then was associated with a specific party or parties.~~

- (g) *Officials required to comply with both state and local law.* Where a City Official's conduct is regulated by a provision of this article and a similar provision of state law, and it is possible to comply with the requirements of both, a city official shall comply with both.
- ~~(k) *City attorney's opinions.* The city attorney is authorized and directed to issue to any city official, upon reasonable request, formal written opinions regarding the applicability of the provisions of this article or Texas law to an action the city official, a former city official, or a candidate for city council is considering taking in the future.~~
- (h) *Education.* The city shall provide training and educational materials to City Officials on their ethical obligations under state law and this article. Such training shall include at least one formal classroom session in each calendar year. All City Officials shall attend the formal training session offered by the city or

- PART II CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE II. - CITY COUNCIL
Part II. Ethics Complaint Review Process

equivalent training sessions conducted by the Texas Municipal League or similar organizations. The city also shall prepare and distribute brochures and other written materials on the subject to each City Official at the time of his or her election or appointment to office.

~~(m) *Use of electronic communications.* No member of the city council or member of a city board or commission which is subject to the requirements of the Texas Open Meetings Act shall, during the course of a meeting, engage in the use of a personal electronic communication device in any manner which would constitute a "deliberation" as that term is defined in V.T.C.A., Government Code § 551.001.⁴~~

~~(n) *Failure to comply with governance policy and rules of procedure.* Pursuant to Section 4.17 of the City of League City Governance Policy and Rules of Procedure, a failure to comply with such rules does not invalidate any otherwise lawful act of the city council. However, to the extent a violation of such rules shall otherwise give rise to a violation of the city's ethics laws, the ethics review board shall have jurisdiction to investigate and make findings and conclusions concerning such violation.~~

~~(Ord. No. 2009-43, § 2, 12-8-2009; Ord. No. 2011-59, § 2, 11-8-2011; Ord. No. 2012-15, § 2, 8-14-2012; Ord. No. 2012-25, § 2, 9-25-2012; Ord. No. 2012-27, § 2, 10-23-2012)~~

~~*Part II. Ethics Complaint Review Process²*~~

~~Sec. 2-35. Definitions.~~

~~*Ethics laws* includes this Code of Ethics, the City Charter, and V.T.C.A., Local Government Code Ch. 171 and 176.~~

~~*Ethics violation* means a violation of any ethics laws.~~

~~*Member* means a member of the ethics review board.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

~~Sec. 2-36. Structure of the ethics review board.~~

~~(a) *General.* There is hereby established an independent ethics review board, which shall have the powers and duties specified in the City Charter, City Code (ethics code), and other powers and duties prescribed by ordinance.~~

⁴"Deliberation" means a verbal exchange during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business. Per Tex. Att'y Gen. Op. Nos. JC 0307 (2000) and DM 95 (1992), a "verbal exchange" may also include an exchange of written materials or electronic mail.

²Editor's note(s)—Ord. No. 2019-25, § 1, adopted Sept. 10, 2019, repealed the former Part II, §§ 2-35—2-48, and enacted a new Part II as set out herein. The former Part II pertained to the ethics review complaint process and derived from Ord. No. 2009-43, § 2, adopted Dec. 8, 2009; Ord. No. 2010-25, § 2, adopted Aug. 10, 2010; Ord. No. 2011-59, § 2, adopted Nov. 8, 2011; and Ord. No. 2013-41, § 2, adopted Sept. 24, 2013.

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- (b) ~~Composition.~~ The ethics review board shall consist of eight members nominated and confirmed consistent with the City Charter. Nomination and confirmation of members shall be conducted at separate open meetings of the city council.
- (c) ~~Terms of office.~~ Appointments shall be for a term of two years beginning on the day after the expiration of the preceding full term. No member shall serve for more than three full terms.
- (d) ~~Qualifications.~~ Members shall have good moral character and shall be residents of the city. No member shall be:
- (1) ~~A salaried city official or employee;~~
 - (2) ~~An elected public official;~~
 - (3) ~~A candidate for elected public office;~~
 - (4) ~~An officer of a political party;~~
 - (5) ~~A campaign treasurer, campaign manager, officer or other policy or decision maker for the campaign of any candidate for elected public office;~~
 - (6) ~~Campaign treasurer, campaign manager, officer or other policy or decision maker for any political action committee as defined in the Texas Election Code; or~~
 - (7) ~~Serving on any other city board or commission or any other board or commission on which the member's position is appointed by city council.~~
- (e) ~~Removal.~~ Members may be removed from office by a majority of the city council only upon a finding, after a public hearing at which the member is provided the opportunity to be heard, that the member: (1) has engaged in gross misconduct in office, (2) is guilty of substantial neglect of duty, (3) has committed a violation of ethics laws, or (4) is unable to discharge the powers or duties of office. A member automatically vacates his or her position upon the failure to satisfy the qualifications set forth in subsection (d) or conviction of or a plea of nolo contendere to a crime of moral turpitude or any felony.
- (f) ~~Vacancies.~~ The city council shall fill any vacancy on the board by a person who will serve the remainder of the unexpired term. The nomination and confirmation process shall be the same as utilized for the original appointment.
- (g) ~~Recusal.~~ A member shall recuse himself or herself from any matter in which his or her impartiality might reasonably be questioned, as determined by a majority vote of the board conducted by secret ballot. A member may not participate in action on any complaint:
- (1) ~~That the member initiated; or~~
 - (2) ~~During the pendency of an indictment or information charging the member with a misdemeanor offense involving moral turpitude or any felony.~~
- If more than three members are recused from a matter, the mayor shall nominate a sufficient number of ad hoc members so that the board can achieve quorum in order to meet to consider said matter. Ad hoc members of the ethics review board must be confirmed by a majority vote of the city council and serve only for the case in question.
- (h) ~~Chair and vice-chair.~~ Each year, the board shall meet and elect a chair and a vice-chair from among its members, who will serve one year terms and may be re-elected. The chair or any three members of the board may call a meeting of the board. The chair shall preside at meetings of the ethics review board and performing other administrative duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position.

(i) ~~Reimbursement.~~ Members shall not be compensated but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-37. Jurisdiction and powers.

(a) ~~Jurisdiction.~~ The ethics review board shall have jurisdiction to investigate and make findings and conclusions concerning:

- (1) ~~An alleged violation of the ethics code enacted from time to time by ordinance;~~
- (2) ~~An alleged violation of regulations governing lobbying enacted from time to time by ordinance; and~~
- (3) ~~An alleged violation of the City Charter, provided, however, that the ethics review board has no jurisdiction to find or conclude that a city officer or employee has forfeited his or her office or position.~~

(b) ~~Limitations.~~ The board shall not have any authority to consider any complaint filed more than one year after the occurrence or event giving rise to the complaint.

(c) ~~Termination of city official's or employee's duties.~~ The termination of a city official's or employee's duties does not affect the jurisdiction of the ethics review board with respect to alleged violations occurring prior to the termination of official duties.

(d) ~~Powers.~~ The ethics review board has the power:

- (1) ~~To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with ordinances pertaining to the code of ethics, including lobbying regulations;~~
- (2) ~~To meet as often as necessary to fulfill its responsibilities;~~
- (3) ~~To request from the city manager the assignment of staff necessary to carry out its duties;~~
- (4) ~~To review, index, maintain on file, and dispose of sworn complaints;~~
- (5) ~~To make notifications, extend deadlines, and conduct investigations, both on referral or complaint;~~
- (6) ~~To compel the production of sworn testimony, witnesses and evidence;~~
- (7) ~~To recommend cases for prosecution by appropriate authorities and agencies;~~
- (8) ~~To request the city attorney to provide an independent counsel to advise and represent the board, when appropriate or necessary to avoid a conflict of interest;~~
- (9) ~~To provide assistance in the training and education of city officials and employees with respect to their ethical responsibilities;~~
- (10) ~~To prepare an annual report and to recommend to the city council needed or desirable changes in ordinances under its jurisdiction;~~
- (11) ~~To exercise such other powers and duties as may be established by ordinance.~~

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-38. Requirements of complaints.

(a) ~~Complainant.~~ Any person who believes that there has been a violation of the ethics laws may file a sworn complaint with the city secretary.

~~(b) *Contents.* A complaint filed under this section must be in writing and must state on its face an allegation that, if true, constitutes a violation of a law administered and enforced by the board, and must set forth in simple, concise, and direct statements:~~

~~(1) The name of the complainant;~~

~~(2) The street or mailing address and the telephone number of the complainant;~~

~~(3) The name of each person complained about;~~

~~(4) The position or title of each person complained about;~~

~~(5) The nature of the alleged violation, including, if possible, the specific provision of the ethics laws alleged to have been violated; and~~

~~(6) Statement of the facts detailing the alleged violation and the dates on which or period of time in which the alleged violation occurred.~~

~~(c) *Attachments.* A complaint shall be accompanied by:~~

~~(1) All documents or other material available to the complainant that are relevant to the allegation; 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 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; and~~

~~(2) An affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged are true and correct. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.~~

~~(d) *Assistance.* The city secretary shall provide information to persons who inquire about the process for filing a complaint.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Sec. 2-39. Handling of complaints.

~~(a) *Confidentiality.* No member, city official or employee shall reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.~~

~~(b) *Notification of complaint filing.* A copy of a complaint that fully complies with section 2-38 shall be promptly forwarded by the city secretary to the members, the city attorney, and to the respondent(s). The respondent(s) shall also be provided with a copy of the ethics rules and shall be informed:~~

~~(1) That, within 14 days of receipt of the complaint, he or she may file a sworn response with the city secretary, who shall forward said response to the city attorney and the ethics review board;~~

~~(2) That failure to file a response does not preclude the ethics review board from adjudicating the complaint;~~

~~(3) That a copy of any response filed by the respondent(s) will be provided by the city secretary to the complainant, who may, within seven days of receipt, reply by sworn writing filed with the city secretary, a copy of which shall be provided by the city secretary to the city attorney, the ethics review board, and the respondent(s);~~

~~(4) That the complainant(s) or respondent(s) may request a hearing; and;~~

~~(5) That city officials and employees have a duty to cooperate with the ethics review board, pursuant to section 2-41.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

~~Sec. 2-40. Ethics compliance officer.~~

~~(a) *Appointment.* The city attorney shall, after receiving from the city secretary a copy of a filed complaint, recommend to the ethics review board no fewer than three independent outside attorneys, who do not otherwise represent the city in any pending matter, to serve as the ethics compliance officer for the city in the handling of said complaint. The ethics review board shall appoint, by majority vote of the members present, one of the recommended attorneys as such ethics compliance officer at the board's first meeting after being notified by the city secretary of the filing of a complaint.~~

~~(b) The ethics compliance officer shall:~~

~~(1) Be promptly provided by the city attorney copies of the subject complaint and any response and reply filed with the city secretary;~~

~~(2) Investigate, marshal, and present to the ethics review board the evidence bearing upon a complaint;~~

~~(3) Act as legal counsel to the ethics review board in the handling of the subject complaint;~~

~~(4) Issue advisory opinions at the request of the city manager, the city attorney, or any member of the city council, about the requirements imposed by the ethics laws; and~~

~~(5) Be responsible for the training and education of city officials and employees with respect to their ethical responsibilities;~~

~~(6) Review complaints for legal sufficiency;~~

~~(7) Recommend action upon complaints made to the ethics review board; and~~

~~(8) Request additional information from a complainant as needed.~~

~~(c) *Exculpatory evidence.* The ethics compliance officer shall disclose to the ethics review board and provide to the person charged with violating the ethics code evidence known to the ethics compliance officer tending to negate guilt or mitigate the seriousness of the offense, in the reasonable judgment of the ethics compliance officer.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

~~Sec. 2-41. Complaint review and investigation.~~

~~(a) *Investigation.* The ethics review board may direct the ethics compliance officer to investigate the allegations in the complaint or the board may choose to conduct its own investigation by holding hearings as provided in section 2-42.~~

~~(b) *Notice of charges.* The board shall consider whether the facts of the case establish a violation of any provision in the ethics laws, regardless of which provisions, if any, were identified in the complaint as having been allegedly violated. However, before the board may find a violation of a particular rule, the respondent must be on notice that compliance with that rule is in issue and must have an opportunity to respond. Notice is conclusively established by: (1) if the complaint alleged that the rule was violated; (2) if compliance with the rule is raised by the a member or the ethics compliance officer as a disputed issue at a hearing before the board; or if the board or the ethics compliance officer provides the respondent with written notice of the alleged violation.~~

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- (c) ~~*Scheduling of a hearing.* Regardless of whether the complainant or the respondent requests a hearing, the board has discretion to decide whether to hold a hearing.~~
- (d) ~~*Ex parte communications.* It is a violation of this Code:~~
- (1) ~~For the complainant, the respondent, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in ex parte communication about the subject matter of a complaint with a member of the ethics review board or any witness to the violation(s) alleged in the complaint; or~~
 - (2) ~~For a member to:~~
 - a. ~~Knowingly entertain an ex parte communication prohibited by subsection (1) of this rule; or~~
 - b. ~~Communicate directly or indirectly with any person except at a board proceeding or the ethics compliance officer, about any issue of fact or law relating to the complaint.~~
- (e) ~~*Duty to cooperate.* All city officials and employees shall cooperate with the ethics review board and shall supply requested testimony or evidence to assist it in carrying out its charge. Failure to abide by the obligations imposed by this subsection is a violation of this code of ethics.~~
- (f) ~~*Extension of deadlines.* A complainant or respondent who fails to meet a deadline to submit a filing with the ethics review board may file a request for the board to accept late filing. The complainant or respondent must include within the request a statement of good cause in order for the board to grant the request in its sole discretion.~~
- (g) ~~*Timeliness of notices or submissions.* When the ethics code requires a notice or other document to be submitted or otherwise given to a person or to the ethics review board, the requirement is met in a timely fashion if the document is sent to the person or the board by first class mail or certified mail addressed with postage or handling charges prepaid and it bears a post office cancellation mark indicating a date within the time required to provide notice or to submit a document, unless another method of submission is expressly required.~~
- (h) ~~In the event a complaint alleges conduct that constitutes a criminal offense, the board may by majority vote abate the ethics complaint process and forward the matter to the appropriate law enforcement agency. Such abatement shall end at the conclusion of the criminal justice process, at which time the board may resume its adjudication of the complaint. All deadlines imposed by this division shall be tolled during such abatement.~~

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-42. Hearings.

At any hearing held by the ethics review board during the investigation or disposition of a complaint, the following rules apply:

- (1) ~~*General rules.* A quorum of the board must be present for the hearing. Any member who is not present may not participate in the disposition of the case. All witnesses must be sworn and all questioning of witnesses shall be conducted by the members or the ethics compliance officer. The board may establish time limits and other rules relating to the participation of any person in the hearing.~~
- (2) ~~*Evidence.* The board shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The board shall further abide by the following:~~
 - a. ~~The board shall hear evidence relevant to the allegations; and~~
 - b. ~~The board shall not consider hearsay unless it finds the nature of the information is reliable and useful.~~

(3) ~~*The person charged.* The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, the right to be accompanied by legal counsel or another advisor, and the right to cross-examine or have his legal advisor cross-examine any witness questioned by the board or the ethics compliance officer. Only legal counsel to the person charged in the complaint may advise that person during the course of the hearing, but may not speak on his or her behalf, except with the permission of the board. The time permitted for presentation will be at the discretion of the board.~~

(4) ~~*The complainant.* The complainant has the right to attend the hearing, the right to make a statement, and the right to be accompanied by legal counsel or another advisor. Only legal counsel to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except with the permission of the board. Witnesses may not be presented by the complainant, except with the permission of the board.~~

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-43. Disposition.

(a) ~~*Written decision.* The ethics review board shall issue a written decision within 180 days after the filing of a complaint. The board shall state in its decision the board's findings of fact and conclusions of law. The written decision shall declare:~~

(1) ~~That the complaint is unfounded; or~~

(2) ~~That by a preponderance of the evidence there has been a violation of the ethics laws.~~

~~If the board determines that a violation has occurred, the decision shall identify the particular rule or rules violated. If the complaint is declared unfounded, the grounds for the declaration shall be set forth in the decision.~~

(b) ~~*Sanctions.* If the board finds that an ethics violation occurred, the board shall in its decision impose one of the sanctions set forth in section 2-44 and may make one or more of the recommendations set forth in section 2-45.~~

(c) ~~*Notification.* Copies of the board's decision shall be forwarded to the complainant, the person charged in the complaint, the ethics compliance officer, and any member of the ethics review board who did not participate in the disposition of the case. A copy of the opinion shall also be forwarded to the city secretary, who shall make it available as authorized by law.~~

(d) ~~*Similar charges barred.* If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the ethics review board shall not entertain any other similar complaint based on substantially the same evidence.~~

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-44. Sanctions for ethics violation.

(a) ~~The board may impose the following sanctions in its decision that an ethics violation was committed:~~

(1) ~~*Letter of notification.* The ethics review board may issue to any person, whether or not an official or employee of the city, a letter of notification when the board finds that a violation of the code of ethics was clearly unintentional or inadvertent. The letter must advise the person to whom it is directed of any steps to be taken to avoid future violations.~~

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- (2) ~~Letter of admonition.~~ The ethics review board may issue to any person, whether or not an official or employee of the city, a letter of admonition when the board finds that the violation of the code of ethics was minor and/or may have been unintentional or inadvertent.
 - (3) ~~Letter of reprimand.~~ The ethics review board may issue to any person, whether or not an official or employee of the city, a letter of reprimand when the board finds that the person has intentionally or knowingly violated the code of ethics.
 - (4) ~~Referral to ethics training.~~ Upon finding of violation of the ethics code, the ethics review board may recommend that a city official or employee attend ethics code training.
- (b) ~~Factors relevant to sanctions.~~ In deciding which sanction to impose, the ethics review board shall take into account relevant considerations, including, but not limited to, the following:
- (1) ~~The culpability of the person charged in the complaint;~~
 - (2) ~~The harm to public or private interests resulting from the violation;~~
 - (3) ~~The necessity of preserving public confidence in the conduct of local government;~~
 - (4) ~~Whether there is evidence of a pattern of disregard for ethical obligations; and~~
 - (5) ~~Whether remedial action has been taken that will mitigate the adverse effect of the violation.~~
- (Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-45. Recommendations for additional remedies.

- (a) ~~The board may make the following recommendations in its decision that an ethics violation was committed:~~
- (1) ~~Disciplinary action.~~ If the ethics review board finds that an employee of the city has violated this code of ethics, the board may recommend to the city manager that such employee be disciplined in accordance with city personnel rules and procedures.
 - (2) ~~Disqualification from contracting or lobbying.~~
 - a. ~~If the ethics review board finds that any person (including business entities and nonprofit entities) has intentionally or knowingly violated any provision of the ethics code, the ethics review board may recommend to the city council that the person be prohibited from entering into any contract with the city or prohibited from lobbying on behalf of clients before the city for a period not to exceed three years.~~
 - b. ~~It is a violation of this code of ethics:~~
 - 1. ~~For a person disqualified from entering into a contract with the city to enter, or attempt to enter, into a contract with the city during the period of disqualification from contracting; or~~
 - 2. ~~For a city official or employee to knowingly assist a violation of subsection 2-45(a)(2)b.1. of this rule.~~
 - c. ~~Nothing in this section shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, which is generally available to the public, according to the same terms.~~
 - d. ~~A business entity or nonprofit entity may be disqualified from contracting based on the conduct of an employee or agent, if the conduct occurred within the scope of the employment or agency.~~
 - (3) ~~Recommendation to void or ratify contract.~~ If the ethics review board finds that there has been a violation of any provision that is related to the awarding of a contract, the ethics review board may

~~vote on whether to recommend to the city council that the contract be ratified or voided. Such action shall not affect the imposition of any penalty or remedy contained in this code of ethics or any other law.~~

~~(b) The city council shall dispose of a recommendation from the board within 90 days of receiving such recommendation.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Sec. 2-46. Reconsideration.

~~(a) A person found by the board pursuant to the procedures set forth in this division to have committed an ethics violation shall have the right to file a request for reconsideration if:~~

~~(1) The request is filed with the city secretary no later than 12 months after the board issued its decision that the person committed an ethics violation; and~~

~~(2) The request details newly discovered evidence that:~~

~~a. Is relevant and material to the ethics violation;~~

~~b. Was not available to the board in the original proceeding; and~~

~~(3) Could reasonably be expected to have affected the outcome in the original proceeding.~~

~~(b) A request for reconsideration that complies with subsection 2-46(a) shall be handled by the board in the same manner as a complaint of an ethics violation. The board's written decision at the conclusion of the process may:~~

~~(1) Rescind the written decision in the original proceeding and substitute a determination that the original complaint is unfounded;~~

~~(2) Modify the original decision to impose a lesser sanction; or~~

~~(3) Uphold the original decision.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Sec. 2-47. Annual report.

~~The ethics review board shall prepare and submit an annual report to the mayor and city council detailing the activities of the board during the prior year. The format for the report shall be designed to maximize public and private understanding of the board's operations, and shall include a summary of the content of ethics opinions issued by the board and a listing of current city lobbyists based on information gathered by the board from records on file with the city secretary. The report may recommend changes to the text or administration of this code of ethics. The city secretary shall maintain a copy of the annual report of the ethics review board for the public's review.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Sec. 2-48. Public records and open meetings.

~~Except as otherwise provided in this part II, records relating to an alleged violation of the ethics laws shall be subject to the Texas Public Information Act. Meetings and other proceedings of the ethics review board shall be conducted in compliance with the Texas Open Meetings Act.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

~~**Sec. 2-49. Distribution and training.**~~

- ~~(a) The city attorney shall promulgate a notice setting forth the duties of the ethics review board and the procedures for filing complaints to be posted in prominent places in city facilities.~~
- ~~(b) The city attorney in consultation with the ethics review board, shall develop educational materials and conduct educational programs for the officials and employees of the city on the provisions of this code of ethics, City Charter, and V.T.C.A., Local Government Code Ch. 171 and 176. Such materials and programs shall be designed to maximize understanding of the obligations imposed by these ethics laws.~~

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Part III. Campaign Finance³

Sec. 2-50. Statement of policy.

- (a) *General.* It is essential in a democratic system that the public has confidence in the integrity, independence, and impartiality of those who are elected to act on their behalf in government. There is a public perception that a relationship exists between substantial contributions and access to elected officials. To diminish the perceived or actual connection between contributions and influence, the city adopts these municipal campaign finance provisions to promote public confidence and, it is hoped, a greater degree of citizen participation in the electoral process. These campaign finance provisions do not affect any elected official's obligation to comply with all elements of the Texas Election Code and/or any other applicable state law.
- (b) *Definitions.*
- (1) Contribution: A "contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Texas Election Code, and a guarantee of a loan or extension of credit, including a loan described by the Texas Election Code.
- The term "contribution" does not include a loan made in the ordinary due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made, or an expenditure required to be reported under V.T.C.A., Government Code § 305.006.
- (2) A loan is deemed to be made in the ordinary due course of business if it:
- a. Bears the usual and customary interest rate of the lending institution for the category of loan involved;
 - b. Is made on a basis that assures repayment;

³Editor's note(s)—Ord. No. 2019-25, § 1, adopted Sept. 10, 2019, repealed the former Part III, §§ 2-50—2-52, and enacted a new Part III as set out herein. The former Part III pertained to similar subject matter and derived from Ord. No. 2010-09, § 2, adopted March 23, 2010; and Ord. No. 2015-32, § 2, adopted Sept. 8, 2015.

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- c. Is evidenced by a written instrument; and
 - d. Is subject to a due date or amortization schedule.
- (3) Terms not defined in this chapter but defined in the Texas Election Code shall have the meanings assigned to them in the Texas Election Code.

(Ord. No. 2019-25, § 1, 9-10-2019)

Sec. 2-51. ~~Rules of disclosure.~~ Reserved

- (a) ~~———— A candidate for office or current officeholder seeking re-election on the city council of the City of League City, Texas, whether opposed or unopposed, shall, in addition to any other campaign finance disclosures required by the Texas Election Code, file with the office of the city secretary of the City of League City on or before 9:00 a.m. on the Thursday immediately preceding the regular election date, or in the case of a runoff election, on or before 9:00 a.m. on the Thursday immediately preceding the runoff election date, a complete written disclosure of all campaign contributions received by the candidate or officeholder during the contribution cycle which corresponds to such election date or runoff election date. For the purposes of a regular election date, the term "contribution cycle" shall have the meaning affixed under subsection 2-52(a)(1)a. below. For the purposes of a runoff election date, the term "contribution cycle" shall have the meaning affixed under subsection 2-52(a)(1)b. below.~~
- (b) ~~———— The reports required by subsection (a) above shall include only such contributions which are not otherwise disclosed in a campaign finance disclosure required by the Texas Election Code and will describe, on forms to be made available by the city secretary, the amount of each contribution or the value and nature of any in-kind contribution, as well as the name and address of the individual or political committee making the contribution, and the date of the contribution.~~
- (c) ~~———— Upon receipt of such reports, the city secretary shall ensure that the reports are posted on the city's website on or before 12:00 p.m. on the Friday immediately preceding the regular election date, or in the case of a runoff election, on or before 12:00 p.m. on the Friday immediately preceding the runoff election date.~~
- (d) ~~———— In addition to the reports outlined above, the city secretary shall, within 24 hours of their respective receipt, post on the city's website full and complete copies of all campaign finance reports required to be filed by candidates or officeholders with the city secretary under the Texas Election Code.~~
- (e) ~~———— In addition to the reports required above, a candidate for office, including a current officeholder seeking re-election, on the city council of the City of League City, Texas, shall file with the office of the city secretary, within 30 days of becoming a candidate, a report that discloses the candidate's:~~
- (1) ~~———— Work history for the preceding 25 years or since age 21, whichever is shorter, detailing each place of employment, a description of each position held, and that position's responsibilities;~~
 - (2) ~~———— Educational background, including all institutions of higher education attended and any degrees obtained therefrom;~~
 - (3) ~~———— Holding of licenses or certifications to engage in a particular profession, trade, or craft;~~

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- ~~(4) Convictions for any crime of moral turpitude or any offense higher than a class C misdemeanor, along with the candidate's date of birth and driver's license number; and~~
- ~~(5) Three professional references.~~
- ~~(f) All members of the city council in office at the time of adoption of subsection (e) shall file the reports required herein within 30 days of said adoption. All members of the city council shall have the duty to update the reports required by subsection (e) within 30 days of any change to the information previously disclosed.~~
- ~~(g) The city secretary shall forward a copy of all reports filed pursuant to subsection (e) to the city attorney, who shall verify or cause to be verified the criminal record of each person who filed a report. Any information contained in the reports that is confidential under any law shall not be subject to disclosure under the Texas Public Information Act, and any public request for such confidential information shall be sent to the office of the Attorney General of the State of Texas for a determination of the city's obligation to disclose.~~
- ~~(h) The failure of a person to file or update the report required in subsection (e) shall not render the person ineligible to hold any elective office nor subject the person to any penalties or sanctions, except the city secretary shall maintain for public inspection a list of all persons who have failed to file a report required by subsection (e).~~

Sec. 2-52. Conflicts of interest.

(a) *Definitions.*

(1) Contribution cycle: The following constitute separate contribution cycles:

- a. The pre-election contribution cycle begins on July 1 of the calendar year before the date of the regular municipal election, and ends on the date of the regular municipal election;
- b. For a candidate or officeholder in a runoff election after the regular municipal election, beginning the day after the regular municipal election and ending on the date of the runoff election;
- c. The post-election contribution cycle begins on the day after the regular municipal election or the day after the runoff election, as applicable, until June 30 of the calendar year before the next regular municipal election.

(b) *Conflicts of interest, generally.*

- (1) A city councilperson or mayor shall abstain from participation in discussion of and any vote on a matter, and shall file an affidavit stating the nature and extent of his or her reason for abstention in a matter, when an action on the matter by the city council will have a special economic effect on a person or entity that is distinguishable from its effect on the public where the city councilperson or mayor received campaign contributions exceeding \$1,500.00 in the aggregate from such person or entity during the contribution cycles which correspond to the regular or runoff election date for the councilperson's or mayor's current term of office.
- (2) For the purposes of this subsection, the term "contribution" shall have the meaning assigned to it under subsection 2-50(b).
- (3) A city official who is required to abstain from participation in a matter under this section or under state law shall leave the room where the meeting is held during any discussion of, and vote on, the matter.

~~(Ord. No. 2019-25, § 1, 9-10-2019)~~

Secs. 2-53—2-60. Reserved.

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