

RESOLUTION NO 15-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS,
ADOPTING AN ETHICS POLICY FOR ELECTED AND APPOINTED OFFICIALS FOR
THE CITY OF COMMERCE, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Commerce is a representative democracy and those who are elected or appointed to serve others as representatives accept a public trust that requires them to faithfully and diligently fulfill their public responsibilities; and

WHEREAS, the City Council of the City of Commerce recognizes that those individuals who serve as public servants must adhere to a higher ethical standard of conduct since the activities of government should benefit the community as a whole and should never benefit the individual interest of public decision makers; and

WHEREAS, the City of Commerce Ethics Policy for City Council, Boards, Commissions and Committees of the city of Commerce is an aspirational document intended to encourage awareness of ethical issues among members of City Council, boards, commissions, and committees of the City of Commerce; and

WHEREAS, the City of Commerce Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Commerce provides guidance for the resolution of ethical dilemmas that may be encountered by members.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS, THAT:

SECTION 1. The attached ETHICS POLICY for Elected and Appointed Officials is adopted and shall apply to all elected and appointed officials of the City of Commerce.

BE IT FURTHER RESOLVED, that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute said resolution.

BE IT FURTHER RESOLVED, that the City Secretary be authorized and she is hereby authorized to authenticate the signature of the Mayor to said resolution.

BE IT FURTHER RESOLVED, that the City Manager of the City of Commerce, Texas, be authorized and he is hereby authorized to execute on behalf of the City of Commerce any and all instruments requisite to implementing said resolution.

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite to implementing said resolution.

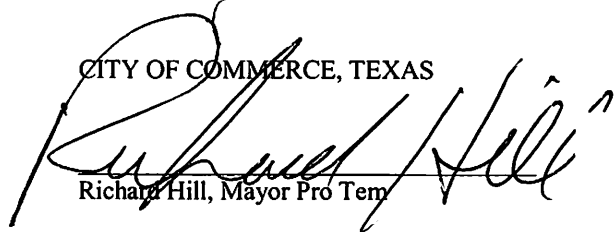
PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 21st day of July 2015.

ATTEST:

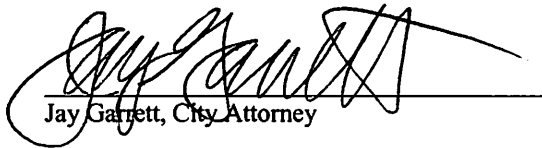

Marty Keene, City Secretary

(Seal)

CITY OF COMMERCE, TEXAS


Richard Hill, Mayor Pro Tem

APPROVED AS TO FORM:


Jay Garrett, City Attorney

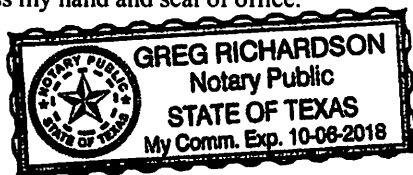
I, Marty Keene, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

(seal)


City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 7th day of October, 2015 to certify which witness my hand and seal of office.

(seal)




Notary Public
State of Texas

EthicsPolicyAdoption.072115

**ETHICS POLICY
FOR
CITY OF COMMERCE
CITY COUNCIL, BOARDS, COMMISSIONS, COMMITTEES**

I. Purpose

This Ethics Policy has been adopted to encourage and ensure the highest standards of personal and public conduct during tenure in office. Adherence to this Policy will maintain confidence in the decision-makers and representatives of the City who must remain independent, impartial, and accountable to the people they serve. In addition, elected and appointed officials must adhere to the laws of the State of Texas, City Charter provisions, and other applicable rules governing their conduct.

II. Principles of Conduct

Further, the City Council believes that an elected or appointed official of the City assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following: (1) commitment beyond self; (2) obedience and commitment beyond the law; (3) commitment to the public good; (4) respect for the value and dignity of all individuals; (5) accountability to the public; (6) truthfulness; (7) fairness; and (8) responsible application of resources.

III. Persons Affected by Policy

This policy applies to the Mayor, City Council members, and to appointed members of all boards, committees, and commissions of the City of Commerce (collectively "officials"). This policy does not apply to members of ad hoc committees.

IV. Conflicts of Interest

- A. **Disclosure of Interest:** If any official has a substantial or precautionary interest, or an actual conflict of interest in any business entity or real property directly and particularly involved in a decision pending before such official, or the body of which he or she is a member, the official shall disclose such interest and shall not vote or otherwise participate in the consideration of the matter prior to any discussion or determination of the matter if such a vote or participation is illegal or improper under the terms of Chapter 171 of the Local Government Code of the State of Texas, as now or hereafter amended. Any willful violation of that section shall constitute malfeasance in office and any member of the Council, officer, or employee guilty thereof shall forfeit the office or position.
- B. **Disclosure shall be made by either filing an affidavit of disclosure as required by Section 171.004 of the Texas Local Government Code or, if not so required, by disclosing in the official records of the body the nature of the interest.**
- C. **Potential Conflict:** If any official has a potential conflict of interest, that official may engage in both the vote and discussion, but the potential conflict must be disclosed prior to participation.
- D. **Exceptions:** If the official has an interest that is included within a whole class of citizens, such as property taxpayers, an exception is made to allow the persons affected by this policy to vote. This only applies in case of votes or decision where officials have a personal or pecuniary interest no

greater than that of persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.

V. Improper Economic Benefit

To avoid the appearance and risk of impropriety, an official shall not take any official action that he or she knows is likely to affect particularly the economic interests of the official, the official's outside client, the official's outside employer, a business entity in which the official knows that he or she holds an economic interest, a business entity that the official knows is an affiliated business or partner of a business entity in which he or she holds an economic interest, a business entity for which the official serves as an officer or director or in any other policymaking position.

Further, an official shall not take any official action that he or she knows is likely affect particularly the economic interests of a person or business entity from whom, within the past 12 months, the official directly or indirectly has: (1) solicited an offer of employment; (2) received and not rejected an offer of employment; (3) accepted an offer of employment; or, (4) with whom the official or employee, directly or indirectly, is engaged in negotiations pertaining to a business opportunity.

VI. Unfair Advancement of Private Interests

An official may not use his or her official position to unfairly advance or impede personal interest by granting or securing, or attempting to grant or secure, for any person any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every person or organization. To adhere to this policy, an official shall not: (1) acquire an interest in any matter if the official knows that the interest will be affected by impending official action of the City; (2) acquire an interest in any matter affected by an official of the City for a period of one year after the date of the official action; or (3) enter into an agreement or understanding with any other person that official action by the official will be rewarded or reciprocated by the other person.

VII. Gifts

An official shall not accept any gift from a person that might reasonably tend to influence such officer in the discharge of official duties, or that the officer knows or should know is being offered with the intent to influence the officer's official conduct.

VIII. Confidential Information

An official shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's position to any party not entitled to receive such information nor shall he or she use such information for his or her personal gain or benefit.

IX. Conflicting Outside Employment

An official shall not solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties. Further, an official shall not personally provide services for compensation directly or indirectly to a person or organization that is requesting an approval, investigation, or determination from the body of which the official is a member.

X. Duty to Report

Officials have a duty to create the image and reality of a responsive, accessible, and fair city government. Accordingly, officials have a duty to report if another official is violating laws or ethics relating to the City of Commerce government as set forth in this policy. Moreover, officials should never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty disclose such improper activity. If an official believes that someone else may have violated this policy, he or she may consult with the City Attorney's Office.

XI. Other Law to Apply

In addition to the items listed above, all elected officials are expected to adhere at all times to the following additional law:

Texas Civil Statutes

1. Open Meetings Act (Tex. Govt. Code. Ann., Ch. 551)
2. Public Information Act/Open Records Act (Tex. Govt. Code, Ann. Ch. 552)
3. Conflict of Interest (Tex. Loc. Govt. Code, Ch. 171, Ch. 212)
4. Official Misconduct (Tex. Penal Code, Ch. 36, Ch. 39)
5. Nepotism (Tex. Rev. Civ. Stat. Ann., arts. 5996a & 5996b)
6. Whistleblower Protection (Tex. Rev. Civ. Stat. Ann., art. 6552-16a)
7. Competitive Bidding and Procurement (Tex. Loc. Govt. Code, Ch. 252)

Texas State Penal Laws

1. Bribery (Tex. Penal Code, § 36.02)
2. Coercion of Public Servant or Voter (Tex. Penal Code, § 36.03)
3. Improper Influence (Tex. Penal Code § 36.04)
4. Tampering with a Witness (Tex. Penal Code § 36.04)
5. Retaliation (Tex. Penal Code § 36.06)
6. Gifts to Public Officials (Tex. Penal Code § 36.08)
7. Offering Gift to Public Servant (Tex. Penal Code § 36.09)
8. Abuse of Office (Chapter 39)
9. Official Misconduct (Tex. Penal Code § 39.01)
10. Official Oppression (Tex. Penal Code § 39.02)
11. Misuse of Official Information (Tex. Penal Code § 39.03)

City Documents

The City of Commerce Charter and all applicable City policies adopted by the Council. To the extent any conflict arises between the Charter and this Ethics Policy, the Charter will control.

Date of Adoption: July 21, 2015
Resolution #: 15-20