**City of Gregory - City Council Ethics Policy**

**Section 1. Policy.** The purpose of this policy is to guide the members of the City Council of the City of Gregory in their duties as council members. This Code of Ethicsis designed to promote public trust by establishing rules of conduct for the city council and board members. City Council and board members must observe a high standard of professional conduct in the course of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal interests. The policy is not meant to diminish the rights of any council member or board member as a citizen of this community. Additional resources with a detailed explanation of applicable state law are available at: <https://www.tml.org/284/Ethics>

**Section 2. Authority.** The City Council is authorized by Texas Local Government Code, section 22.038, to determine the rules of its proceedings.

**Section 3. Standards.** The following rules of conduct apply to all City of Gregory city council members and board members appointed by the City Council:

1. **Qualifications of office.**
2. The Mayor and Council Members must meet the state law requirements to qualify for office as provided for in Texas. Local Government Code section 22.032 and Texas Election Code Chapter 141.
3. No board member may be appointed or serve if convicted of a Class B misdemeanor or above or have a felony conviction within the last ten (10) years.
4. **Special Privileges.**
5. No council member or board member:
6. Shall use their position to advance their own economic interests, their family’s economic interests or the entities in which they have a substantial interest.
7. shall use their office for private advancement or to secure special privileges or exemptions for others;
8. grant any special consideration, treatment, or advantage to any person or group beyond that which is available to others generally;
9. shall use city facilities, personnel, equipment, or supplies for purposes unrelated to City business, except to the extent such are lawfully available to the public;
10. may spend or authorize the expenditure of public funds for political advertising, unless the communication factually describes the purposes of a measure, does not advocate passage or defeat of a measure and otherwise complies with Texas Election Code Chapter 225;
11. may use the position to influence the actions of a city official or employee in the performance of their duties related to contracts or business transactions.
12. **Personal Conduct.**
13. Council members and board members have the right to support any political party or issue. Any support for a political party or issue shall not interfere with City business or reflect negatively on the City.
14. No City funds or resources may be used in support of a political party or issue, unless such activity is directly related to a bond measure or ballot measure up for election and done in strict compliance with the Texas Election Code.
15. Council members and board members are prohibited from using their position to engage in any inappropriate personal relationship with other city officials, customers or individuals receiving City services of any kind.
16. Council members and board members shall abide by all city ordinances, state and federal laws and keep all accounts with the City current.
17. Council members and board members shall not engage in any outside activities employment that will conflict or be incompatible with the full and property discharge of the members official duties, impair the member’s independent judgment in the performance of duties or discredit the authority of the City.
18. Council members and board members shall not represent any private person, group or interest in any action or proceedings against or adverse to the City in any litigation in which the City is a party or in any municipal court proceedings.
19. Council members or board members shall not receive fees or compensation for services as a council member or board member from any source other than the City.
20. **Gifts**
21. The receipt of gifts should be evaluated against perceived conflicts or special considerations which could influence the ability of members of the City Council to perform their official duties.
22. The receipt of certain gifts is allowed and includes:
23. Gifts having a nominal value received from citizens or persons or entities doing business with the City or seeking to do business with the City.
24. Non-cash gifts having a value of less than $50 are acceptable. However, cumulative gifts from a single source in a calendar year may not exceed $50.00.
25. Gifts from a relative or a person with whom the council member or board member has a personal, professional, or business relationship independent of the member’s status. The burden will fall on the city official to show that the narrow requirements of this exception are met.
26. Ceremonial and protocol gifts presented to city officials from a foreign government or international or multinational organizations and accepted on behalf of the City.
27. Council members and board members may accept meals, travel, lodging, or entertainment under the following conditions:
28. The member is a guest or speaker at an event or participating in connection with the member’s position or spouse’s position.
29. The donor or host must be present at the meal, lodging, travel, or entertainment. Acceptance of these items is not permissible when the donor or host is not present.
30. Payment or reimbursement of expenses for travel and attendance above the City’s authorized rates is considered a personal gift.
31. A public award or reward for meritorious service or professional achievement, provided that the award or reward complies with Texas Penal Code section 36.08/
32. A loan from a lending institution or scholarship or fellowship made or awarded on the same terms and criteria as other applicants.
33. Any solicitation for and on behalf of civic or charitable causes unrelated to the City.
34. Council members and board members must report and file a gift disclosure report with the City Secretary for gifts with a value of $50 or more or accumulation of gifts with a value of $100 or more received during the calendar year. This reporting is in addition to any requirement of the Local Government Code, Election Code or other statutory requirements.
35. **Conflicts of Interest.**
36. Council members and board members shall familiarize themselves and comply with state law conflicts of interest and disclosure statutes including the following:
37. Texas Local Government Code, Chapter 171 related to disclosure of a substantial interest in a business or property that would be beneficially affected by a decision of the City Council or a city board.
38. Texas Local Government Code, Chapter 176 related to disclosure of any business relationship with a person or business doing business with the City or being considered by the City for a business relationship.
39. Texas Government Code, Chapter 553 related to disclosure related to the acquisition of a property by the City.
40. In the event that the council member or board member has a state law conflict of interest, the member must:
41. Submit the appropriate written disclosure to the City Secretary;
42. Not participate in any discussion or consideration of the item at a meeting;
43. Not discuss the matter with city staff or other city officials; and
44. Must abstain from any vote or decision on the matter.
45. A council member or board member must comply with the conflict of interest provisions of this policy or state law as soon as they are or become aware of the conflict.
46. This section does not affect a council member’s or board member’s ability to apply for city services so long as the member discloses that they are acting in an individual capacity.
47. **Voting.**
48. Council members and board members are required to vote on agenda items unless the member has a state law conflict of interest.
49. Council members and board members should abstain from voting on an item to avoid the appearance of impropriety due to a violation of a state law provision.
50. Abstention from voting is not appropriate to avoid the decision-making process on a controversial item.
51. **Actions Adverse to the City.**
52. Council members and board members**:**
53. shall not disclose confidential information, unless authorized by law or court order to do so.
54. may not use any information gained by virtue of their position to advance their personal interest or the personal interest of a family member.
55. shall not engage in any felony crime, misdemeanor involving moral turpitude or other conduct that negatively reflects on the City.
56. **Violations.**
57. A finding by the City Council that a violation of the policies provided for herein shall subject the council member or board member to appropriate discipline.
58. A violation shall not render an action of the City void, unless the action would not have been approved without the vote of the person who violated this policy.
59. **Investigations.**
60. A written allegation of a violation of this policy must be submitted to the Mayor or the Mayor Pro Tem for review and an investigation.
61. The city council may seek a neutral, third-party consultant to assist with an investigation, if the allegation is complex, involves state law violations, or otherwise deemed necessary by the city council.
62. An agenda item for city council consideration must be posted on a meeting notice that complies with the Texas Open Meetings Act in order to investigate and determine if a policy violation has occurred.
63. The city council must issue a written finding that the allegation was sustained or not sustained.

**K. Penalty.** The following provisions are established as penalties for non-compliance:

1. The city council may only remove board members from their positions.
2. City council members may only be removed in compliance with Local Government Code Chapter 21.
3. The city council member may issue a formal reprimand or censure and remove any committee assignments or projects.
4. Refer information to a law enforcement authority for investigation in the event of a claim of state law violation.