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SOUTH PADRE ISLAND
CODE OF ETHICS



City of South Padre

Code of Ethics Summary

Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of South Padre Island to enforce the City Home Rule Charter and the associated ordinances and codes. To ensure and enhance public confidence in City Government, each city official must not only adhere to the principles of ethical conduct, but they must scrupulously avoid the appearance of impropriety at all times.

- 1.) Each City Official, Shall maintain with the City Secretary Financial Disclosure Documents as defined in the City Code of Ethics
- 2.) Each City Official Shall refrain from Representation or Advancement of Private interests that impact on City Business as defined in the City Code of Ethics which includes:
 - a. Discretionary & Bid Contracts
 - b. Prior Contract Participations
 - c. Conflicts of Interest
 - d. Prohibited Personal Interests
- 3.) Each City Official Shall refrain from accepting Gifts as outlined in the South Padre Island; Home Rule Charter or Code of Ethics
- 4.) Each City Official Shall Not Intentionally, Knowingly, or Recklessly disclose any confidential information gained by reason of position concerning the Property, Operations, Policies or Affairs of the City
- 5.) A City Official shall not violate the City Charter or City Code of Ethics through the acts of another.
- 6.) Each City Official Shall be limited in political activities by State Law, City Charter and City Code of Ethics

7.) A City Official Shall Not Use, Request, or Permit the use of city facilities, personnel, equipment, or supplies or time while on city duty for private purposes as defined by the Code of Ethics

Failure to abide by these Rules is a violation of the City Code of Ethics and could result in a complaint be filed against the City Official for Punitive Action(s)

The City of South Padre Island

Ethics Code

February 7, 2011

Code of Ethics Summary

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DIVISION 1: DECLARATION OF POLICY

SECTION 1-1 STATEMENT OF PURPOSE

It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in government. Such confidence depends not only on the conduct of those who exercise official power, but on the availability of aid or redress to all persons on equal terms and on the accessibility and dissemination of information relating to the conduct of public affairs. For the purpose of promoting confidence in the government of the City of South Padre Island and thereby enhancing the city's ability to function effectively, this code of ethics is adopted. The code establishes standards of conduct, disclosure requirements, and enforcement mechanisms relating to city officials and others whose actions inevitably affect public faith in city government, such as members of appointed Committees and Boards, former city officials, candidates for public office and persons doing business with the city. By prohibiting conduct incompatible with the city's best interests and minimizing the risk of any appearance of impropriety, this code of ethics furthers the legitimate interests of democracy.

Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of South Padre Island to enforce the City Home Rule Charter and the associated Ethics ordinances and codes. To ensure and enhance public confidence in City Government, each city official must not only adhere to the principles of ethical conduct set forth in this code and technical compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times.

It is neither the intent nor the desire of the Board of Ethics to impede or interfere with the City's responsibility for establishing and enforcing standards of conduct for City employees. There are City employees who are subject to both the South Padre Island Code of Ethics and the City Employees Handbook. Should circumstances arise which place such a city employee in violation of the South Padre Island Code of Ethics and the Employees Handbook, or only the Employees Handbook, then that city employee shall be subject to disciplinary action in accordance with provisions contained in the City Employees Handbook.

SECTION 1-2 DEFINITIONS

As used in this code of ethics, the following words and phrases have the meaning ascribed to them in this Section, unless the context requires otherwise or more specific definitions set forth elsewhere in this code apply:

- (a) *Acceptance.* A written or verbal indication that someone agrees: "Acceptance" of an offer of subsequent employment or business opportunities includes legally binding contracts and all informal understandings that the parties expect to be carried out. An agreement, either by express act or by implication from conduct, to the terms of an offer such that a binding contract is formed.
- (b) *Affiliated.* Business entities are "affiliated" if one is the parent or subsidiary of the other or if they are subsidiaries of the same parent business entity.
- (c) *Affinity.* Relationship by "affinity" (by marriage) is defined in the Texas Government Code. (see attachment I for chart)
- (d) *Before the City.* Representation or appearance "before the city" means before the City Council; before a board, commission, or other city entity; or before a city official. Representation "before the city" does not include representation before a board where members of said board are not wholly appointed by the City Council.
- (e) *Benefit.* "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.
- (f) *Entity.* "Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.
- (g) *Candidate.* "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:
 - (1) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
 - (2) the filing of an application for a place on a ballot;
 - (3) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
 - (4) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication; and
 - (5) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure.
- (h) *City.* "City" means the City of South Padre Island.
- (i) *Code of Ethics.* "Code of ethics," "ethics code," or "this code" means Divisions 1 through 8 of this Document, its amendment(s) and/or enhanced definitions.
- (j) *"Complainant"* means an individual who has filed a sworn complaint with the City Secretary as provided in Division 7, Section 7-4 (Complaints).

- (k) *Confidential Government Information.* "Confidential government information" includes all information held by the city that is not available to the public under the Texas Public Information Act and any information from a meeting closed to the public pursuant to the Texas Open Meetings Act, unless disclosure is permitted under the Open Meetings Act.
- (l) *Consanguinity.* Relationship by "consanguinity" (by blood) is defined in Sections 573.022 and 573.023 of the Texas Local Government Code. (see attachment I for chart)
- (m) *Discretionary Contract.* "Discretionary contract" means any contract other than those which by law must be awarded on a low or high qualified bid basis. Discretionary contracts do not include those contracts subject to Section 252.022(a)(7) of the Texas Local Government Code or those contracts not involving an exercise of judgment or choice.
- (n) *Economic Interest.* "Economic interest" includes, but is not limited to, legal or equitable property interests in land, chattels, and intangibles, and contractual rights as defined as a substantial interest by Chapter 171 of the Texas Local Government Code. 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 for that city official an economic interest in the property of the organization.

Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in such securities or other assets unless the person in question participates in the management of the fund.

- (o) *Employee.* Except as provided in Section 2-10 of Division 2 (Prohibited Interests in Contracts), and Section 3-4(c) of Division 3 (Discretionary Contracts), the term "employee" is any person or position listed by the City of South Padre Island on appointed board's payroll as an employee, whether part-time or full-time.
- (p) *Former City Official.* A "former city official" is a person whose city duties terminate on or after the effective date of this code.
- (q) *Gift.* "Gift" means a voluntary transfer of property (including the payment of money) or the conferral of a benefit having pecuniary value (such as the rendition of services or the forbearance of collection on a debt), unless consideration of equal or greater value is received by the donor.
- (r) *Indirect Ownership.* A person "indirectly owns" 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.
- (s) *Intentionally.* A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
- (t) *Knowingly.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that his or her conduct is reasonably certain to cause the result.
- (u) *Official.* The term "official" or "city official" includes the following persons:

Mayor, Council Members, City Attorney, Municipal Judge, City Manager, Assistant City Manager, City Secretary, Police Chief, Fire Chief, Department Heads, and members of boards, commissions,

committees, task forces and other bodies created by the City Council pursuant to Federal or State law, City Ordinance or Resolution, that are more than advisory only in nature, who are appointed by City Council or who are designated in the by-laws or organization papers of the entity to serve on behalf of the city; and board members of any entity who are appointed by the City Council to such board membership.

- (v) *Official Action.* "Official action" includes:
 - (1) any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an official's duties, and
 - (2) any failure to act, if the official or employee is under a duty to act and knows that inaction is likely to affect substantially an economic interest of the official or any person or entity listed in Subsections 2-1(a)(2) through (9) of Division 2 (Conflicts of Interest).
- (w) *Official Information.* "Official information" includes information gathered pursuant to the power or authority of city government.
- (x) *Ownership.* Ownership of an interest in a mutual or common investment fund that holds securities or other assets does not constitute direct or indirect ownership of such securities or other assets unless the person in question participates in the management of the fund.
- (y) *Partner.* Someone who engages in an activity or undertaking with another; "Partner" includes partners in general partnerships, limited partnerships, and joint ventures. One who shares or takes part with another especially in a venture with shared benefits and shared risks.
- (z) *Personally and Substantially Participated.* "Personally and Substantially Participated" means to have taken action as an official or employee through decision, approval, disapproval, recommendation, giving advice, investigation or similar action. The fact that the person had responsibility for a matter does not by itself establish that the person "personally and substantially participated" in the matter.
- (aa) *Recklessly.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.
- (bb) *Representation.* "Representation" is a presentation of fact – either by words or by conduct – made to induce someone to act. Representation does not include appearance as a witness in litigation or other official proceedings.
- (cc) *Respondent* means an individual identified in a sworn complaint to have allegedly violated the Ethics Code of the City of South Padre Island.
- (dd) *Solicitation.* "Solicitation" of subsequent employment or business opportunities includes all forms of proposals and negotiations relating thereto.

DIVISION 2: PRESENT CITY OFFICIALS AND EMPLOYEES

SECTION 2-1 CONFLICTS OF INTEREST

- (a) **General Rule.** To avoid the appearance and risk of impropriety, a city official shall not take any official action that he or she knows is likely to affect the economic interests of:
- (1) the official;
 - (2) his or her parent, child, spouse, or other family member within the first degree of consanguinity or affinity;
 - (3) a member of his or her household;
 - (4) his or her outside client;
 - (5) the outside employer of the official or employer or of his or her parent, child (unless the child is a minor), spouse, or member of the household (unless member of household is a minor);
 - (6) a business entity in which the official knows that any of the persons listed in Subsections (a)(1) thru (a)(3) holds an economic interest as that term is defined in Section 1-2;
 - (7) a business entity which the official or employee knows is an affiliated business or partner of a business entity in which any of the persons listed in Subsections (a)(1) or (a)(3) holds an economic interest as defined in Section 1-2;
 - (8) a business entity or nonprofit entity for which the city official or employee serves as an officer or director or in any other policy making position; other than non-profit boards to which the official is appointed by the City Council or city management as a non-voting member to represent the best interests of the city; or
 - (9) a person or business entity with whom, within the past twelve months:
 - (A) the official, or his or her spouse, directly or indirectly has
 - (i) solicited an offer of employment for which the application is still pending,
 - (ii) received an offer of employment which has not been rejected, or
 - (iii) accepted an offer of employment; or
 - (B) the official, or his or her spouse, directly or indirectly engaged in negotiations pertaining to business opportunities impacting the city , where such negotiations are pending or not terminated.
- (b) **Recusal and Disclosure.** A city official whose conduct would otherwise violate Subsection (a) must recuse himself or herself. From the time that the conflict is, or should have been recognized, he or she shall:

- (1) immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and
- (2) promptly file with the City Secretary the appropriate Texas Local Government Code affidavit for disclosing the nature and extent of the prohibited conduct.

In addition:

- (3) A member of a board shall promptly disclose the conflict to other members of the board and shall not participate during the board's discussion of, or voting on, the matter.

(c) **Definitions.** For purposes of this rule:

- (1) An action is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof; and
- (2) The term *client* includes business relationships of a highly personalized nature, but not ordinary business-customer relationships.

SECTION 2-2 UNFAIR ADVANCEMENT OF PRIVATE INTERESTS

- (a) **General Rule.** A city official may not use his or her official position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official who represents to a person that he or she may provide an advantage to that person based on the official's position on a board or commission violates this rule.
- (b) **Special Rules.** The following special rules apply in addition to the general rule:
 - (1) **Acquisition of Interest in Impending Matters.** A city official shall not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the official knows, or has reason to know, that the interest will be directly or indirectly affected by impending official action by the city.
 - (2) **Reciprocal Favors.** A city official may not 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, directly or indirectly.
 - (3) **Appointment of Relatives.** A city official shall not appoint or employ or vote to appoint or employ any relative within the third degree of consanguinity or affinity or any member of his or her household to any office or position of employment within the city.

(4) **Supervision of Relatives.** No official shall be permitted to be in the line of supervision of a relative within the third degree of consanguinity or third degree of affinity or any member of his or her household. Department heads are responsible for enforcing this policy. If an employee, by reason of marriage, promotion, reorganization, or otherwise, is placed into the line of supervision of a relative, one of the employees will be reassigned or other reasonable arrangements will be made for supervision.

(c) **Recusal and Disclosure.** A city official whose conduct would otherwise violate this Section shall adhere to the recusal and disclosure provisions provided in Section 2-1(b) of Division 2 (Conflicts of Interest).

SECTION 2-3 GIFTS

(a) **General Rule.**

(1) A city official shall not solicit, accept, or agree to accept any gift or benefit for himself or herself or his or her business (consistent with Chapters 171 & 176 of the Texas Local Government Code).

(A) that reasonably tends to influence or reward official conduct; or

(B) that the official knows or should know is being offered with the intent to influence or reward official conduct.

A city official may accept a public award or reward for meritorious service of professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under the Texas Penal Code Section 36.08.

(2) A city official shall not solicit, accept, or agree to accept any gift or benefit, from:

(A) any individual or entity doing or seeking to do business with the City; or

(B) any person or entity seeking action or advocating on zoning or platting matters before a city body,

save and except for

i) items received that are of nominal value; or

ii) meals in an individual expense of \$50 or less at any occurrence, and no more than a cumulative value of \$500 in a single calendar year from a single source.

Doing business with the city includes, but is not limited to, individuals and entities that are parties to a discretionary contract, individuals and entities that are subcontractors to a discretionary contract, and partners and/or parents and/or subsidiary business entities of any individuals and entities that

are parties to a discretionary contract and individuals or entities that seek or have low-bid contracts with the city.

(b) **Special Applications.** Subsection (a)(2) does not include:

- (1) a gift to a city official relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
- (2) advancement for or reimbursement of reasonable expenses for travel in connection with official duties authorized in accordance with city policies; such payments must be disclosed in a travel expense report as required by the city; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy will be treated as a personal gift to the official.
- (3) A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion and it is not prohibited under the Texas Penal Codes
- (4) a loan from a lending institution made in its regular course of business on the same terms generally available to the public;
- (5) a scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;
- (6) any solicitation for civic or charitable causes;
- (7) admission to an event in which the city official is participating in connection with his or her spouse's position;
- (8) ceremonial and protocol gifts presented to city officials from a foreign government or international or multinational organization and accepted for the City of South Padre Island;
- (9) admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the sponsor of the event, and unsolicited by the City official, if attending or participating in an official capacity, including:
 - (A) the official participates in the event as a speaker or panel participant by presenting information related to matters before the City; or
 - (B) the official performs a ceremonial function appropriate to that individual's position with the City; or
 - (C) attendance at the event is appropriate to the performance of the official duties or representative function of the official;

- (10) admission to a charity event provided by the sponsor of the event, where the offer is unsolicited by the City official;
 - (11) admission to training or education program, including meals and refreshments furnished to all attendees, if such training is related to the official's official duties and the training is in the interest of the City.
- (c) **Campaign Contribution Exception.** The general rule stated in Subsection (a) does not apply to a campaign contribution made pursuant to the Texas Election Code.
- (d) **Gifts to Closely Related Persons.** A city official shall take reasonable steps to persuade:
- (1) a parent, spouse, child, or other relative within the second degree of consanguinity or affinity, or
 - (2) an outside business associate
- not to solicit, accept, or agree to accept any gift or benefit:
- (3) that reasonably tends to influence or reward the city official's official conduct, or
 - (4) that the official knows or should know is being offered with the intent to influence or reward the city official's discharge of official duties.

If a city official required to file a financial disclosure report under Division 6 (Financial Disclosure) knows that a gift or benefit meeting the requirements of this rule including Subsections (d)(3) or (d)(4) has been accepted and retained including those persons identified in Subsections (d)(1) or (d)(2) of this rule, the official shall promptly file a Gift Report Form with the City Secretary disclosing the donor, the value of the gift(s) or benefit(s), the recipient, and the recipient's relationship to the official filing the report. (Form #2 Attached)

- (e) **Definitions.**
- (1) For purposes of this rule, a person is an "outside business associate" if both that person and the city official own, with respect to the same business entity:

- (A) ten (10) percent or more of the voting stock or shares of the business entity, or
 - (B) ten (10) percent or more of the fair market value of the business entity.
- (2) For purposes of this rule, a "sponsor" of an event is the person or persons primarily responsible for organizing the event or sponsoring a table or tables. A person who simply contributes money or buys tickets to an event is not considered a sponsor.
 - (3) A "source" is the individual or entity that funds an expenditure or series of expenditures. Expenditures made by multiple agents of the same source are deemed to be expenditures from a single source.
 - (4) Any item of "nominal value" is an item with a fair market value as specified by the Texas Local Government Code Chapter 176.

SECTION 2-4 CONFIDENTIAL INFORMATION

- (a) **Improper Access.** A city official shall not use his or her position to obtain official information about any person or entity for any purpose other than the performance of official duties.
- (b) **Improper Disclosure or Use.** A city official shall not intentionally, knowingly, or recklessly disclose any confidential information gained by reason of said official's position concerning the property, operations, policies or affairs of the city. This rule does not prohibit:
 - (1) any disclosure that is no longer confidential by law; or
 - (2) the confidential reporting of illegal or unethical conduct to authorities designated by law.

SECTION 2-5 REPRESENTATION OF PRIVATE INTERESTS

- (a) **Representation Before the City by a Member of the Board.** A city official who is a member of a board or other city body shall not represent any person, group or entity:
 - (1) before that board or body;
 - (2) before city staff having responsibility for making recommendations to, or taking any action on behalf of, that board or body, unless the board or body is only advisory in nature; or
 - (3) before a board or other city body which has appellate jurisdiction over the board or body of which the city official is a member, if any issue relates to the official's official duties.
- (b) **Representation Before the City by City Officials and Employees.**
 - (1) **General Rule.** A city official shall not represent for compensation any person, group, or entity, other than himself or herself, or his or her spouse or minor children, before the city. For

purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

- (2) **Exception for Board Members.** The rule stated in subsection b(1) does not apply to a person who is classified as a city official only because he or she is an appointed member of a board or other city body.

- (c) **Prestige of Office and Improper Influence.** In connection with the representation of private interests before the city, a city official or employee shall not:
 - (1) assert the prestige of their position for the purpose of advancing private interests; or
 - (2) state or imply that he or she is able to influence city action on any basis other than the merits.

- (d) **Representation in Litigation Adverse to the City.**
 - (1) **Officials (Other than Board Members).** A city official, other than a person who is classified as an official only because he or she is an appointed member of a board or other city body, shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city.
 - (2) **Board Members.** A person who is classified as a city official only because he or she is an appointed member of a board or other city body shall not represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to interests of the city and the matter is substantially related to the official's duties to the city.

SECTION 2-6 CONFLICTING OUTSIDE EMPLOYMENT

- (a) **General Rule.** A city official engaged in concurrent outside employment which could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties should recuse themselves from any issues brought before that body for consideration.

SECTION 2-7 PUBLIC PROPERTY AND RESOURCES

A city official shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies or time while on city duty for private purposes (including political purposes), except:

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

SECTION 2-8 POLITICAL ACTIVITY

Limitations on the political activities of city officials and employees are imposed by state law, the City Charter, and city personnel rules and are incorporated into this provision by reference. In addition, the following ethical restrictions apply:

- (a) **Influencing Subordinates.** A city official shall not, directly or indirectly, induce or attempt to induce any city subordinate of the official:
 - (1) to 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
 - (2) to refrain from engaging in any lawful political activity.

A general statement merely encouraging another person to vote does not violate this rule.

- (b) **Paid Campaigning.** A city official shall not accept anything of value, directly or indirectly, for political activity relating to an item pending on the ballot, if he or she participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item. Anything of value does not include a meal or other item of nominal value the city official or employee receives in return for providing information on an item pending on the ballot.
- (c) **Official Vehicles.** A city official shall not display or fail to remove campaign materials on any city vehicle under his or her control.

SECTION 2-9 ACTIONS OF OTHERS

- (a) **Violations by Other Persons.** A city official shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate any provision in this code of ethics.
- (b) **Using Others to Engage in Forbidden Conduct.** A city official shall not violate the provisions of this code of ethics through the acts of another.

SECTION 2-10 PROHIBITED INTERESTS IN CONTRACTS

- (a) **Charter Provision.** As specified in the City of South Padre Island Home Rule Charter Conflicts of Interest. The Mayor, Council Members, appointed officers and employees of the city are subject to the conflict of interest and disclosure provisions as provided in the Texas Local Government Code Chapter 171. No officer or employee of the City shall have a financial interest, direct or indirect, in the sale to the City of any land, materials, supplies, or service, except on behalf of the City, as a City official. Any willful violation of this Section shall constitute malfeasance in office, and any City Official guilty thereof shall thereby forfeit that office or position. Any violation of this Section, with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the City Manager or the City Council. Contracts prohibited by this section are contracts that result in the payment of public funds.

(b) **Financial Interest.** A City official is presumed to have a prohibited “financial interest” in a contract with the city or in the sale to the city of land, materials, supplies, or service, if any of the following individuals or entities is a party to the contract or sale:

- (1) the City official;
- (2) his or her spouse, sibling, parent, child or other family member within the first degree of consanguinity or affinity;
- (3) a business entity in which the City official, or his or her parent, child or spouse, directly or indirectly owns:
 - (A) ten (10) percent or more of the voting stock or shares of the business entity, or
 - (B) ten (10) percent or more of the fair market value of the business entity; or
- (4) a business entity of which any individual or entity listed in Subsection (1), (2) or (3) is:
 - (A) a subcontractor on a city contract;
 - (B) a partner; or
 - (C) a parent or subsidiary business entity.

(c) If a City official has or may potentially have a presumed prohibited financial interest in a contract with the city, or in the sale to the city of land, materials, supplies or service under this division, the City official may apply to the Board of Ethics for a determination and decision on whether the City official has an actual direct or indirect financial interest in that contract or transaction.

The Board of Ethics will make this assessment using a standard of “clear and convincing” evidence at a hearing. A request for such a determination cannot be made confidentially. The hearing must be posted two weeks in advance clearly stating the official or employee with the presumed prohibited financial interest, the contract or transaction at issue, and the individual or business entity that is the party to the contract or transaction at issue.

(d) Any contract or transaction already in place, at the time the individual becomes a City official subject to the prohibitions in this Division, may remain in place until the contract expires or the transaction is completed without creating a prohibited financial interest for the City official.

SECTION 2-11 PERSONS REQUIRED TO REPORT; TIME TO REPORT

(a) A City official who has knowledge of a violation of any of the provisions of this Ethics Code shall report this violation as provided below within seven (7) business days after the person has knowledge of a violation. A City official shall not delegate to, or rely on, another person to make the report. Any City official who has knowledge that a violation of the Ethics Code has been committed and intentionally fails to report such violation is subject to the penalties herein.

(b) A report made under this Section shall be made to the City Secretary or his or her designee on the Violation form. (Form # 3 Attached)

(c) A report shall state:

- (1) the name of the City official who believes that a violation of a provision of the Ethics Code has been or may have been committed;
- (2) the identity of the person or persons who allegedly committed the violation;
- (3) a statement of the facts on which the belief is made; and
- (4) any other pertinent information concerning the alleged violation.

DIVISION 3: FORMER CITY OFFICIALS

SECTION 3-1 CONTINUING CONFIDENTIALITY

A former city official shall not use or disclose confidential government information acquired during service as a city official. This rule does not prohibit:

- (a) any disclosure that is no longer confidential by law; or
- (b) the confidential reporting of illegal or unethical conduct to authorities designated by law.

SECTION 3-2 SUBSEQUENT REPRESENTATION OF PRIVATE INTERESTS

- (a) **Representation of Private Interests before the City by a Former Board, Panel, Commission or Committee Member.** A person who was a member of a board or other city body shall not represent any person, group, or entity for a period of six (6) months after the termination of his or her official duties before that body or

- (b) **Representation of Private Interests before the City by Former City Officials.** A former city official shall not represent for compensation any person, private group, or private entity, other than himself or herself, or his or her spouse or minor children, before the city for a period of six (6) months after termination of his or her official duties. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member of a board or other city body. This subsection does not apply to businesses the former city official owned or worked for prior to their becoming a city official. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.
- (c) **Improper Representation of Influence.** In connection with the representation of private interests before the city, a former city official shall not state or imply that he or she is able to influence city action on any basis other than the merits.
- (d) **Representation in Litigation Adverse to the City.** A former city official shall not, absent consent from the city, represent any person, group, or entity, other than himself or herself, or his or her spouse or minor children, in any litigation to which the city is a party, if the interests of that person, group, or entity are adverse to the interests of the city and the matter is one in which the former city official personally and substantially participated prior to termination of his or her official duties.

SECTION 3-3 PRIOR PARTICIPATION IN THE NEGOTIATION, AWARD OR ADMINISTRATION OF CONTRACTS

A former city official shall not, within six (6) months of the termination of official duties for the city, perform work on a compensated basis relating to a discretionary city contract, if he or she personally and substantially participated in the negotiation, award or administration of the contract. This subsection does not apply for those city officials returning to employment held prior or during their time as a city official.

A former city official, within six (6) months of termination of official duties, must disclose to the City Secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary city contract for which he or she did not personally and substantially participate in its negotiation, award or administration. This subsection does not apply to a person who was classified as a city official only because he or she was an appointed member of a board or other city body.

SECTION 3-4 PROHIBITED INTEREST IN DISCRETIONARY CONTRACTS

- (a) **Impermissible Interest in Discretionary Contract or Sale.** This Subsection applies only to contracts or sales made on a discretionary basis, and does not apply to contracts or sales made on a competitive bid basis. Within six (6) months of the termination of official duties, a former city official shall notice in writing any financial interest, direct or indirect, in any discretionary contract with the City, in the sale to the City of any land, materials, supplies, or service to the City Secretary. Any violation of this Section, with the knowledge, expressed or implied, of the individual or business entity contracting with the City shall render the contract involved voidable by the City Manager or the City Council.

- (b) **Exception: Prior Employment or Status.** Notwithstanding subsection (a) of this Section 3-4 (Discretionary Contracts) and Section 3-3 (Prior Participation in Negotiation, Award or Administration of Contracts), a former city official may upon leaving official duties return to employment or other status enjoyed immediately prior to commencing official city duties.
- (c) **Definitions.** For purposes of this Section:
- (1) A "former city official" is any person who, immediately prior to termination of official duties, was:
 - (A) the Mayor or a member of City Council;
 - (B) a member of any board, panel, committee or commission which is more than advisory in nature. The term does not include members of the board of another governmental entity even if some or all of these members are appointed by the city.
 - (2) The term "contract" means any discretionary contract other than a contract for the personal services of the former city official or employee.

DIVISION 4: PERSONS DOING BUSINESS WITH THE CITY

SECTION 4-1 PERSONS SEEKING DISCRETIONARY CONTRACTS

- (a) **Disclosure of Parties, Owners, and Closely Related Persons.** For the purpose of assisting the city in the enforcement of provisions contained in this code of ethics, an individual or entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract in writing:
- (1) the identity of any individual(s) who would be a party to the discretionary contract;
 - (2) the identity of any entity that would be a party to the discretionary contract and the name of:
 - (A) any individual or entity that would be a subcontractor on the discretionary contract; and
 - (B) any individual or entity that is known to be a partner or a parent entity of any individual or entity who would be a party to the discretionary contract, or any subsidiary entity that is anticipated to be involved in the execution of the contract; and
 - (3) the identity of any attorney or consultant employed for purposes relating to the discretionary contract being sought by any individual or entity who would be a party to the discretionary contract.

An individual or entity seeking a discretionary contract is required to supplement this filing with the city in the event there is any change in the information required of the individual or entity under this

subsection. The individual or entity seeking a discretionary contract must supplement this filing before the discretionary contract is the subject of council action, and no later than fifteen (15) business days after any change about which information is required to be filed.

- (b) **Political Contributions.** Any individual or entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract, on a form provided by the city, all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or entity whose identity must be disclosed under Subsection (a).

Indirect contributions by an individual include, but are not limited to, contributions made by an individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made by the officers, owners of the entity seeking the contract, and attorneys, or consultants of the entity hired or retained to assist an individual or entity seeking a contract.

Indirect contributions do not include contributions by owners of a business entity who hold less than that identified in Texas Local Government Codes.

- (c) **Briefing Papers and Open Records.** Briefing papers prepared for the city council concerning any proposed discretionary contract to be considered for ordinance action shall reveal the information disclosed in compliance with Subsections (a) and (b), and that information shall constitute an open record available to the public.

SECTION 4-2 DISCLOSURE OF ASSOCIATION WITH CITY OFFICIAL

- (a) **Disclosures During Appearances.** A person appearing before a city board or other city body shall disclose to it any known facts which, reasonably understood, raise a question as to whether any member of that board or body would violate Section 2-1 of Division 2 (Conflicts of Interest) by participating in official action relating to a matter pending before that board or body.
- (b) **Disclosures in Proposals.** Any individual or business entity seeking a discretionary contract with the city shall disclose, in writing to the city, any known facts which, reasonably understood, raise a question as to whether any city official would violate Conflicts of Interest by participating in official action relating to the discretionary contract.
- (c) **Disclosure of Benefit.** If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any city official that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, he or she shall disclose that fact in a signed writing to the city body that has been requested to act in the matter, unless the interest of the city official in the matter is apparent. The disclosure shall also be made in a signed writing filed with the City Secretary.

- (d) **Definition.** For purposes of this rule, facts are “reasonably understood” to “raise a question” about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

SECTION 4-3 PROHIBITED CONTACTS DURING CONTRACT SOLICITATION PERIOD

A person or entity who seeks or applies for a city contract or any other person acting on behalf of such person or entity, is prohibited from contacting city officials as defined in Section 1-2 regarding such a contract after a Request for Proposal (RFP), Request for Qualification (RFQ) or other solicitation has been released. This no-contact provision shall conclude when the contract is posted as a City Council agenda item. If contact is required with city officials, such contact will be done in accordance with procedures incorporated into the solicitation document. Violation of this provision by respondents or their agents may lead to disqualification of their offer from consideration.

DIVISION 5: MEMBERS OF THE PUBLIC AND OTHERS

Members of the public and others applies to current and former city officials, persons doing business with the city, as well as to members of the public and any other person including business entities and nonprofit entities.

SECTION 5-1 FORMS OF RESPONSIBILITY

No person shall intentionally or knowingly induce, attempt to induce, conspire with, aid or assist, or attempt to aid or assist another person to engage in conduct which violates the obligations imposed by Divisions 2 (Present City Officials), 3 (Former City Officials), and 4 (Persons Doing Business with the City).

DIVISION 6: FINANCIAL DISCLOSURE

SECTION 6-1 FINANCIAL DISCLOSURE REPORT

- (a) **Persons Required to File Disclosure Form.** (Form # 4 Attached)

- (1) **City Officials.** No later than thirty (30) days after accepting appointment or assuming the duties of office, the city officials as defined in Division 1 (Definitions) are required to file with the City Secretary a sworn financial disclosure report. The disclosure information would include details as defined in section 6-2 for the previous calendar year. It is neither the intent nor the desire of this Financial Disclosure Report to interfere with or impede citizens willingness to become a “City Official” as defined in Division 1(u). This report is to further the public’s confidence in maintaining high standards of ethical conduct.

- (b) **Open Records.** Financial disclosure reports are open records subject to the Texas Open Records Act, and shall be maintained in accordance with that Act.
- (c) **Unforeseen Circumstances.** In the event of an unforeseen circumstance, including, but not limited to, military service or acute illness or leave without pay under the Family Medical Leave Act, the deadline for receipt of the disclosure statement by the City Secretary is extended until such time as the city official resumes his or her city duties.
- (d) **Reporting Periods.** When changes occur to a city official's financial data a supplemental financial disclosure report is required to be filed.
- (e) **City Secretary.** The City Secretary shall:
- (1) notify city officials specified in Subsection (a)(1) of their obligation to file financial disclosure reports and provide forms to be completed.
 - (2) provide forms to all new City Council required appointees and advise them of reporting requirements and deadlines;
 - (3) provide guidance and assistance on the reporting requirements for persons required to file financial disclosure reports
 - (4) review reports for completeness and timeliness;
 - (5) maintain filing, coding, and cross-indexing systems to carry out the purpose of Division 6 (Financial Disclosure), including:
 - (A) a publicly available list of all persons required to file; and
 - (B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under Division 6 (Financial Disclosure Report);
 - (6) make available for public inspection and copying at reasonable times and costs the reports filed under Division 6 (Financial Disclosure Report);
 - (7) upon determining that an appointee who is required to file a financial disclosure report has failed to do so or has filed incomplete or unresponsive information, notify the individual by certified mail that failure to file or correct the filing within fifteen (15) days after the original deadline constitutes an automatic resignation. At the same time, the City Secretary shall publicly announce to the City Council the names of those who have not filed and to whom this notification is being sent. If such an appointee fails to file a completed report within fifteen (15) days from the original deadline, the position shall be considered vacant, and a new appointment shall be made by the City Council; and

- (8) upon determining that an elected City official has failed to file a financial disclosure report, or has filed incomplete or unresponsive information, the City Secretary must notify the individual by certified mail that failure to file or correct the filing within fifteen (15) days after notification will result in the matter being forwarded to the Board of Ethics. If the person in question fails to file a completed report within the additional fifteen (15) days of the extended deadline, a report of non-compliance shall be forwarded to the Board of Ethics for appropriate action.
- (9) upon determining that a person other than as provided in subsections (7) or (8) above, has failed to file a financial disclosure report, or has filed incomplete or unresponsive information, notify the individual by certified mail that failure to file or correct the filing within fifteen (15) days after the original deadline will result in the matter being forwarded to the City Manager. If the person in question fails to file a completed report within fifteen (15) days of the extended deadline, a report of non-compliance shall be forwarded to the City Manager and Board of Ethics for appropriate action.

The failure of the City Secretary to provide any notification required by this Section does not bar appropriate remedial action, but may be considered on the issue of culpability.

- (f) **Exception.** A city official who is a member of a board or commission created pursuant to federal or state law may only be removed for failing to file a financial disclosure form if allowed under federal or state law.

SECTION 6-2 CONTENTS OF FINANCIAL DISCLOSURE REPORTS

Each financial disclosure report shall disclose, on a form provided by the city and attached to this document, the following information:

- (a) the reporting party's name;
- (b) the name of any person related as parent, child (except a child who is a minor), spouse and/or other person(s) of/in the reporting party's household who is a business owner, partner, partial owner, a parent or subsidiary business entity, of a business entity owned, operated or managed that is doing business with the city of South Padre Island;
- (c) the name of the business entity identified in subsection (b) of this rule;
- (d) the name of any person or business entity which is doing business with the city of South Padre Island from whom the reporting party or spouse member of his or her household, directly or indirectly:
 - (1) has received and not rejected an unsolicited offer of subsequent employment; or
 - (2) has accepted an offer of subsequent employment which is binding or expected by the parties to be carried out;

- (e) the name of each nonprofit entity or business entity in which the reporting party serves as an officer or director, or in any other policy making position;
- (f) the name of each business entity which has a current city contract in which any individual within the reporting party's household is known to directly or indirectly own:
 - (1) ten (10) percent or more of the voting stock or shares of that business entity, or
 - (2) ten (10) percent or more of the fair market value of that business entity;
- (g) the name of each source of taxable income, other than pensions, dividends or interest, child support or alimony, royalties from the sale of publications, mineral interests and patents, amounting to more than fourteen thousand dollars (\$14000) received on an annual basis by the reporting party or his or her spouse, unless that source has been disclosed under Subsections (a) through (j) of this rule;
- (l) the identification by street address, or legal or lot-and-block description, of all real property located in the State of Texas and the County of Cameron in which the reporting party or his or her spouse has a leasehold interest, a contractual right to purchase, or an interest as: fee simple owner; beneficial owner; partnership owner; joint owner with an individual or corporation; or owner of more than twenty-five (25) percent of a corporation that has title to real property. There is no requirement to list any property:
 - (1) used as a personal residence of a city official;
 - (2) over which the reporting party or his or her spouse has no decision power concerning acquisitions or sale; or
 - (3) held through a real estate investment trust, mutual fund, or similar entity, unless the reporting party or his or her spouse participates in the management thereof;
- (m) the name of persons or entities to whom the reporting party or spouse owes an unsecured debt of more than five thousand dollars (\$5,000.00), other than debts for:
 - (1) money borrowed from a family member from his or her own resources; and
 - (2) revolving charge accounts.
- (n) the name of each person, business entity, or other organization from whom the reporting party, or his or her spouse, received a gift with an estimated fair market value in excess of two hundred and fifty dollars (\$250) during their term as a city official and the estimated fair market value of each gift. Excluded from this requirement are:
 - (1) lawful campaign contributions which are reported as required by state statute or local ordinance;

- (2) gifts received among or between family members which could be viewed as reasonable in light of the occasion.
- (3) gifts received among and between fellow city officials;
- (4) admission to events in which the reporting party participated in connection with official duties;
- (5) payment of or reimbursement of travel and accommodations expenses accepted in connection with official duties which have been reported on a travel expense report; payment for or reimbursement of expenses for travel in excess of authorized rates under city policy are gifts subject to the reporting requirements under this section.

SECTION 6-3 ITEMS RECEIVED ON BEHALF OF THE CITY

A city official who accepts any item by way of gift valued over \$100.00 or loan on behalf of the city must promptly report that fact to the City Manager, who shall have the item appropriately inventoried as city property.

SECTION 6-4 VIOLATION OF REPORTING REQUIREMENTS

Failure to timely file a report required by this ethics code is a violation hereof, as is the knowingly filing of a report with incorrect, misleading, or incomplete information. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible, though no later than fifteen (15) days after discovery of the error or after the error should have reasonably been discovered. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible.

To file a late or amended report, the person shall use the required report form provided by the City Secretary's Office and mark in the appropriate box as an amended report.

DIVISION 7: BOARD OF ETHICS

SECTION 7-1 DEFINITIONS

As used in Division 7 (Board of Ethics), the term "ethics laws" includes this Code of Ethics, and Chapter 171 and Chapter 176 of the Texas Local Government Code. The term "ethical violation" includes violations of any of those enactments.

SECTION 7-2 STRUCTURE OF THE BOARD OF ETHICS

- (a) In accordance with the City Home Rule Charter, an independent Board of Ethics has been established, which shall have the powers and duties specified here, and other powers or duties prescribed by City Home Rule Charter .

- (b) **Composition.** The Board of Ethics, as defined by the South Padre Island Home Rule Charter, shall consist of five (5) members. Each nominee must be confirmed by a majority of City Council members. Nomination and confirmation of Board members shall be conducted at open meetings of the City Council.
- (c) **Terms of Office.** Initial board appointments shall be made so that terms are staggered, with three members to serve an initial term of two years and two members to serve an initial term of 1 year, determined after appointment by lottery. Subsequent appointments shall be for a term of two years beginning on the day after the expiration of the preceding full term. No member of the board shall serve for more than three consecutive full terms.
- (d) **Qualifications.** Members of the Board shall have good moral character and shall be residents of the city. No member of the Board 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) a campaign treasurer, campaign manager, officer or other policy or decision-maker as defined in the Texas Election Code;
 - (7) a member of any city board, committee or commission other than the Board of Ethics;
 - (8) a member of any board, committee or commission for which the position is appointed by City Council

Further, no member of the Board of Ethics shall have any convictions for a felony or a crime of moral turpitude, or shall have been found in violation of any provision of the city's Code of Ethics.

The City Council shall support the assistance of legal counsel to the Board of Ethics.

- (e) **Removal.** Members of the Board of Ethics may be removed from office by a majority vote of the City Council.
- (f) **Vacancies.** The City Council shall fill any vacancy on the Board of Ethics by a person who will serve the remainder of the unexpired term.

- (g) **Recusal.** A member of the Board of Ethics shall recuse himself or herself from any case in which, because of familial relationship, employment, investments, or otherwise, his or her impartiality might reasonably be questioned. A Board member may not participate in official action on any complaint:
 - (1) that the member initiated;
 - (2) during the pendency of an indictment charging the member

If the number of Board members who are recused from a case is so large that a Board of Ethics cannot be convened to consider the complaint, the City council shall nominate a sufficient number of *ad hoc* members so that the case can be heard. Ad hoc members of the Board of Ethics 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 a majority of the Board may call a meeting of the Board. The chair shall preside at meetings of the Board of Ethics and perform other administrative duties. The vice-chair shall assume the duties of the chair in the event of absence of the Chair or a vacancy in that position.
- (i) **Reimbursement.** The members of the Board of Ethics shall not be compensated but shall be reimbursed for reasonable expenses.

SECTION 7-3 JURISDICTION AND POWERS

- (a) **Jurisdiction.** The Board of Ethics 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 local campaign finance regulations enacted from time to time by ordinance; and
 - (3) an alleged violation of the City Home Rule Charter, provided, however, that the Board of Ethics has jurisdiction.

The Board shall not consider any alleged violation that occurred more than two (2) years prior to the date of the filing of the complaint.

- (b) **Termination of City Official's Duties.** The termination of a city official's duties does not affect the jurisdiction of the Board of Ethics with respect to alleged violations occurring prior to the termination of official duties.
- (c) **Powers.** The Board of Ethics 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

- (2) to meet as often as necessary to fulfill its responsibilities;
- (3) to designate panels with the power to render advisory opinions to the Board;
- (4) to request from the City Manager the assignment of staff necessary to carry out its duties;
- (5) to review, index, maintain on file, and dispose of sworn complaints with the assistance of the City Secretary;
- (6) to make notifications, extend deadlines, and conduct investigations, both on referral or complaint;
- (7) to compel the production of sworn testimony, witnesses and evidence;
- (8) to recommend cases for prosecution by appropriate authorities and agencies;
- (9) to enforce its decisions by assessing administrative fines and other sanctions authorized by City Home Rule Charter or ordinance;
- (10) to request the City Council to approve an independent legal counsel to advise and represent the Board, when appropriate or necessary to avoid a conflict of interest;
- (11) to provide assistance in the training and education of city officials and employees with respect to their ethical responsibilities;
- (12) to prepare an annual report and to recommend to the City Council needed or desirable changes in ordinances under its jurisdiction;
- (13) to exercise such other powers and duties as may be established by ordinance.
- (14) Any external complaint filed against City employees under this Code of Ethics or the City Employees Handbook shall be referred to the city's Administrative Services Director and the appropriate City Official authorized to investigate and make appropriate disposition pursuant to the City's Employees Handbook. Internal employee actions shall not be brought before the Board of Ethics.

SECTION 7-4 COMPLAINTS

- (a) **Filing.** Any person (including a member of the Board of Ethics acting personally or on behalf of the Board) who believes that there has been a violation of the Ethics Code may file a sworn complaint with the City Secretary to allege such violations. (See attachment 4 City of South Padre Island, Texas Code of Ethics Complaint Form. Complaints or allegations regarding City employees shall be forwarded to the city Administrative Services Director for review and / or action. Internal employee actions shall not be brought before the Board of Ethics.

A complaint filed in good faith is qualifiedly privileged. A person who knowingly makes a false statement in a complaint, or in proceedings before the Board of Ethics, is subject to criminal prosecution for perjury or civil liability for the tort of abuse of process.

Assistance. The City Secretary shall provide information to persons who inquire about the process for filing a complaint.

(b) **Form.** A complaint filed under this section must be in writing and under oath and must set forth in simple, concise, and direct statements: (Form # 4 Attached)

- (1) the name of the complainant;
- (2) the street and 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 code of ethics or municipal campaign finance regulations alleged to have been violated;
- (6) a statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and
- (7) 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.

The complaint must be accompanied by 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 constitute a violation of the Ethics Code. 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. A complaint that is not sworn as required shall not be forwarded by the City Secretary to the Board of Ethics but shall be returned to the complainant.

The complaint must state on its face an allegation that, if true, constitutes a violation administered and enforced by the Board of Ethics.

All external complaints filed under this Code of Ethics will be received and recorded by the City Secretary and will be tracked or processed by the Board of Ethics

(c) **Review by the Board of Ethics and Respondents.** A copy of a complaint shall be promptly forwarded by the City Secretary to the Board of Ethics (within 10 business days of receipt). If the

complaint does not substantially comply with the filing requirements, the Board of Ethics shall return the complaint to the complainant with a letter explaining the defects in the complaint.

- (d) The respondent(s) shall also be provided with a copy of the ethics rules and shall be informed:
- (1) that, within fourteen (14) days of receipt of the complaint, he or she may file a sworn response with the City Secretary;
 - (2) that failure to file a response does not preclude the Board of Ethics 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 (7) days of receipt, respond by sworn writing filed with the City Secretary, a copy of which shall be provided by the City Secretary to the respondent(s);
 - (4) that the complainant(s) or respondent(s) may request a hearing, which may be denied, and;
 - (5) that city officials and employees have a duty to cooperate with the Board of Ethics.

Upon receipt, the City Secretary shall forward the response to the Board of Ethics.

(e) **Frivolous Complaint.**

- (1) For purposes of this section, a "frivolous complaint" is a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
- (2) By a vote of at least two-thirds of those present, the Board may order a complainant to show cause why the Board should not determine that the complaint filed by the complainant against a respondent is a frivolous complaint.
- (3) In deciding if a complaint is frivolous, the Board will be guided by the Texas Rules of Civil Procedure and interpretations of that rule, and may also consider:
 - (A) the timing of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;
 - (B) the nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a sworn complaint was filed with the Board;
 - (C) the existence and nature of any relationship between the respondent and the complainant before the complaint was filed;

- (D) if respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;
 - (E) any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
 - (F) any evidence of the complainant's motives in filing the complaint.
- (4) Notice of an order to show cause shall be given to the complainant, with a copy to the respondent, and shall include:
 - (A) an explanation of why the complaint against a respondent appears to be frivolous; and
 - (B) the date, time, and place of the hearing to be held under this section.
 - (5) Before making a determination that a sworn complaint against a respondent is a frivolous complaint, the Board of Ethics shall hold a hearing at which the complainant may be heard; the complainant may be accompanied by counsel retained by the complainant.
 - (6) By a record vote of at least two-thirds of those present after the hearing under subsection (5) of this section, the Board of Ethics may determine that a complainant filed a frivolous complaint and may recommend sanctions against that complainant.
- (f) **Sanctions for Filing Frivolous Complaints.**
- (1) Before imposing a sanction for filing a frivolous complaint, the Board of Ethics shall consider the following factors:
 - (A) the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
 - (B) the sanction necessary to deter future violations; and
 - (C) any other matters that justice may require.
 - (2) The Board of Ethics may impose the following sanctions:
 - (A) imposition of attorneys' fees incurred by the respondent of the frivolous complaint;
 - (B) any other sanction permitted by law.
 - (3) The Board of Ethics may notify the appropriate agency for their action. This may include a referral to a criminal investigation agency or prosecution entity for investigation of perjury.
- (g) **Confidentiality.** *Ex parte* communications by members of the Board of Ethics are prohibited

- (1) The Board of Ethics shall not communicate any information about a pending sworn complaint, including whether or not a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.
- (2) Information otherwise confidential under this section may be disclosed by entering it into the record of a formal hearing or Board of Ethics proceeding.
- (3) Requests for records pertaining to complaints shall be responded to in compliance with the Texas Public Information Act.

SECTION 7-5 HEARINGS

At any hearing held by the Board of Ethics during the investigation or disposition of a complaint, the following rules apply:

- (a) **General Rules.** All witnesses must be sworn and all questioning of witnesses shall be conducted by the members of the Board of Ethics. The Board may establish time limits and other rules relating to the participation of any person in the hearing. No person may be held to have violated the ethics laws unless 4 out of 5 members of the Board so finds by a preponderance of the evidence.
- (b) **Evidence.** The Board of Ethics 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:
 - (1) The board shall hear evidence relevant to the allegations; and
 - (2) The board shall not consider hearsay unless it finds the nature of the information is reliable and useful.
- (c) **The Person Charged (Respondent).** The person charged in the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. 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 of Ethics.
- (d) **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. The time permitted for presentation will be at the discretion of the Board of Ethics.

SECTION 7-6 DISPOSITION

(a) **Written Opinion.** The board of Ethics shall issue a decision within ninety (90) days after the filing of a complaint. This deadline may be extended by any amount of time granted to a respondent pursuant to respondent's request for additional time to respond or to attend proceedings. The Board of Ethics shall state in a written opinion its findings of fact and conclusions of law. The written opinion shall recommend either:

- (1) dismiss the complaint; or
- (2) upon finding that there that there has been a violation of the ethics laws
 - (A) impose sanctions in accordance with these regulations; or
 - (B) recommend criminal prosecution and/or civil remedies, in accordance with this Rule; or
 - (C) state why no remedial action is imposed or recommended.

If the board determines that a violation has occurred, the opinion shall identify in writing the particular rule or rules violated. If the complaint is dismissed, the grounds for the dismissal shall be set forth in the opinion. The failure of the Board of Ethics to comply within the above time limits may result in the charge being dismissed for want of prosecution. Prior to such dismissal, the complainant will be given notice and an opportunity to request continuance of the action.

(b) **Notification.** Copies of the opinion shall be forwarded to the complainant, the person charged in the complaint and any member of the Board of Ethics 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.

(c) **Recommendations.** A recommendation for criminal prosecution shall be forwarded to the appropriate law enforcement agency. (note: Civil remedies covered in subsection (f) below)

(d) **Similar Charges Barred.** If the complaint is dismissed because the evidence failed to establish a violation of the ethics laws, the Board of Ethics shall not entertain any other similar complaint based on substantially the same evidence.

(e) **Factors Relevant to Sanctions.**

(1) **General Violations (Non-Reporting Violations).** In deciding whether to recommend or impose, in the case of a violation of the ethics law, criminal prosecution and/or civil remedies, the Board of Ethics shall take into account relevant considerations, including, but not limited to, the following:

- (a) the culpability of the person charged in the complaint;
- (b) the harm to public or private interests resulting from the violation;
- (c) the necessity of preserving public confidence in the conduct of local government;

- (d) whether there is evidence of a pattern of disregard for ethical obligations; and
- (e) whether remedial action has been taken that will mitigate the adverse effect of the violation.

To impose or recommend sanctions for a first violation of the ethics code other than a letter of notification, a letter of admonition or a referral to training, the Board of Ethics must find by a preponderance of the evidence that the person acted knowingly, unless otherwise provided by this code.

- (2) **Reporting Requirement Violations.** To impose sanctions, other than a letter of notification, a letter of admonition or a referral to training, for untimely or incomplete submission of reports required by the ethics code or the municipal campaign finance regulations, the Board of Ethics must determine by a preponderance of the evidence that the person knowingly:
 - (a) failed to file the report on time; or
 - (b) failed to include in the report information that is required to be included; or
 - (c) submitted inaccurate or false information.

Failure to submit a required report or an amended report after receipt of notice of non-compliance by the office of the City Secretary or the Board of Ethics may be considered evidence of a knowing failure to comply with reporting requirements.

Upon finding a second or subsequent untimely, incomplete or inaccurate submission of reports within a two year period of time, the Board of Ethics may issue a letter of reprimand regardless of whether the second or subsequent violation was made knowingly by the filer.

- (f) **Civil Sanctions for Ethics Code Violations.** The following civil remedies may be recommended or imposed by the Board of Ethics which finds that the ethics laws have been violated:
 - (1) **Disciplinary Action.** City officials who violate this code or who engage in conduct that violates this code may be notified, warned, reprimanded, suspended, or removed from office or employment by the appointed authority, or by a person or body authorized by law to impose such remedies. Disciplinary action under this Section may be imposed in addition to any other penalty or remedy contained in this code of ethics or any other law.
 - (2) **Suit for Damages or Injunctive Relief.** This code of ethics has been enacted not only to further the policy stated in Section 1-1 (Statement of Purpose), but to protect the City of South Padre Island and any other person from any losses or increased costs, incurred by the City or other person as a result of the violation of these provisions. It is the intent of the City that this ethics code can and should be recognized by a court as a proper basis for a civil cause of action for damages or injunctive relief based upon a violation of its provisions, and that such forms of redress should be available in addition to any other penalty or remedy contained in

this code of ethics or any other law. The Board of Ethics may refer a violation of the ethics code to the City Council for consideration of a suit by the city for damages or injunctive relief.

(3) **Disqualification from Contracting.**

- (a) If the Board of Ethics finds that any person (including business entities and non-profit entities) has intentionally or knowingly violated any provision of the Ethics Code, or has intentionally or knowingly assisted another person in violating any provision of the Ethics Code, or has violated a provision or assisted another in a violation that the person should have known was a violation of the Ethics Code, the Board of Ethics may recommend to the City Council that the person be prohibited from entering into any contract with the city for a period not to exceed two (2) years.

An entity or nonprofit entity may also be disqualified from contracting based on the conduct of an employee or agent in violation of this code.

- (b) It is a violation of this code of ethics:
- (1) for a person debarred from entering into a contract with the city or attempt to enter into a contract with the city during the period of disqualification from contracting; or
 - (2) for a city official to knowingly assist a violation of Subsection (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.

- (4) **Recommendation to Void or Ratify Contract.** If the Board of Ethics finds that there has been an intentional or knowing violation of any provision of the Ethics Code, or that a person has committed a violation that he or she should have known was a violation of the code that is related to the awarding of a contract, the Board of Ethics must 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.

- (5) **Letter of Notification.** The Board of Ethics may issue to any person, whether or not an official of the city, 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.

- (6) **Letter of Admonition.** The Board of Ethics may issue to any person, whether or not an official 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.

- (7) **Letter of Reprimand.** The Board of Ethics may issue to any person, whether or not an official of the city, a letter of reprimand when the board finds that the person has intentionally or knowingly violated the code of ethics.

- (8) **Referral to Ethics Training.** Upon finding of violation of the ethics code, the Board of Ethics may require a city official to attend ethics code training.
- (g) **Criminal Prosecution.** The Board of Ethics may recommend to the appropriate law enforcement agency criminal prosecution under this section or under Chapter 171 or 176 of the Texas Local Government Law. Prosecution of any person by the City for a violation of this ethics code shall not be undertaken until a complaint is disposed of in accordance with Section 7-6. However, the absence of a recommendation to prosecute from the Board of Ethics to the City Council shall not preclude the City Council from exercising their discretion to prosecute a violation of this ethics code. Any person who files a false sworn statement under Division 6 (Financial Disclosure), or under Division 7 (Board of Ethics) is subject to criminal prosecution for perjury under the laws of the State of Texas.
- (h) **Reconsideration.** Within 5 business days of receiving the final opinion of the Board of Ethics, the complainant or respondent may request the Board of Ethics to reconsider its decision. The request must be filed with the Office of the City Secretary. Within fifteen (15) days after filing with the City Secretary, the Board of Ethics shall review the request for reconsideration. If a majority of the Board concludes reconsideration is warranted, the board may then order further proceedings in accordance with the provisions of this code.
- (i) **Council Action.** City Council shall dispose of a recommendation from the Board of Ethics within ninety (90) days of receiving such recommendation. The recommendation(s) of the Board of Ethics may be accepted, rejected, modified, or recommitted to the Board for further action or clarification. Failure to take action within specified time limits may result in the charge being dismissed for want of prosecution.
- (j) **Appeals.** A decision of the Board of Ethics is final unless the person aggrieved by the decision appeals to the state district court in Cameron County no later than thirty days after the date the Board renders a decision.

If the decision of the Board of Ethics is not supported by substantial evidence, the District Court may reverse or affirm the Board's decision in whole or in part, or may modify the Board's decision if substantial rights of the aggrieved person have been prejudiced. Costs of an appeal may not be assessed against the City of South Padre Island.

SECTION 7-7 PETITION FOR DECLARATORY RULING

Any city official against whom public allegations of ethics or campaign finance violations have been made in the media or elsewhere shall have the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Board of Ethics to investigate and make known its findings, and make any relevant recommendations concerning the issue.

SECTION 7-8 ADVISORY OPINIONS

(a) **Advisory Opinions Issued by the Ethics Review Board**

(1) **Ethics Code Inquiries by Persons Other Than City Officials and Employees.**

(A) By writing filed with the City Secretary, any person other than a city official may request an advisory opinion with respect to the interpretation of the ethics laws, but only with respect to whether proposed action by that person would violate the ethics laws. The City Secretary shall promptly transmit all requests for advisory opinions to the chair of the Board of Ethics.

(B) Within thirty (30) days of receipt by the chair of the Board of Ethics for a request of an advisory opinion, the Board, acting *en banc*, shall issue a written advisory opinion. During the preparation of the opinion, the Board may consult with other appropriate persons. An advisory opinion shall not reveal the name of the person who made the request, if that person requested anonymity, in which case the opinion shall be written in the form of a response to an anonymous, hypothetical fact situation. A copy of the opinion shall be indexed and kept by the City Secretary as part of Ethics records. In addition, copies of the opinion shall be forwarded by the City Secretary to the person who requested the opinion and to the members of the Board of Ethics. The City Secretary shall make the opinion available as a public record for a period of no less than three (3) years.

(2) **Opinions Initiated by the Board.** On its own initiative, the Board of Ethics, acting as the full board may issue a written advisory opinion with respect to the interpretation of the ethics laws as they apply to persons other than city officials and employees if a majority of the Board determines that an opinion would be in the public interest or in the interest of such person or persons subject to the provisions of the ethics laws. Such an opinion may not include the name of any individual who may be affected by the opinion. A copy of any such opinion shall be indexed and kept by the City Secretary as part of the Board of Ethics records for a period of not less than five (5) years. In addition, copies of the opinion shall be forwarded by the chair of the Board of Ethics, or his or her designate to the City Secretary. The City Secretary shall make the opinion available as a public record and shall promptly post the opinion for a period of no less than one (1) year on the Internet via the City of South Padre Island homepage.

(3) **Reliance.** If a person reasonably and in good faith acts in reliance on an advisory opinion issued by the Board of Ethics, that fact may be considered by the Board of Ethics in adjudicating a complaint filed against that person, but does not by itself bar the finding of a violation.

SECTION 7-9 ANNUAL REPORT

The Board of Ethics 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 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 post the report on the city's webpage.

SECTION 7-10 PUBLIC RECORDS AND OPEN MEETINGS

Meetings and other proceedings of the Board of Ethics will be conducted in compliance with the Texas Open Meetings Act. Requests for records will be handled in compliance with the Texas Public Information Act.

Division 8: ADMINISTRATION PROVISIONS

SECTION 8-1 OTHER OBLIGATIONS

This code of ethics is cumulative of and supplemental to applicable state and federal laws and regulations. Compliance with the provisions of this code shall not excuse or relieve any person from any obligation imposed by state or federal law regarding ethics, financial reporting or any other issue addressed herein.

Even if a city official is not prohibited from taking official action by this code of ethics, action may be initiated by the city employees handbook rules, which may be more stringent.

SECTION 8-2 DISTRIBUTION AND TRAINING

- (a) Within thirty (30) days after entering upon the duties of his or her position, every new official or impacted employee shall be furnished with information about this code of ethics. The failure of any person to receive a copy of this code shall have no effect on that person's duty to comply with this code or on the enforcement of its provisions. Upon appointment to a board, panel, committee or commission, such official shall be provided with a copy of the Ethics Code. The Code of Ethics shall be posted on the city's webpage.
- (b) The Board of Ethics, in consultation with the Administrative Services Director, shall develop educational materials and conduct educational programs for the City officials on the provisions of this code of ethics, and Chapters 171 / 176 of the Texas Local Government Code. Such materials and programs shall be designed to maximize understanding of the obligations imposed by this ethics code.
- (c) The City Manager shall require all employees classified as city officials, be trained on this Ethics Code when hired and at least once every calendar year.
- (d) The City Secretary or Administrative Services Director shall notify defined city officials regarding any significant amendments to the Ethics Code within 30 days of adoption.
- (e) Information shall be provided to city officials terminating city service regarding the restrictions on former city officials as covered in Division 3 of this code.

SECTION 8-3 SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Code shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Code for it is the definite intent of the City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

DRAFT



Receipt and Acceptance of the City of South Padre Island Ethics Code

By my signature below, I acknowledge that I have been given a copy of the City of South Padre Island Code of Ethics approved by the City Council on (DATE).

I hereby accept the terms and conditions stated therein. I understand the statements contained in the Code of Ethics are not intended to create any contractual or other legal obligations. I also understand that the City may modify or rescind any guidelines, policies, or practices described in the Code of Ethics at anytime without prior notice to me.

I have read and understand the above statement and agree to read and become familiarized with the City of South Padre Island Code of Ethics in order to abide by it.

I have received the following:

City of South Padre Island Code of Ethics (*Approved by the City Council on date*).

Signature

Printed Name

Date Signed

PLEASE RETURN THIS FORM TO THE CITY SECRETARY
PHONE # (956) 761-3039.

This report is an open record and subject to the Texas Open Records Act.



City of South Padre Island Gift Report Form

City Official Name (print): _____ Date: _____

List of Gifts or Benefits Total estimated values received over previous 12 months that are not excluded by section 2-3 (b&c) of the South Padre Island Code of Ethics. \$ _____.

List Individual or Business Names for each Gifts received subject to section 2-3 "Gifts" and Recipient's relationship to the city official and gifts received by the city official with an estimated fair market value in excess of one hundred dollars (\$100). Excluded are lawful reported campaign contributions, gift from family members which could be viewed as reasonable in light of the occasion, gifts from fellow city officials and admissions to events in which the official participated in connection with official duties:

List more on back if needed.

Signature: _____ Date: _____

Witness _____ Date: _____

This report is an open record and subject to the Texas Open Records Act.



City of South Padre

Ethics Code Violation Report Form

Who Completes This Form? Any city official who has knowledge of a violation of any of the provisions of the Ethics Code shall report the violation within 7 business days after gaining the knowledge.

1. Name of the City official who believes that a violation of the provisions of the Ethics Code has been or may have been committed:

2. Identity of the person or persons who allegedly committed the violation:

3. Facts on which the belief is made:

4. Any additional information concerning the alleged violation:

Signature

Date

Printed Name

This report is an open record and subject to the Texas Open Records Act.



FINANCIAL DISCLOSURE REPORT

WHO COMPLETES THIS FORM?

Complete this Form if you are classified as a “City Official” (South Padre Island Code of Ethics Section 1-2(u). This is required to be filed with the City Secretary within 30 days after accepting appointment or assuming the duties of office. Include details for only the previous calendar year. If an individual inadvertently files an incorrect or incomplete report, it is his or her responsibility to file an amended report as soon as possible. When changes occur to information previously reported an amended or supplemental report is required to be filed. The Purpose of this report is to further the public’s confidence in maintaining high standards of ethical conduct.

This Report is: Initial Amended Supplemental

1. Name: _____
 City Position Held: _____
 Name of Employer: _____

2. Are you, your spouse or any Person Related as a Parent, Child 18 or older and/or any other Persons of/in your Household: A business Owner, a Partner, a partial owner, or a Parent or Subsidiary Business Entity, of a Business Entity Owned, Operated or Managed doing business with the City during your time of service? Yes or No:
 If yes, please explain:

3. Have you, your spouse or any Person Related as a Parent, Child 18 or older and/or any other Persons of/in your Household: Directly or Indirectly, Receive and Not Rejected an Unsolicited offer of Subsequent Employment or has Accepted an Offer of subsequent Employment from a business entity doing business with the city, which is Binding or Expected by the Parties to be carried out?
 Yes or No If yes, please explain:

4. Are you, your spouse or any Person Related as a Parent, Child 18 or older and/or any other Persons of/in your Household Known to be a Subcontractor on Any City Contract, a Partner or a Parent or Subsidiary Business Entity? Yes or No if yes, please explain:

5. Name of Each Nonprofit or Business Entity in which you currently serve in a Policy Making Position:

6. Do you, your spouse or any Person Related as a Parent, Child 18 or older and/or any other Persons of/in your Household: receive other Taxable Income, Amounting to More than \$14000 other than Pensions, Dividends, Interest, Child Support, or Alimony? Yes or No If yes, please explain:

7. Identification by Street Address, or Legal Lot and Block Description, of all Real Property, other than personal residence, located in Cameron County, Texas in which the City Official or his or her Spouse has a Leasehold Interest, a contractual Right to Purchase, or an Interest as: Fee Simple Owner, Beneficial Owner, Partnership Owner, Joint Owner with an Individual or Corporation, or Owner of More than Twenty-Five (25) Percent of a Corporation that has Title to Real Property. There is no Requirement to List Any Property which is Used as a Personal Residence, Property which the City Official or his or her Spouse has no Decision Making Power Concerning Acquisition or Sale, or Property Held through a Real Estate Investment Trust, Mutual Fund or Similar Entity, Unless the City Official or his or her Spouse Participates in the Management Thereof.

8. Do you, your spouse or any Person Related as a Parent, Child 18 or older and/or any other Persons of/in your Household, within the past twelve months, obtained any Unsecured Debt of More Than Five Thousand Dollars (\$5000)? This excludes credit card or charge debt. Yes or No
If yes, please explain:

(Printed name)

(Signature)

(Date)

Subscribed and sworn to me this the ____ date of _____, _____.

Notary Public)

This report is an open record and subject to the Texas Open Records Act.



City of South Padre Island, Texas Code of Ethics Complaint Form

1. Name of Complainant: _____

2. Address of Complainant: _____

3. Mailing Address(s) of Complainant if different: _____

4. Telephone number of Complainant: (____) _____

5. Name of Respondent(s): _____

6. Position or Title of Respondent(s): _____

7. Statement of alleged violation of Code of Ethics, including a specific code section violated:

8. Statement of facts supporting the alleged violation and the date on which or period of time in which the alleged violation occurred:

Signature

Printed Name

Date Signed

PLEASE RETURN THIS FORM TO THE CITY SECRETARY
PHONE # (956) 761-3039.

This report is an open record and subject to the Texas Open Records Act.