



City of Navasota Council Ethics Policy

1. POLICY STATEMENT

Accepting a position as a public official carries with it the acceptance of trust that the official will work to further the public interest, maintaining that public trust is critical to the continued operation of good government. In addition, public decision-making should be open and accessible to the public at large. To preserve this public trust, there are five principles to which public officials should adhere:

1.1 A public official should represent and work towards the public interest and not towards private/personal interests.

1.2 A public official should accept and maintain the public trust (i.e. must preserve and enhance the public's confidence in their public officials).

1.3 A public official should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust.

1.4 A public official should recognize the proper role of all government bodies and the relationships between the various government bodies.

1.5 A public official should always demonstrate respect for others and for other positions.

2. STANDARDS OF CONDUCT

No elected or appointed official of the City, whether or not s/he is compensated for his/her service by the City, shall directly or indirectly (i.e. by others on his/her behalf or at his/her request or suggestion):

2.1 engage in any private business, transaction or employment, or have any significant financial interest therein, which is incompatible or in conflict with the proper and impartial discharge of his/her duties on behalf of the City. A "significant financial interest" is any direct or indirect benefit to the decision-maker other than the interest that would accrue to him or her as a taxpayer or resident;

2.2 represent any private party before the public body on which the official sits or over which the official has appointment or budgetary powers;

2.3 disclose without authorization or use to further a personal interest, confidential information acquired in the course of official duties;

2.4 grant or influence the granting of any special consideration, advantage or favor, to any person, group, firm or corporation, beyond that which is the general practice to grant or make available to the public at large;

2.5 with the exception of occasional, non-pecuniary gifts, accept anything of economic value such as money, service, gift, loan, gratuity, favor or promise thereof for the purpose and intent of which is to influence any such official of the City in the exercise of his/her official judgment, power or authority;

2.6 make personal use of staff, vehicles, equipment, materials or property of the City except in the course of his/her official duties or as duly authorized by the proper City official, board or commission;

2.7 participate in the appointment, vote for appointment, or discussion of any appointment of an immediate family member or business associate, or use his/her position, directly or indirectly, to effect the employment status of an immediate family member or business associate to any City office or position, paid or unpaid; or

2.8 receive or have any financial interest in any sale to the City of any real estate when such financial interest was received under circumstances which would lead a reasonable person to expect that the City intended to purchase, condemn or lease said real estate.

3. EX-PARTE COMMUNICATIONS: COUNCIL, BOARDS, COMMISSIONS AND COMMITTEES

In any quasi-judicial matter (e.g. personnel decisions, condemnation proceedings, zoning rules, matters involving the issuance of a permit or approval), or the award of a contract, before a City Council, Board, Commission or Committee, a public official sitting on such Council, Board, Commission or Committee, shall not, outside of that Council, Board, Commission or Committee, communicate with or accept a communication from a person for which there are reasonable grounds for believing to be a party to the matter being considered, if such communication is designed to influence the official's action on that matter. If such communication should occur, the public official shall disclose it at an open meeting of the Council, Board, Commission or Committee prior to its consideration of the matter.

4. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before the City Council, Board, Commission or Committee, as to which any conflict of interest standard, as described in Section 2 of this policy, applies to one of its members, the following provisions shall apply:

4.1 A city officer, employee or advisory board member shall disclose the existence of any substantial interest in a business entity or real property involved in any decision pending before such officer, employee or advisory board member, or the body of which the official is a member. To comply with this paragraph, a city officer or advisory board member shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Section 171.004 of the Texas Local Government Code or, if not so required, shall publicly disclose in the official records of the body or to the city secretary the nature of the interest. To comply with this paragraph, a city employee shall notify his or her superior in writing of the nature of any substantial interest he or she may have in a business entity or real property that would be affected by an exercise of discretionary authority by the city employee and such superior shall assign the matter to another employee.

4.2 Following such disclosure, such public official shall not participate in any consideration, discussion or vote on the matter before the Council, Board, Commission or Committee. If the official wishes to address the issue at an open public meeting, the official may participate as a member of the public. During deliberation and vote on the matter, the official may participate as a member of the public. The official may attend an executive session to discuss the matter at the invitation of the Council, Board, Commission or Committee, if such attendance complies with the statutory requirements of the Open Meeting Act.

4.3 The public official shall not, during any part of the Council, Board, Commission or Committee meeting pertaining to the matter requiring the disclosure, represent, advocate on behalf of, or otherwise act as the agent of the person or business entity in or with which the official has such an interest or relationship.

4.4 The foregoing shall not be construed as prohibiting the official from testifying as to factual matters at a hearing of the City Council, Planning and Zoning Commission, Economic Development Corporation, or any other Board, Commission or Committee.

5. REPORTING OF ETHICS VIOLATION

5.1 The City Council shall have the primary responsibility for the enforcement of this code. The City Council may direct the city attorney to investigate or prosecute any apparent violation of the code or it may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations of this code by one or more persons. At the direction of the City Council, the city attorney shall have the power to investigate any complaint, to initiate any suit, and to prosecute any action on behalf of the city where such action is appropriate.

5.2 Any person who believes that a violation of any portion of the code has occurred may file a complaint with the City Council who may then proceed as provided in Section 2.1 above. However, nothing in this code shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

6. ADVISORY OPINIONS

6.1 Where any officer, employee or advisory board member has a doubt as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, he or she may apply to the city attorney for an advisory opinion. The officer, employee or advisory board member shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

6.2 Until amended or revoked, any advisory opinion shall be binding on the City, the City Council, and the city attorney in any subsequent actions concerning the public officer, employee or advisory board member who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

7. CITY OF NAVASOTA ETHICS COMMISSION

7.1 If the city attorney finds merit to the reported ethic violation and the measure does not call for prosecution through criminal or civil court, the Council may use an Ethics Commission to provide a recommendation on the question if and what level of discipline should be applied to the offending officer, employee, or advisory board member.

7.2 The City of Navasota Ethics Commission will consist of five (5) members, all of whom shall serve without compensation. The members of the Ethics Commission shall be public officials from neighboring cities and counties outside of Grimes County. The City Attorney shall furnish the Board whatever legal assistance necessary in carrying out its functions. The Ethics Commission shall select one of its members as a chairman and a secretary who need not be a member.

7.3 The Ethics Commission will report their recommendation for disposition to the City Council.

7.4 During all stages of any investigation or proceeding conducted under this subsection, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel of his own choosing.

7.5 The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, establish all pertinent facts and circumstances and question or refute any testimony or evidence.

7.6 Upon conclusion of the hearing, the Commission shall file its recommendation within 5 days in writing signed by all participating Commission members and refer the matter to the City Council for its consideration.

8. PENALTIES; EXEMPTIONS; INJUNCTIONS

8.1 Except where otherwise provided by state law, it is not the intent of this code that violations therefore be subject to criminal penalties.

8.2 Whenever the City Council has determined that any officer, employee or advisory board member has violated any provision of this code, such officer, employee or advisory board member shall be subject to discipline.

8.3 The City Council may exempt from the provisions of this code any conduct found to constitute a violation by an officer, employee or advisory board member if it finds that the enforcement of this code with respect to such conduct is not in the public interest.

8.4 Any contract or transaction which was the subject of an official act or action of the City in which there is an interest prohibited by this code, or which involved the violation of a provision of this code, shall be voidable at the option of the City Council.