

ORDINANCE NO. 2845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, ESTABLISHING A CITY COUNCIL CODE OF ETHICS; AN ETHICS AFFIDAVIT ESTABLISHING LEGAL AND ETHICAL STANDARDS TO GUIDE THE ACTIONS OF MEMBERS OF THE TERRELL CITY COUNCIL, AND TO HOLD CITY COUNCIL MEMBERS ACCOUNTABLE FOR ANY VIOLATIONS OF THESE STANDARDS OF CONDUCT.

WHEREAS, the office of City Council member is one of great trust and service to the citizens of Terrell, and thereby creates a special responsibility for each member of the Terrell City Council; and

WHEREAS, in response to this unique challenge and responsibility, the City Council is expected to govern the City in a manner associated with a commitment to ethical, open, fair, efficient and effective government; and

WHEREAS, both the laws of the State of Texas and the Terrell City Charter address the legal obligations and responsibilities of City Council members, it is further important to clearly specify all legal and ethical expectations by using the added measure of a locally-adopted City Council Code of Ethics; and

WHEREAS, the most efficient and effective manner by which to avoid ethical or legal missteps is to clearly state expectations and the most productive means by which to enforce a Code of Ethics is through voluntary compliance and self-reporting; and

WHEREAS, the Terrell City Council finds that the adoption of this Ordinance serves a public purpose by promoting the preservation of the values and integrity of representative local government and democracy.

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

Section 1. The Terrell City Council hereby adopts the City Council Code of Ethics attached hereto as Exhibit "A".

Section 2. The Terrell City Council further approves the adoption and implementation of an Ethics Affidavit which shall be required to be fully and accurately completed,

executed and submitted to the City Secretary by all persons prior to being sworn into office as a member of the City Council, said affidavit attached hereto as Exhibit "B".

Section 3. Violations of this Ordinance, the City Council Code of Ethics or the Ethics Affidavit, may result in forfeiture of the office of City Council member, consistent with Article II of the Charter of the City of Terrell.

Section 4. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Should any section, sentence, clause or phrase of this Ordinance be declared unconstitutional, in conflict with the City of Terrell, Texas Charter, or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 6. This Ordinance shall be in effect immediately upon adoption.

PASSED AND APPROVED this 22nd day of September, 2020.

PASSED AND ADOPTED this 6th day of October, 2020.



E. RICK CARMONA, Mayor

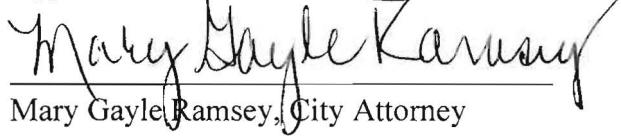
ATTEST:



Dawn Steil

Dawn Steil, City Secretary

Approved As To Form:



Mary Gayle Ramsey, City Attorney

EXHIBIT “A”

CITY COUNCIL CODE OF ETHICS

The office of an elected official is one of trust and service to the citizens of Terrell. This position creates a special responsibility for the Terrell City Council member. In response to this unique challenge, the City Council is expected to govern this City in a manner associated with commitment to the preservation of the values and integrity of representative local government and local democracy and dedication to the promotion of efficient and effective governing.

To further these objectives, certain ethical principles shall govern the conduct of every City Council member, who shall adhere to the following:

1. Dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the citizens of Terrell.
2. Recognize that the chief function of local government at all times is to serve the best interests of all the citizens of Terrell.
3. Be dedicated to public service by being cooperative and constructive and by making the best and most efficient use of available resources.
4. Refrain from any activity or action that may hinder their ability to be objective and impartial on any matter coming before the City Council.
5. Do not seek or accept gifts, services, special favors or things of value; believe that personal gain by use of confidential information or by misuse of public funds, property or time is dishonest.
6. Do not use or otherwise gain private benefit for oneself or grant any benefit to another, from the use of City facilities, equipment, vehicles, supplies, tools, materials, or any other property or resource, including personnel, in a manner not available to other citizens of the City.
7. Do not seek, use or accept City services in a manner or at a cost not typically available to other citizens of the City, including but not limited to: paying utility or other charges or assessments in a timely manner, including any penalties; applying and paying for any required permits and registrations; complying with all municipal codes and following the lawful instructions of City code enforcement and other City officers; seeking to interfere in or avoid Municipal Court service, summons or fines.

8. Avoid the undesirable influences of family relationships or close relatives of the members of the City Council; the appearance of preferential treatment related to family relationships or close relatives; and any interference with the proper administration of the affairs of the City of Terrell.

Nepotism is the showing of favoritism toward a relative. The City forbids the practice of nepotism in hiring personnel or awarding contracts. No person related within the second degree by affinity or third degree by consanguinity to the Mayor or any member of the City Council or the City Manager or to any employee who would supervise his or her job performances either directly or indirectly shall be appointed to any paid office or position of the City. This prohibition shall not apply to any person who shall have been employed by the City for two (2) or more years prior to and at the time of election of the Mayor, members of the City Council, or the appointment of the City Manager so related to him or her.

9. The term spouse shall mean persons who are living together in a conjugal relationship, whether legally married or not, and such persons shall be considered spouses for the purposes of determining affinity.
10. Recognize that public and policy decisions, based on established values are ultimately the responsibility of the City Council as a whole.
11. Recognize that to hold oneself out as having more authority than legally granted, or to represent oneself as representing or speaking on behalf of the entire City Council without explicit authorization to do so, said authority given only by a majority vote of the City Council, exceeds the authority of a Council member and risks sending inaccurate, inappropriate messages to citizens and media.
12. Recognize that City Council members must act as members of a team, not as individuals. Do not instruct, threaten, cajole, intimidate or otherwise attempt to make any Council-appointed official act or not act in a certain way. It is also important to remember that the City Council selects and supervises—as a team—only the City Manager, City Secretary, Municipal Judge, City Attorney and Assistant City Attorney; therefore, City Council members shall never instruct City employees or in any manner attempt to interfere with or influence their work. In addition, consultants and contractors of the City are responsive to the City Manager and designated City staff. City Council members shall not be involved in the selection committee for hiring of City staff, consultants or contractors. Any City Council direction on these topics shall be handled through the regular City Council meeting process.

13. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Terrell. It is recognized that certain exceptions are made by state law for executive sessions and any action required as a result of that type of session, will be handled later in the open session as noted on the agenda. Council members should not reveal discussions legally conducted in executive sessions.
14. If a City Council member has a substantial interest (owns 10% or more of the voting stock or shares of the business entity) in a business entity or in real property, the Council member shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter.
15. City Council members should refrain from voting on issues that do not necessarily constitute a legal conflict but may be perceived as a conflict of interest by the public or members of the City Council and should announce the potential conflict when doing so.
16. City Council members shall not engage in any dishonest or criminal act or other conduct prejudicial to the government of the City or that reflects discredit thereon, and further, shall fully comply with all provisions of the Charter of the City of Terrell and all state laws regulating council behaviors.

EXHIBIT "B"

ETHICS AFFIDAVIT

STATE OF TEXAS

COUNTY OF KAUFMAN

The office of an elected official is one of trust and service to the citizens of Terrell. This position creates a special responsibility for each member of the Terrell City Council. In response to this unique challenge and responsibility, the City Council is expected to govern the City in a manner associated with a commitment to the preservation of the values and integrity of representative local government and local democracy and dedication to the promotion of open, fair, efficient and effective governance.

Therefore, I, _____ (*printed name of affiant*), having been duly elected, or otherwise appointed, consistent with Texas state statutes and the Charter of the City of Terrell, Texas, to serve on the City Council for said City of Terrell, make this affidavit and do hereby on oath state the following:

"I have received, read and agree to abide by the City of Terrell's Council Relations Policy, the Charter of the City of Terrell, and the City Council Code of Ethics in all respects. I further understand my legal obligation to comply with Chapter 171 (conflict of interest), Chapter 176, (vendor conflict disclosure), and Chapter 553 (acquisition of property) of the Texas Local Government Code (Texas Municipal League summaries of which were provided to me by the Terrell City Secretary), as well as all legal requirements contained within the Texas Open Meetings Act and the Open Records Act and state-mandated course completion thereon.

"I further affirm that I am, and shall remain throughout my term of office, in full compliance with the following (*initial each item*):

- Residency requirements for the office of Terrell City Council member
- All other eligibility requirements of my office contained in state law and City charter
- Requirements to declare or otherwise disclose conflicts of interest
- Requirements prohibiting nepotism
- Seeking or accepting gifts or benefits not readily available to the general public
- Using information made known to me only in my position on the City Council, and not readily available to the general public for personal financial gain
- Requirements to conduct government in an open and equitable manner

____ Requirements to file an affidavit prior to discussion or action concerning the acquisition of property using public funds

“In addition, I commit that I shall promptly disclose to the City Secretary, in writing, any knowledge I may have of a violation or appearance of violation of the City charter, state law or the code of ethics by myself or others.

“If at any time following the taking of office I knowingly violate state laws regarding my service on the City Council, my residency should change such that I no longer reside within the district from which I was elected, or it should be determined that my location of residency was incorrect and not within the district from which I was elected at the time of election. I understand and agree that I shall be immediately disqualified from office and will therefore voluntarily step down from my office as a member of the Terrell City Council. I further agree that any violation of this affidavit shall constitute forfeiture of office under Section 205(a) of the City charter. In such instance, my City Council seat shall be vacated, and no further action shall be required by the Mayor or City Council to declare, make, or otherwise cause my position to made vacant.”

Signed this _____ day of _____, 2020.

Signature of Affiant

Affiant (*printed name*)

STATE OF TEXAS

COUNTY OF KAUFMAN

This instrument was acknowledged before me on this _____ day of _____, 2020, by _____, a newly elected or appointed City Council member for the City of Terrell, Texas, a municipal corporation chartered by the State of Texas.

Notary Public, State of Texas