

****PUBLIC NOTICE****



ETHICS COMMITTEE

Monday, January 24, 2022 at 6:00 PM

City Hall | 3300 Corinth Parkway

A. CALL TO ORDER

B. CITIZENS COMMENTS

Please limit your comments to three minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Council is prohibited from acting on or discussing items brought before them at this time.

C. BUSINESS AGENDA

1. Conduct a Board Orientation for the Ethics Committee.
2. Conduct training on Ordinance No. 18-08-02-22 detailing the Code of Ethics.
3. Discuss plans for Ethics Committee members to train other Advisory Boards on the Code of Ethics.

D. BOARD COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each Board member the opportunity to provide general updates and/or comments to fellow Board members, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Board member may direct that an item be added as a business item to any future agenda.

E. ADJOURN

Posted on this 21st day of January 2021, at 11:30 A.M., on the bulletin board at Corinth City Hall.

A handwritten signature in blue ink that reads "Katherine Lindsey".

Katherine Lindsey, Assistant to the City
Manager/Deputy City Secretary
City of Corinth, Texas



CITY OF CORINTH Staff Report

Meeting Date:	1/24/2022	Title:	Board Orientation
Ends:	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input checked="" type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input checked="" type="checkbox"/> Governance Policy <input type="checkbox"/> Ministerial Function		

Item/Caption

Conduct a Board Orientation for the Ethics Committee.

Item Summary/Background/Prior Action

The Staff Liaison will facilitate a Board Orientation for the new Ethics Committee highlighting organizational structure, the Committee’s purpose, expectations, procedures, and future projects.

Staff Recommendation/Motion

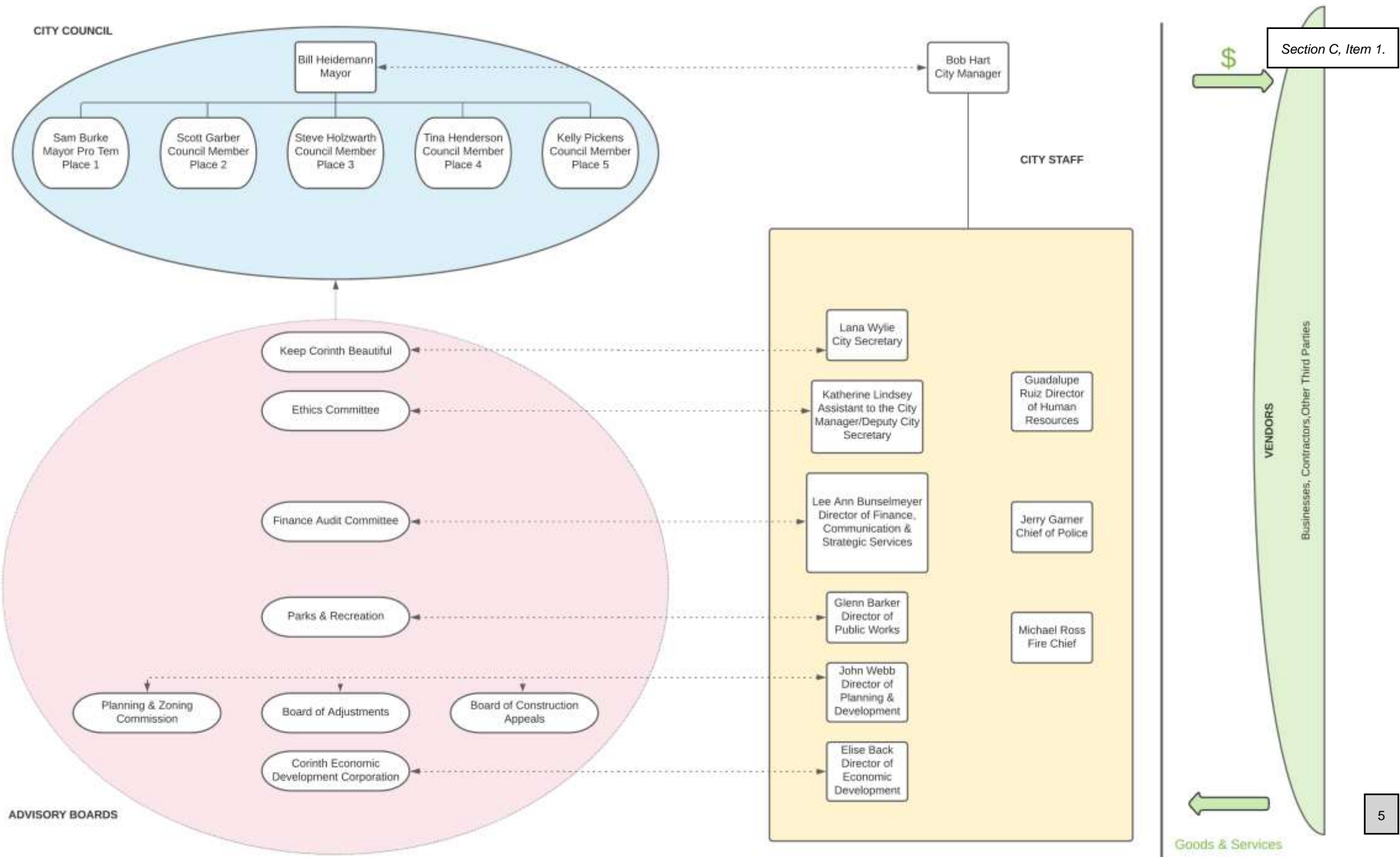
The information provided is for discussion purposes only.

Ethics Committee

ORIENTATION 2022

Overview

- City of Corinth's organizational structure
- Role of Ethics Committee
- Expectations
- Code of Ethics Overview
- Future Projects



City of Corinth's Organizational Structure

Council-Manager form of government

City Council

- City Council creates local laws
- Mayor is the leader of the Council, but does not vote
- City Council hires/fires the City Manager
- Has no authority over City Staff
- Does not receive compensation

City of Corinth's Organizational Structure

City Manager

- Acts as liaison between Council and Staff
- Communicates with Council through the Mayor
- Accountable to Mayor and City Council

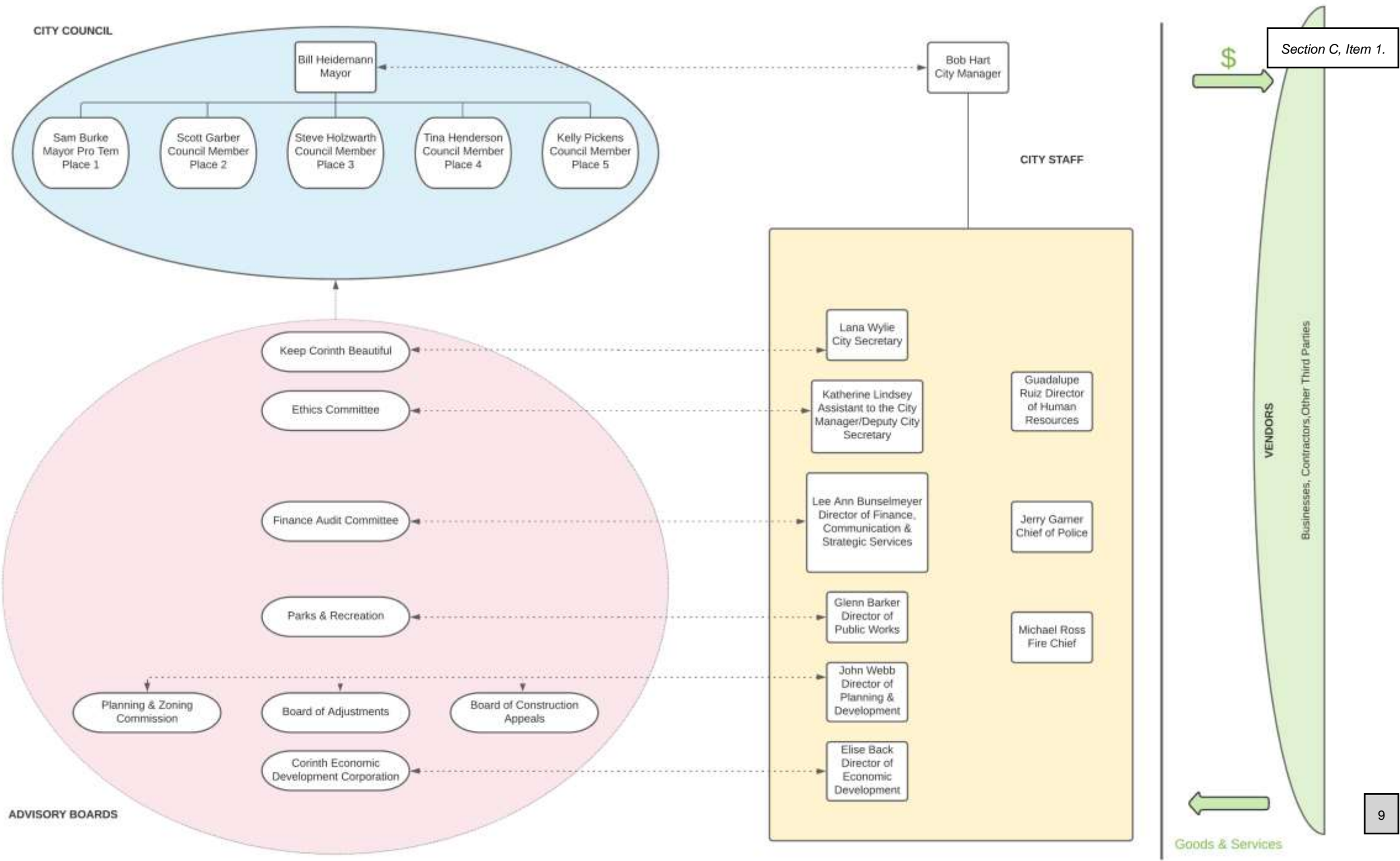
City Staff

- Answers only to the City Manager, not Council
- Implements the decisions made by Council
- Makes recommendations to Council (via appropriate channels)
- Runs daily operations of the City
- Roles are administrative, not political

City of Corinth's Organizational Structure

Advisory Boards

- Accountable to Mayor and City Council
- Helps provide democratic checks and balances
- Must follow set policies and procedures
- Members do not receive compensation
- Each has a Staff liaison who assists with administrative functions of the board
- Boards may:
 - Make recommendations to Council and Staff Liaisons
 - Make major decisions within their lane
 - Help carry out strategic plans



Purpose of Ethics Committee

Help ensure that advisory board members, City Council members, City Staff, and Vendors act ethically by:

- Maintaining public trust
- Using public funds appropriately
- Having good character
- Following designated ethical rules
 - ❖ City of Corinth's Code of Ethics
 - Local, state, and federal laws and policies
 - Ethical codes set forth by applicable professional organizations

Expectations - Behavior

Ethics Committee needs to be the model for ethical behavior within the City

- Follow the adopted Code of Ethics
- Help protect the integrity of the City of Corinth
 - Might need to temper social media usage
 - Be above reproach
 - Give no appearance of impropriety
- Maintain civil relationships between fellow committee members
- Express opinions in respectful ways

Expectations - Duties

- Complete all trainings and paperwork as required
- Follow set procedures for handling ethical complaints
- Maintain confidentiality on sensitive matters
- Attend board meetings

Expectations – Conflict of Interest

Texas Government Code Title 5 Chapter 572

- Have no direct or indirect interest, including financial or other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.
 - You or your family members accepting gifts from entity
 - Controlling interest in entity
 - Holding substantial stock or shares (more than 10% of gains)
 - Member of board of directors or other governing board of entity
 - Employee of the business
 - Potential impacts on real property

Expectations – Conflict of Interest Disclosure

If you think you may have a conflict of interest:

- Notify chair and staff liaison
- Complete CIS Form (Local Government Officer Conflicts Disclosure Statement)
 - May be notarized for free by the City Secretary
- Recuse yourself from discussions or decision-making involving the conflict of interest as deemed appropriate

Roberts Rules of Order

- Parliamentary procedures that help meetings stay organized and efficient

Motion — introduce plan of action or decision

Second — motions should be “seconded” to be considered by group

Amend — change a motion

Adjourn — end the meeting

Recess — take a break

Postpone Indefinitely — ends a motion for that meeting

Question — to end a debate immediately

Open Meetings Act

- Board members may only discuss official business during previously advertised meetings
- Notices need to be posted 72 hours before meetings start
 - Exception: Emergency Meeting – 2 Hours
“In an emergency or when there is an urgent public necessity”
- Executive Sessions
 - Confidential
 - No official decisions can be made
 - Must have valid reason for discussing items in private

Cybersecurity

- Those using City affiliated e-mails (@cityofcorinth.com) or networks are required to complete quarterly cybersecurity training
- Helps prevent phishing, ransom attacks, data breaches

Red Flag Reporting

- Third-party hotline where people can make safe, secure, anonymous reports about ethics, safety, and fraud.

Examples:

- Financial Concerns (e.g., theft, misstated financial statements)
- Harassment
- Care Issues
- Discrimination
- Safety Issues
- Substance Abuse
- Compliance Issues

Red Flag Reporting – Filing Report

- 24/7
 - Calling toll-free 1-877-647-3335
 - Texting RFR 234-231-9005
 - Online submissions through Red Flag Reporting portal
- Must include Client Code and Organization Name
 - Client Code: CorinthRes
 - Organization Name: City of Corinth

Ordinance No. 18-08-02-22

- Adopted in 2018
- Rewrote the Code of Ethics
 - Codified as Chapter 39, “Code of Ethics” of Title III, “Administration” of the Code of Ordinances of the City of Corinth
- Provides in-depth information on:
 - Functions of the Ethics Board
 - Making complaints
 - Investigation processes
 - Dispositions

Current Concerns

- Advisory Board Appointment Processes
 - More efficient screening for potential conflicts of interest

Future Projects

- Update the City of Corinth's Code of Ethics
- Ensure Red Flag Reporting system is running smoothly
- Give presentations on Ethics to the other advisory boards and City Council
- Explore options to provide ethics training for city employees (current, new-hires, before they leave), advisory board members, and City Council members

ROBERTS RULES of ORDER - PODIUM CHEAT SHEET

To:	You say:	Interrupt Speaker?	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until (time or day)"	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of a motion	"I move that we table <u>(motion)</u> ."	No	Yes	No	No	Majority
End debate before the natural conclusion by the chair	"I move the previous question" or "I call the question"	No	Yes	No	No	2/3 (66.7%)
Postpone consideration of a motion	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house" or "Division!"	Must be done before new motion	No	No	No	None unless someone objects*
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision" or "I challenge the ruling of the Chair"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have *no established order of preference*; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege). *See procedure and glossary.

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: *Nothing* goes to discussion without a motion being on the floor in formal business meetings. Under small group meeting rules, some discussion can occur, which serves to clarify what the business motions of the group/board may be before members so move.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes her/his seat.
- Another member seconds the motion: *I second the motion or I second it or second!*
- The chair states the motion: *It is moved and seconded that: _____.*

Consideration of the Motion

- i. Members can debate the motion.
- ii. The chair may propose a limit on debate in advance ("we will hear three speakers each, pro and con, for one minute apiece") and put it to the body for a decision. If the body adopts the motion to limit debate, it functions as
 - iii. Before speaking in debate, members obtain the floor.
 - iv. The maker of the motion has first right to the floor if he claims improperly
 - v. Debate must be confined to the merits of the motion.
 - vi. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

- The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
- The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) The voice vote is not definitive. *Those abstaining please say 'Aye' or please raise your credential.*

The chair announces the result of the vote.

- *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
- *The nays have it and the motion fails*
- *The vote is tied, and thus for want of a majority, the vote fails*

WHEN DEBATING YOUR MOTIONS

- a. **Listen** to the other side
- b. Focus on **issues**, not personalities
- c. Avoid questioning motives, stick to debating the **policy**
- d. Be **gracious** and **polite** to each other

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion. Member: "Madam Chair, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madam Chair, I move that the motion be amended by adding the following words _____."
- After recognition, "Mr. Chair, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madam President, I move that the motion be amended by striking out the following words, _____, and replacing with the following words _____."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and before the chair has stated the question, are sorry you made it. If seconded, the seconder must also withdraw.

- After recognition, "Mr. Chair, I ask permission to withdraw my motion."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madam Chair, I move that the question be referred to a committee made up of members Apple, Jones and Smith."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Mr. President, I move to postpone the question until the next regular meeting on June 18th."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop the discussion and vote. Note: this motion is NOT required to close debate. The chair is tasked with closing debate at a reasonable time. This motion should only be used if you wish to end debate immediately.

- After recognition, "Madam President, I move the previous question."
- The motion to close debate *must itself be voted upon*. You cannot simply end debate by shouting "Question!" or stating, "I call for the question."
- Think carefully about whether you are attempting to cut off the debate of members who should be heard.

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question, or you wish to limit debate from the start.

- After recognition, "Mr. President, I move to limit discussion to one minute per speaker."
- Alternatively, at the beginning of "Madam Chair, I move to limit debate to two speakers pro and con, for up to two minutes each."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed without having to directly vote on the motion.

- After recognition, "Madam Chair, I move to postpone the question indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Mr. Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madam Chair, I move to adjourn."

FRIENDLY AMENDMENT

You have made a motion and the chair has stated the motion. Now you would like to informally change the motion before it is voted upon.

- You cannot do this. *There is no such thing as a "friendly" amendment.*
- Once your motion was seconded and the question stated by the chair, the motion no longer belongs to you, but belongs to the body. Only a vote of the assembly can amend the motion at that point.

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chair is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The standing, operating, and special rules, or the rules contained within the parliamentary authority (in our case Robert's Rules) may be suspended with a 2/3rds vote. There are many possibilities. Here are two:

Scenario 1: The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chair, I move to suspend the rules and move item 5 to position 2."

Scenario 2: The endorsement standing rules require a written ballot for every race, but in one race there is only one candidate running, and the person is a popular incumbent previously endorsed. A written ballot seems unnecessary and time-consuming as the results are foregone conclusion.

- After recognition, "Mr. President, I move to suspend the rules and decide the state Senate endorsement on a voice vote of the body."

COMMITTEE OF THE WHOLE

You are going to propose a question that is best discussed informally, without the usual limitations on each speaker speaking only once to a question, or back and forth exchanges.

- After recognition, "Mr. Chair, I move that we go into a committee of the whole for 15 minutes to hash out the details of who is volunteering in our booth for which tasks at Pioneer Days."

POINT OF PERSONAL PRIVILEGE

The room has become very warm and uncomfortable, or another condition is making focus on the meeting agenda items difficult.

- Without recognition, "Point of personal privilege."
- Chair: "State your point."
- Member: "The room is extremely warm. Can we open a window?"

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."
- Chair: "State your point."
- Member: "We need to vote on the amendment before we proceed to the main motion."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."
- Chair: "State your point."
- Member: "We are discussing a large outlay of funds. What is the current balance in the treasury savings account?"

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."
- Chair: "State your point."
- Member: "Would a motion to amend the budget before adoption be in order?"

APPEAL FROM THE DECISION OF THE CHAIR

When you believe the chair has ruled improperly, under the existing bylaws and rules of the body.

- Without recognition, "I appeal from the decision of the chair."
- Or, less graciously, "I challenge the ruling of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Statute or Administrative Rule	As provided by law or governing authority	Cannot be suspended
Charter or organizational Constitution	Adopted by majority vote of membership	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or most of the entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Standard or Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote



CITY OF CORINTH
Staff Report

Meeting Date:	1/24/2022	Title:	Ethics Ordinance Presentation
Ends:	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input checked="" type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input checked="" type="checkbox"/> Governance Policy <input type="checkbox"/> Ministerial Function		

Item/Caption

Conduct training on Ordinance No. 18-08-02-22 detailing the Code of Ethics.

Item Summary/Background/Prior Action

The Ethics Committee is required to undergo annual ethics training. It is vital that the new Board is familiar with the contents of the Ethics Ordinance which provides detailed rules and procedures that the members of the Ethics Committee, members of other Advisory Boards, and other parties must follow when Complaints are filed and investigated. The Ordinance also contains information regarding more general definitions, qualifications, expectations, and mandates.

Applicable Owner/Stakeholder Policy

Ordinance No. 18-08-02-22 Se. 39.10 states that City Officials shall complete an annual training session regarding the Code of Ethics chapter.

Staff Recommendation/Motion

The information provided is for discussion purposes only.

Ethics Ordinance

ORDINANCE NO. 18-08-02-22

Overview

1. Definitions
2. Expectations
3. Rules of Conduct
4. Implementation
5. Meetings and Hearings
6. Dispositions and Reconsideration

Key Definitions

City Official: Members of the City Council and Advisory Boards

Confidential Information: Written or non-written information that would be excepted from the Texas Public Information Act.

Person: Associations, corporations, firms, partnerships, and bodies politic and corporate, as well as to individuals

Complaint: Written documentation submitted accusing a City Official of ethical violations

Complainant: Individual who submitted a Complaint to the City

Accused: City Official who has been charged in a Complaint

Deliberations: Discussions and correspondence with other City Officials, presentation before City Council or Advisory Board, and voting as City Official

Key Definitions: Conflicting Interest

A stake, share, or involvement in an undertaking in the form of any one or more of the following:

- 1) Ownership of five percent (5%) or more voting shares or stock in a business entity;
- 2) Receipt of more than six-hundred dollars (\$600.00) in gross annual income from a business entity;
- 3) Ownership of more than six-hundred dollars (\$600.00) of the fair market value of a business entity;
- 4) Ownership of an interest in real property with a fair market value of more than six-hundred dollars (\$600.00);
- 5) Serves on the Board of Directors or as an Officer of a business entity; and/or
- 6) Serves on the Board of Directors or as an Officer of a nonprofit corporation.

Key Definitions: Gift

Anything of monetary value, such as personal property, real property, services, meals, entertainment, and travel expenses. It does not apply to:

- 1) a lawful campaign contribution;
- 2) meals, lodging, transportation and related travel expenses paid for (or reimbursed by) the City in connection with the City Official's attendance at a conference, seminar or similar event;
- 3) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public events;
- 4) complimentary copies of trade publications and other related materials;
- 5) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
- 6) Any gift which would have been offered or given to the City Official because of a personal, familial professional relationship regardless of the City Official's capacity with the City;
- 7) tee shirts, caps and other similar promotional material;

Expectations of City Officials

- Foster public trust
- Uphold personal and organizational integrity
- Avoid behavior that calls their motives to question and erodes public confidence
- Place municipality's interests above their own
- Value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence
- Balance transparency with duty to protect personal privacy and preserve confidential information that the City has been entrusted

Rules of Conduct

Mandates

- Duty to Report
- Cannot interfere with staff appointments/discipline
- Financial disclosures

Prohibitions

- Conflicts of Interest
- Gifts
- Representation of Others
- Improper Influence
- Misuse of Information
- Abuse of Resources
- Abuse of Position
- Subsequent Work on Prior Projects
- Travel

Implementation

Staffing

- The City Secretary's Office is responsible for providing staff support to the Board

Legal Council

- Can be with the City Attorney or Special Counsel.

Board of Ethics

- Five members, residents of the City, appointed by the Council

Advisory Opinions

- Requests
- Issuance
- Reliance

Implementation - Complaints

Any Corinth resident, Corinth real-property owner, City employee, or City Official with first-hand knowledge of a violation may submit a written complaint to the City Secretary or Red Flag Reporting.

Must Include:

- Complainant's name, address, and contact information
- Name and position/title of the Accused
- Nature of alleged violation, and if possible, the specific provision
- Statement of facts and time period the alleged violation occurred
- All other relevant documents and material available to the Complainant

Accompanied by affidavit stating the Complaint is true and correct, or has good reason and does believe that the facts violate the Ordinance

Implementation – Complaints cont.

- Complaints must be brought within six months of Complainant becoming aware of the issue
- Cannot be accepted more than two years after alleged act or omission occurred
- The City Secretary will determine if the Complaint is administratively complete and timely, and if so, will send the proper notifications to the appropriate parties
- Submitted Complaints are confidential until it is dismissed or placed on our meeting agenda

***Ex Parte* Communications**

After filing -- the Complainant, Accused, or someone on their behalf cannot engage directly or indirectly about the subject with Ethics Board members or witnesses. Ethics Board members cannot knowingly allow *ex parte* communications. Members may only discuss Complaint with other Ethics Board members, the City Secretary's office, City Attorney's office, or Special Council.

Implementation – Preliminary Assessment

Referral to Chair – Accepted Complaint will be referred to the Chair within 5 business days

Assignment of Panel – Chair then has 5 days to assign the Complaint to a Committee and appoint the Committee Chair

Committee Determination – Committee has 5 days to review and determine if the Complaint is Actionable, Baseless, or Frivolous

Appeals – Determination of the Committee may be appealed by the Complainant or Accused in writing within 10 business days

Meetings and Hearings

Meetings

- Must be called by Chair, three members, or City Secretary
- Must have a quorum of three members (may or may not include chair)

Hearings

- Scheduled by City Secretary for an Actionable Complaint or an Appeal challenging a dismissal
- Three possible outcome determinations:
 1. If a violation occurred, and if so, assess the appropriate sanction
 2. If the Committee had erroneously dismissed a previous complaint
 3. If an Accepted Complaint is Frivolous
- Rules of Procedure
- Sworn Testimony
- Burden of Proof

Disposition - Dismissal

Disposition

- Dismissal is allowed if:
 1. Complaint is Baseless or Frivolous
 2. Alleged violation did not occur
 3. Accused relied (reasonably and in good faith) on an Advisory Opinion
 4. Complainant failed to testify at hearing

Disposition - Sanctions

- Sanctions
 - 1. Letter of Notification
 - Letter of Admonition
 - A reprimand
 - Recommendation of Suspension
 - Ineligibility

Disposition - Frivolous

Frivolous

- It's a violation to submit a Frivolous complaint
- If 2/3 of Committee determine a Complaint is Frivolous, then the person who filed may be prohibited from filing another Complaint for one year
- Decision based on timing, nature of any publicity, relationship between Accused and Complainant, evidence on why Complainant should have known it was groundless, and evidence of Complainant's motives
- Complainants may be subjected to criminal prosecution including perjury, or civil liability for defamation or abuse of process

Reconsideration

The Complainant or Accused may request the Committee to reconsider decision

- Must be filed with City Secretary within five business days of receiving final opinion
- Request will be sent to Chair, the City Secretary, and non-filing party
- If Chair believes that the request bears new, relevant information to the decision then the Chair shall schedule a new hearing within thirty days. Otherwise, the Chair shall unilaterally dismiss the request and provide the decision to both parties.

ORDINANCE NO. 18-08-02-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS REPEALING CHAPTER 39, "CODE OF ETHICS" OF TITLE III, "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH AND ADOPTING A NEW CHAPTER 39, "CODE OF ETHICS" OF TITLE III, "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT TO ADOPT THE CODE OF ETHICS WITH PROVISIONS APPLICABLE TO CURRENT AND FORMER CITY OFFICIALS, VENDORS AND COMPLAINANTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, on April 7, 2005, the City Council adopted Ordinance No. 05-04-10 which was codified as Chapter 39, "Code of Ethics" of Title III, "Administration" of the Code of Ordinances of the City of Corinth; and

WHEREAS, since the adoption of Chapter 39, the City Council has determined it appropriate to review and update the existing Code of Ethics to determine if amendments are appropriate; and

WHEREAS, with the assistance of the City's Board of Ethics and University of Texas Graduate Capstone Students, the existing Code of Ethics was reviewed; and

WHEREAS, the Board of Ethics conducted four public work sessions to discuss the provisions of the Code of Ethics, Best Practices in the field of municipal ethics were reviewed and incorporated, and upon that basis, a draft Code of Ethics was submitted for consideration by the City Council; and

WHEREAS, having review and discussed the proposed draft, the City Council has determined that the proposed amendments to the existing Code of Ethics, Chapter 39 of Title III of the Code of Ordinances, are reasonable and provide a basis for continuing public confidence in the conduct of the business and affairs of the City; and

WHEREAS, the City Council finds and determines that existing Chapter 39 Code of Ethics should be repealed in its entirety and the newly proposed Chapter 39, "Code of Ethics" as set forth herein should be adopted.

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

SECTION 1.

INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.

AMENDMENTS

2.01 Chapter 39, "Code of Ethics" of Title III, "Administration" of the Code of Ordinances of the City of Corinth is hereby repealed in its entirety and a new Chapter 39, "Code of Ethics" of Title III, "Administration" of the Code of Ordinances of the City of Corinth is hereby adopted and shall read in its entirety as follows:

"DIVISION 1. GENERAL

Sec. 39.01. Purpose

The purpose of this Article is to foster an environment of integrity for those that serve the City of Corinth and our citizenry. The City Council enacted this Chapter in order to increase public confidence in our municipal government. It is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust. City Officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner. To ensure and enhance public confidence in our municipal government, each City Official must strive not only to maintain technical compliance with the principles of conduct set forth in this Chapter, but to aspire daily to carry out their duties objectively, fairly, and lawfully.

It is not the purpose of this Chapter to provide a mechanism to defame, harass or abuse their political opponents, or publicize personal grudges.

Sec. 39.02. Applicability

This Chapter applies to the following persons:

- a) City Officials;
- b) Former City Officials whose separation from city service occurred less than one (1) year ago;
- c) Vendors; and
- d) Complainant(s).

Sec. 39.03. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accepted Complaint: a sworn allegation of a violation of this Chapter after the required documentation has been submitted to the City Secretary to be passed to the Committee Chair, and determined to be administratively complete.

Accused: a City Official who has been charged in a Complaint with having violated this Chapter.

Actionable Complaint: an Accepted Complaint that has been deemed by a quorum of the Commission to contain allegations and evidence that, if accepted as true, would support a finding that a violation of this Chapter occurred.

Advisory Opinions: written rulings regarding the application of this Chapter to a particular situation of behavior.

Baseless Complaint: a Complaint that does not allege conduct that would constitute a violation of this Chapter, or that does not provide evidence that, if true, would support a violation of this Chapter.

Board of Ethics: the oversight entity established by the Council to administer this Chapter.

Board Member: for the purposes of this Chapter, a person that is currently appointed to the Economic Development Corporation, Finance Audit Committee, Board of Construction Appeals, Zoning Board of Adjustments, Planning and Zoning Commission, Ethics Commission and Keep Corinth Beautiful Members.

Business Entity: a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate: a person who has filed an application for a place on a ballot seeking public office, or one who has publicly announced the intention to do so.

Chapter: the Code of Ethics for the City of Corinth codified as Chapter 39, "Code of Ethics" of Title III, "Administration" of the Code of Ordinances of the City.

City: the City of Corinth in the County of Denton and State of Texas.

City Official: for the purposes of this Chapter, the term consists of the City Council, Economic Development Corporation, Finance Audit Committee, Board of Construction

Appeals, Zoning Board of Adjustments, Planning and Zoning Commission, Ethics Commission and Keep Corinth Beautiful Members.

Code: the Code of Ordinances of the City of Corinth, Texas, as such Code may be amended from time to time.

Committee: an ad hoc Board of Ethics subcommittee consisting of three (3) out of the five (5) members assigned by the City Secretary on a rotating basis.

Committee Chair: the person appointed to serve in the capacity provided for by Section 39.14 "Preliminary Assessment" of this Chapter.

Complainant: the individual who submitted a Complaint to the City.

Complaint: written documentation submitted to the City accusing a City Official of violating this Chapter.

Confidential Information: any written information that could or must be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written could be excepted from disclosure under that Act, unless disclosure has been authorized.

Conflicting Interest: a stake, share, or involvement in an undertaking in the form of any one (1) or more of the following:

- 1) Ownership of five percent (5%) or more voting shares or stock in a business entity;
- 2) Receipt of more than six-hundred dollars (\$600.00) in gross annual income from a business entity;
- 3) Ownership of more than six-hundred dollars (\$600.00) of the fair market value of a business entity;
- 4) Ownership of an interest in real property with a fair market value of more than six-hundred dollars (\$600.00);
- 5) Serves on the Board of Directors or as an Officer of a business entity; and/or
- 6) Serves on the Board of Directors or as an Officer of a nonprofit corporation.

The term Conflicting Interest shall not include ownership of an interest in a mutual or common investment fund that holds securities or assets unless the City Official participates in the management of the fund.

Council: the governing body of the City of Corinth, Texas, including the Mayor and City Council.

Deliberations: discussions by a City Official at the dais, voting as a City Official, presentations as a member of the audience before City Council or any City Board or Commission, conversing to or corresponding with other City Officials.

Frivolous Complaint: a sworn Complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.

Gift. Anything of monetary value, such as personal property, real property, services, meals, entertainments, and travel expenses. This definition shall not apply to:

- 1) a lawful campaign contribution;
- 2) meals, lodging, transportation and related travel expenses paid for (or reimbursed by) the City in connection with the City Official's attendance at a conference, seminar or similar event;
- 3) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public events;
- 4) complimentary copies of trade publications and other related materials;
- 5) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
- 6) Any gift which would have been offered or given to the City Official because of a personal, familial professional relationship regardless of the City Official's capacity with the City;
- 7) tee shirts, caps and other similar promotional material;
- 8) complimentary attendance at political or charitable fund raising events.

Pending Matter: an application seeking approval of a permit or other form of authorization required by the City, State or Federal law; a proposal to enter into a contract or arrangement with the City for the provision of goods, services, real property or other things of value; a case involving the City that is (or is anticipated to be) before a civil, criminal or administrative tribunal.

Person: associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals.

Relative: a family member related to a City Official within the second degree of affinity (marriage) or consanguinity (blood or adoption).

Shall: a mandatory obligation, not a permissive choice.

Special Counsel: an independent, outside attorney engaged by the City to advise the City as an organization and/or the Board of Ethics.

Vendor: a person who provides or seeks to provide goods, services, real property to the City in exchange for compensation.

Sec. 39.04. Expectations

- a) City Officials are expected to conduct themselves in a manner that fosters public trust.
- b) City Officials are charged with performing their public duties in a way that projects their own personal integrity and upholds the integrity of the organization.
- c) City Officials must avoid behavior that calls their motives into question and erodes public confidence.
- d) City Officials shall place the municipality's interests and the concerns of those the City serves above personal, individual interests.
- e) Those who serve the City are expected to value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence as values the City professes.
- f) City Officials must balance transparency with the duty to protect personal privacy and preserve the confidential information with which the City has been entrusted.

Sec. 39.05. Cumulative & Non-Exclusive

This Chapter is cumulative of and supplemental to all applicable provisions of the City Charter, Code, other City Ordinances, and State/Federal laws and regulations. Compliance with this Chapter does not excuse or relieve any person from any obligation imposed by any other provision of the Code, City Ordinance, or State/Federal laws and regulations. Attempts to enforce this Chapter shall not be construed as foreclosing or precluding other enforcement options provided by other law.

DIVISION 2. RULES OF CONDUCT

Sec. 39.06. Mandates

- a) **Duty to Report.** City Officials shall immediately report any conduct that the person knows to be a violation of this Chapter. Failure to report a violation of this Chapter is a violation of this Chapter. For purposes of this section, a report made to a fraud, waste or abuse 3rd party hotline, if any, shall be considered to be a report under this Section.
- b) **Direction and Supervision of Employees, Non-Interference by the City Council: Appointment and Removal of Department Heads.**
 - 1) Except for the purposes of inquiries and investigations as provided by the City Charter or otherwise by law, the City Council or its members shall deal with Board Members and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, either publicly or privately.
 - 2) Neither the City Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or by any other City employee.
 - 3) The City Manager shall be responsible for and have the authority to appoint, suspend, and/or remove any of the directors of the departments of the City of Corinth.
- c) **Financial Disclosures.** All Candidates for City Council, including Candidates for Mayor, shall file financial information reports as required by, and in accordance with, State law. All prospective Vendors and City Officials shall file disclosure forms as required by, and in accordance with, State law.

Sec. 39.07. Prohibitions

- a) **Conflicts of Interest.**
 - 1) *Deliberation Prohibited.* It shall be a violation of this Chapter for a City Official to knowingly deliberate regarding a pending matter for which the City Official has a Conflicting Interest. City Officials with a Conflicting Interest in a pending matter must recuse themselves and abstain from Deliberations. It is an exception to this recusal requirement if a majority of the Board or Commission on which the City Official serves is composed of persons who are likewise required to file (and who do file) disclosures on the same pending matter.

- 2) *Disclosure Required.* If a City Official has a Conflicting Interest in a pending matter, the City Official shall disclose the nature of the conflicting interest by filing a sworn statement with the City Secretary.
- 3) *Relative.* A City Official is considered to have a Conflicting Interest if the City Official's Relative has a conflicting interest.

b) Gifts.

- 1) *General.* It shall be a violation of this Chapter for a City Official to accept any Gift that might reasonably tend to influence such City Official in the discharge of official duties.
- 2) *Specific.* It shall be a violation of this Chapter for a City Official to accept any Gift for which the fair market value is one-hundred dollars (\$100.00) or greater. It shall be a violation of this Chapter for a City Official to accept multiple Gifts from a single source for which the cumulative fair market value exceeds one-hundred dollars (\$100.00) in a single fiscal year.
- 3) It shall be a violation of this Chapter for a Vendor to offer or give a Gift to a City Official exceeding one-hundred dollars (\$100.00) per Gift, or multiple Gifts cumulatively valued at more than one-hundred dollars (\$100.00) per a single fiscal year.

c) Representation of Others.

- 1) *Current City Officials.* It shall be a violation of this Chapter for a City Official to represent for compensation any person, group, or entity before the City.
- 2) *Former City Officials.* It shall be a violation of this Chapter for a City Official to represent for compensation any person, group, or entity before the City for a period of one (1) year after termination of official duties.
- 3) 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.

d) Improper Influence. It shall be a violation of this Chapter for a City Official to use such person's official title/position to:

- 1) Secure special privileges or benefits for such person or others;
- 2) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group;

- 3) Assert the prestige of the City Official's position for the purpose of advancing or harming private interests;
- 4) State or imply that the City Official is able to influence City action or any basis other than the merits; or
- 5) State or imply to state or local governmental agencies that the City Official is acting as a representative of the City, as an organization, or as a representative of the City Council without first having been authorized by the City Council to make such representation.

e) **Misuse of Information.**

- 1) *Personal Gain.* It shall be a violation of this Chapter for a former City Official to use any Confidential Information to which he had access by virtue of his official capacity and which has not been made public concerning the property, operations, policies, or affairs of the City, to advance any personal financial interest.
- 2) *Confidential Information.* It shall be a violation of this Chapter for a City Official to intentionally, knowingly, or recklessly disclose any Confidential Information gained by reason of said City Official's position concerning the property, operations, policies or affairs of the City. This rule does not prohibit the reporting of illegal or unethical conduct to authorities designated by law.

- f) **Abuse of Resources.** It shall be a violation of this Chapter for a City Official to use, request, or permit the use of City facilities, personnel, equipment, software, supplies, or staff time for private purposes (including political purposes), except to the extent and according to the terms that those resources are generally available to the City Council for official City purposes.

- g) **Abuse of Position.** It shall be a violation of this Chapter for any City Official to:

- 1) *Harassment & Discrimination.* Use the City Official's position to harass or discriminate against any person based upon ethnicity, race, gender, gender identity, sexual orientation, marital status, parental status, or religion.
- 2) *Interference.* Interfere with any criminal or administrative investigation alleging the violation of any provision of this Chapter, the City Charter, administrative policy or executive order in any manner, including but not limited to seeking to persuade or coerce City employees, or others to withhold their cooperation in such investigation is a violation of this Chapter.

- h) **Subsequent Work on Prior Projects.** It shall be a violation of this Chapter for any former City Official, within one (1) year of the cessation of official duties for the

City, to perform work on a compensated basis relating to a City contract or arrangement for the provision of goods, services, real property or other things of value, if while in City service the former City Official personally and substantially participated in the negotiation, award or administration of the contract or other arrangement.

- i) **Travel.** It shall be a violation of this Chapter for any City Official to violate the Travel and Training Policy adopted by City Council, as amended.

DIVISION 3. IMPLEMENTATION

Sec. 39.08. Staffing

The City Secretary's Office shall be responsible to provide staff support to the Board of Ethics to assist in the implementation and enforcement of this Chapter.

Sec 39.09. Legal Counsel

- a) **City Attorney.** The City Attorney shall provide legal support to the Board of Ethics.
- b) **Special Counsel.** Independent, outside legal services shall be engaged by the City Attorney on the City's behalf to provide legal support to the Board of Ethics when:
 - 1) In the City Attorney's discretion it is necessary in order to comply with the Texas Disciplinary Rules of Professional Conduct (for lawyers), or is in the best interest of the City; or
 - 2) When the City Council deems Special Counsel is necessary.

Sec. 39.10. Training

- a) **Curriculum.** The City Secretary shall approve a training program that provides an introduction and overview of the expectation, mandates and prohibitions provided for by this Chapter.
- b) **Orientation.** City Officials shall complete training session regarding this Chapter within ninety (90) days of commencing the official duties.

- c) **Annual.** City Officials shall complete an annual training session regarding this Chapter.
- d) **Exiting Officials.** Information shall be provided by the City Secretary to City Officials terminating City service regarding the continuing restrictions on the representation of others by certain former City Officials.

Sec. 39.11. Board of Ethics

- a) **Creation.** There is hereby created a Board of Ethics for the City of Corinth.
- b) **Appointment.** The Board of Ethics shall be appointed by majority vote of the City Council.
- c) **Number.** The Board of Ethics shall consist of five (5) members.
- d) **Terms.** Board of Ethics members shall be appointed for two (2) year, staggered terms. Members may be reappointed for successive terms. Appointment to fill a vacancy shall be for the remainder of the unexpired term. Members of the inaugural Board of Ethics shall draw straws to determine which (3) members shall receive an initial term of one (1) year in order to stagger terms.
- e) **Eligibility.** Membership on the Board of Ethics is limited to residents of the City of Corinth.
- f) **Ineligibility.** The following shall disqualify a person from serving on the Board of Ethics:
 - 1) Current service as a City Official on a board or commission other than the Board of Ethics;
 - 2) Separation from city service as a City Official within one (1) year of the appointment;
 - 3) Familial relations within the first (1st) degree of affinity (marriage), or the first (1st) degree of consanguinity (blood or adoption), with another City Official;
 - 4) Current service as an elected official in Denton County; or
 - 5) Conviction of a felony, or crime of moral turpitude.

- g) **Scope of Authority.** The Board of Ethic's jurisdiction shall be limited to implementation and enforcement of this Chapter.
- h) **Amendments.** The Board of Ethics may recommend amendments to this Chapter. A recommendation from the Board of Ethics is not required for the City Council to exercise its discretion in amending this Chapter.

Sec. 39.12. Advisory Opinions

- a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Chapter. Requests shall be submitted in writing to the City Secretary, who shall assign the request to the Committee.
- b) **Issuance.** A Committee of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request.
- c) **Reliance.** It shall be an affirmative defense to a Complaint that the Accused reasonably relied in good faith upon an Advisory Opinion issued by a Committee. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
 - 1) The Accused requested an Advisory Opinion;
 - 2) The request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
 - 3) Less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

Sec. 39.13. Complaints

- a) **Complainants.** Any person who has first-hand knowledge that there has been a violation of this Chapter may allege such violations by submitting a Complaint in writing or through a fraud, waste and abuse 3rd party hotline, if any. The persons who may submit Complaints includes (but is not limited to) the City Secretary and members of the Board of Ethics. A Complainant must be a resident in the City of Corinth, own Real Property in the City of Corinth or be an employee or City Official to be eligible to file a Complaint with the Board of Ethics.

- b) **Form.** Complaints shall be written on, or accompanied by, a complete form promulgated by the City Secretary or through a fraud waste abuse 3rd party hotline.
- c) **Contents.** A Complaint filed under this section must be in writing and under oath and must set forth in simple, concise, direct statements and must state:
- 1) the name of the Complainant;
 - 2) the street or mailing address, email address, and the telephone number of the Complainant;
 - 3) the name of each person Accused of violating the Chapter;
 - 4) the position or title of each person Accused of violating the Chapter;
 - 5) the nature of the alleged violation, including (whenever possible) the specific provision of this Chapter 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.
- d) **Violation Alleged.** The Complaint must state on its face an allegation that, if true, constitutes a violation of this Chapter.
- e) **Affidavit.** A Complaint must be accompanied by an affidavit stating that the Complaint is true and correct or that the Complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Chapter. 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.
- f) **Limitations Period.** To be accepted, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Chapter. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
- g) **Filing.** Complaints shall be submitted to the Board of Ethics. Submission of Complaints may be made by hand delivery, U.S. Mail, through a fraud, waste

and abuse 3rd party hotline, or email directed to an email address publicly listed by the City Secretary.

h) **Acceptance of Complaint.** Within five (5) business days of receiving a Complaint, the City Secretary shall determine if it is administratively complete, and timely.

1) *Administratively Complete.* A Complaint is administratively complete if contains the information described above. If the Complaint is administratively complete, the City Secretary shall proceed as described in this Chapter. If the Complaint is incomplete the City Secretary shall send a written deficiency notice to the Complainant identifying the required information that was not submitted.

2) The Complainant shall have ten (10) business days after the date the City Secretary sends a deficiency notice to the Complainant to provide the required information to the City Secretary, or the Complaint is automatically deemed abandoned and may not be processed in accordance with this Chapter. Within five (5) business days of a Complaint being abandoned, the City Secretary shall send written notification to the Complainant.

i) **Notification of Acceptance.** Within five (5) business days of determining that a Complaint is administratively complete, the City Secretary shall send a written notification of acceptance to the Complainant, the Accused, and the City Attorney.

A Complaint shall be considered an Accepted Complaint when the City Secretary has deemed the submittal administratively complete, and timely.

j) **Confidentiality.** A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with this Chapter. The confidentiality created by this Chapter includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of this Chapter for a City Official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by this Chapter is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.

- k) **Ex Parte Communications.** After a Complaint has been filed and during the pendency of a Complaint before the Board of Ethics, it shall be a violation of this Chapter:
- 1) For the Complainant, the Accused, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a Complaint in *ex parte* communication with a member of the Board of Ethics or any known witness to the Complaint; or
 - 2) For a member of the Board of Ethics, to knowingly allow an *ex parte* communication about the subject matter or merits of a Complaint, or to communicate about any issue of fact or law relating to the Complaint directly or indirectly with any person other than a member of the Board of Ethics, the City Secretary's office, the City Attorney's office, or Special Counsel.

Sec. 39.14. Preliminary Assessment

- a) **Referral to Chairperson.** Accepted Complaint(s) shall be referred to the Chairperson of the Board of Ethics within five (5) business days of being determined an Accepted Complaint.
- b) **Assignment of Panel.** Within five (5) business days of receiving an Accepted Complaint, the Chairperson of the Board of Ethics shall assign the Complaint to a Committee for preliminary assessment, and appoint a member of the Committee as the Committee Chair.
- c) **Committee Determination.** Within five (5) business days of being assigned an Accepted Complaint, the Committee shall review the Complaint on its face and determine whether the Complaint is an Actionable Complaint, Baseless Complaint, or Frivolous Complaint.

Actionable Complaints shall be returned to the Chairperson for listing on an agenda for a public hearing. Baseless Complaints and Frivolous Complaints shall be dismissed. Written notification of the Committee's determination shall be filed with the City Secretary and sent to the Chairperson, Complainant, the Accused, and the City Attorney within two (2) business days. Written notifications of dismissal shall include notice of the right to appeal.

- d) **Appeals.** Determination of a Committee may be appealed to the Board of Ethics by either the Complainant or the Accused, as applicable. An appeal shall be perfected by filing a written notice of appeal with the City Secretary within

ten (10) business days of the date the written notification is placed in the mail for delivery.

Sec. 39.15. Meetings

- a) **Calling Meetings.** Meetings of the Board of Ethics shall be called upon request of the Chairperson, three (3) members, or the City Secretary.
- b) **Quorum.** The quorum necessary to conduct meetings of the Board of Ethics shall be three (3). The Chairperson shall count toward the establishment of a quorum.
- c) **Hearings.**
 - 1) *Scheduling:* Hearings shall be scheduled by the City Secretary upon the filing of:
 - A) a Committee determination that a Complaint is an Actionable Complaint; or
 - B) an Appeal challenging a Committee's dismissal of a Complaint as a Baseless Complaint or Frivolous Complaint.
 - 2) *Purpose:* The purposes of the hearing(s) shall be solely to determine whether:
 - A) a violation of this Chapter occurred, and if so to assess the appropriate sanction;
 - B) an Accepted Complaint was erroneously dismissed as a Baseless Complaint or Frivolous Complaint by a Committee; and/or
 - C) an Accepted Complaint is a Frivolous Complaint.
 - 3) *Rules of Procedure:* The Board of Ethics shall adopt rules of procedure governing how to conduct hearings on Actionable Complaints. Such procedural rules are subject to confirmation or modification by the City Council.
 - 4) *Sworn Testimony:* All witness testimony provided to the Board of Ethics shall be under oath.

- 5) *Burden of Proof*: Because the burden of showing that a violation of this Chapter occurred is placed on the Complainant, it is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The Complainant is required to testify at the hearing. A Complainant's failure to testify at a hearing shall be grounds for dismissal of a Complaint.
- d) **Open Meetings.** All meetings and hearings of the Board of Ethics shall be conducted pursuant to the Texas Open Meetings Act. The Board of Ethics may convene in Executive Session (i.e., conduct a closed meeting) as allowed by the act. All final action of the Board of Ethics shall take place in open session.
- e) **Postponement in Certain Instances.** If a Complaint alleges facts that are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the Board of Ethics may, when a majority of its members deem appropriate, postpone any hearing or any appeal concerning the Complaint until after the criminal investigation or criminal proceedings are terminated.

Sec. 39.16. Disposition

- a) **Dismissal.** If the Board of Ethics determines at the conclusion of a hearing by simple majority vote of its members that a Complaint should be dismissed, it may do so upon finding:
- 1) the Complaint is a Baseless Complaint or Frivolous Complaint;
 - 2) the alleged violation did not occur;
 - 3) the Accused reasonably relied in good faith upon an Advisory Opinion, as provided in this Chapter; or
 - 4) the Complainant failed to testify at the hearing.
- b) **Sanctions.** If the Board of Ethics determines at the conclusion of a hearing that a violation has occurred, it may within ten (10) business days impose or recommend any of the following sanctions:
- 1) *Letter of Notification.* If the violation is clearly unintentional, or when the Accuser's action was made in reliance on a written opinion of the City Attorney. A letter of notification shall advise the Accused of any steps to be taken to avoid future violations.

- 2) *Letter of Admonition.* If the Board of Ethics finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notifications.
- 3) *A Reprimand.* If the Board of Ethics finds that the violation:
 - A) was minor and was committed knowingly, intentionally or in disregard of this Chapter; or
 - B) was serious and may have been unintentional.
- 4) *Recommendation of Suspension.* If the Board of Ethics finds that a violation :
 - A) was serious and that was committed knowingly, intentionally or in disregard of this Chapter or a state conflict of interest law; or
 - B) was minor but similar to a previous violation by the Person, and was committed knowingly, intentionally or in disregard of this Chapter.

The final authority to impose a suspension rests with the City Council regarding Board Members.

- 5) *Ineligibility.* If the Board of Ethics finds that a Vendor has violated this Chapter, the Board may recommend to the City Manager and City Council that the Vendor be deemed ineligible to enter into a City contract or other arrangement for goods, services, or real property, for a period of one (1) year.

Notice of all sanctions imposed by the Board of Ethics shall be transmitted to the Accused, Complainant, City Secretary, City Attorney, and City Council.

c) **Frivolous.**

- 1) *Prohibition.* It is a violation of this Chapter for a Person to submit a Frivolous Complaint.
- 2) *Super-Majority Vote.* If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its members that a Complaint was Frivolous, the Board may prohibit the Complainant from filing a Complaint with the Board for a period of time up to one (1) year after the date the Frivolous determination was made.
- 3) *Factors.* In making a determination on frivolity, the Board of Ethics shall consider the following factors:

- 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 Accused is a Candidate or is involved with a candidacy, if any;
 - B) the nature and type of any publicity surrounding the filing of the Complaint, and the degree of participation by the Complainant in publicizing the fact that a Complaint was filed;
 - C) the existence and nature of any relationship between the Accused and the Complainant before the Complaint was filed;
 - D) if the Accused is a Candidate, the existence and nature of any relationship between the Complainant and any Candidate or group opposing the Accused;
 - 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) *External Remedies.* Complainants who submit Frivolous Complaints are hereby notified that their actions may subject them to criminal prosecution or perjury (criminal prosecution), or civil liability for the torts of defamation or abuse of the process.

Sec. 39.17. Reconsideration

The Complainant or Accused may request the Board of Ethics to reconsider its decision. The request must be filed with the City Secretary within five (5) business days of receiving the final opinion of the Board of Ethics. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics, the City Secretary, and the non-filing party (Complainant or Accused). If the Chairperson finds, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethic's previous determination, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) days after filing of the reconsideration request. Absent new evidence, the Chairperson shall unilaterally dismiss the request for reconsideration and provide the decision to the Parties."

**SECTION 3.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 4.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 5.
SEVERABILITY**

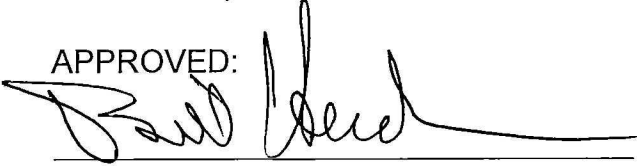
The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 6.
EFFECTIVE DATE**

This ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

PASSED AND APPROVED THIS 2ND DAY OF AUGUST, 2018.

APPROVED:

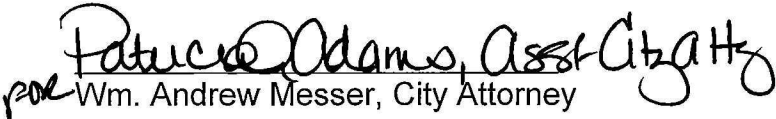


Bill Heidemann, Mayor

ATTEST:


Kimberly Pence, City Secretary

APPROVED AS TO FORM:


Wm. Andrew Messer, City Attorney

CITY OF CORINTH

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: FINANCE/ACCOUNTING	REFERENCE NUMBER:
SUBJECT: CITY MANAGER DIRECTIVE	INITIAL EFFECTIVE DATE: 08/01/2009
TITLE: TRAVEL & TRAINING POLICY	LAST REVISION DATE: 12/01/2017

1.0 ADMINISTRATIVE TRAVEL DIRECTIVE

The City of Corinth will pay reasonable expenses which are incurred in the course of authorized City travel. The City has two objectives when paying travel-related expenses. 1) To provide employees sufficient funds to execute business on behalf of the City and 2) to safeguard City funds by paying only reasonable and necessary expenses. This administrative directive outlines what constitutes a reasonable and necessary expense.

Department directors are ultimately responsible for overall administration, review and enforcement of the travel and training policy. Directors must ensure that all expenses comply with this reimbursement procedure and for the thorough review and approval of all documents necessary for the reimbursement transaction. Directors may impose more restrictions upon their departments within the confines of IRS regulations and the Fair Labor Standards Act as long as employees are properly notified of the restrictions.

Employees are expected to travel and conduct business in reasonable comfort and exercise good judgment in distinguishing between comfort and extravagance. Employees should use the most economical means available when using City funds.

The policy meets IRS Accountable Plan standards for allowing non-taxable reimbursements under the following conditions:

- Requires an overnight stay away from home
- A business connection exists
- Adequate receipts are filed within a reasonable period of time (30 days)

Procurement Card for Travel Expenses: Misuse of the City's p-card or violations of this administrative directive may result in card privileges being revoked or other disciplinary action being taken, as deemed appropriate.

Failure to comply with this administrative directive may result in disciplinary action, up to and including termination of employment.

This policy will remain in effect until changed or otherwise repealed by the City Manager. It supersedes all prior published travel and training policies or directives.

2.0 CONFERENCE REGISTRATION

The City of Corinth will pay for conference registration directly through the Accounts Payable process or with the p-card. In the event, an employee pays for registration; the city will reimburse the cost of the conference if the employee has obtained approval from their Director or designee. A copy of the registration receipt and proof of attendance must be provided for reimbursement. Employees are encouraged to take advantage of early registration to obtain a discounted rate.

3.0 TRAVEL ADVANCE

Travelers are expected to make the most cost effective travel arrangements possible.

- Approval Required for Travel on City Business: Employees must obtain prior approval for travel from their Director or designee. If the request is denied, the traveler is financially responsible for expenses.
- Travel Advance/Reimbursement Form: Upon approval, the travel authorization request form is submitted to Accounts Payable (A/P) with documentation attached reflecting the event date(s), destination and purpose. A copy of the conference agenda and registration form must be attached. Requests must be received at least ten (10) days prior to the departure date. Regular AP deadlines apply.
- Allowable travel reimbursement will be paid through the Accounts Payable process.
- All outstanding advances must be completed, approved, and submitted to Accounting prior to any new travel advances being issued.

4.0 EXPENSE REIMBURSEMENT

- In the event a traveler incurs expenses not covered by per diem or not payable using a City P-Card, a Travel Advance/ Reimbursement Request Form is filed post-travel.
- Reimbursement is made for ordinary and reasonable expenses (see Section 6, Allowable Expenses below). Examples include mileage, parking, and tolls.
- Travel reimbursement requests are due to A/P within fifteen (15) days upon return and require detailed receipts.
- Department Directors are responsible for reviewing reimbursement requests for compliance to the Travel and Training Policy.
- The form must include the purpose of the trip, the destination (city and state), and the departure/return dates and times.
- All receipts and supporting documents must be attached to the Travel Advance/Reimbursement Request Form. Supporting document must include a conference agenda or itinerary.

Note: per IRS guidelines, Reimbursements Requests without detailed receipts or filed after thirty days (30) may be considered taxable income to the traveler.

5.0 ALLOWABLE EXPENSES

Meals - The City will pay an employee's actual expenses as authorized within this administrative directive. Meals and incidental expenses will either be paid on a daily per diem basis of \$64 or actual expenses based on itemized receipts, whichever is less. The daily per diem rate of \$64 includes breakfast (\$15), lunch (\$16), dinner (\$28), and gratuity (\$5). **Itemized, date-stamped receipts must be provided for all expenses. Receipts must be itemized and not just the credit card slip/balance due.** Failure to submit itemized receipts will render those expenses non-reimbursable.

If the conference registration includes meals that are already paid for by the City, the per diem meal will need to be deducted from the reimbursement request.

1. The City will pay for the cost of meals for overnight travel. Reimbursement will be based on the daily per diem rate of \$64 or the itemized receipt, whichever is less. If no receipt is submitted, then the employee is responsible for the cost of the meal and it will not be reimbursed. Meal reimbursement will be based on the daily per diem rate, not a cumulative per diem total for the trip.
2. Travel-related meals will be reimbursed if an overnight stay is required or if multiple trips are required during two or more consecutive days. The first and last days of travel receive 75% (\$48) of the daily per diem rate of \$64. Meals for employees traveling and returning the same day are not reimbursable.
3. The City will not pay for meals for individuals who are not employed by the City except with the prior written approval of the City Manager stating the business purpose of the meal. If an exception is granted, a copy of the city manager approval and an itemized meal receipt with attendee names must be attached to the Travel Advance/Reimbursement Form.
4. The City will pay for meals at scheduled seminars, training sessions, and other meetings, but will not reimburse for meals elsewhere if the meal cost was included in the conference fee. Non-reimbursable items include snacks, drinks or conference provided continental breakfast. If the conference registration includes meals that are already paid for by the City, the per diem for that meal will need to be deducted from the reimbursement request.
A conference itinerary/schedule must be included as supporting documentation when submitting for any meal reimbursement.

- **Transportation** - Cost-saving methods which include using a City vehicle or ride-sharing are encouraged. Early departure or a later return resulting in a substantial cost saving may be approved by the supervisor. The original airfare, lodging and per diem expenses must be documented and attached to the Travel Advance/Reimbursement Form.
- **Air Travel** - Authorized fares are based on economy/coach rates. However, the traveler may upgrade using personal reward miles or by paying the difference out-of-pocket. Early booking is encouraged to ensure discounted rates. Luggage reimbursement is limited to one (1) checked bag and excludes any excess fees (i.e. overweight). Special consideration is given for fees on necessary City equipment. Airport Parking is reimbursed up to the DFW Express non-covered parking rate. Air Travel receipts are required.
- **Personal Vehicle** - The City will pay the Internal Revenue Service mileage reimbursement rate in effect at the time of travel. The City will reimburse mileage from City Hall or other City facility (wherever the employee reports to work to the destination and back to the City facility). A map from Yahoo, Google or MapQuest must be attached to the Travel Reimbursement Form. If travel by personal vehicle is chosen over air travel, the reimbursement will not exceed coach fare plus related expenses. Travel not requiring an overnight stay (day travel) is authorized mileage reimbursement only. Use of a personal vehicle must be approved in advance by the Department Director. Mileage reimbursement does not apply when renting a vehicle.
- **Traveler Receiving a Car Allowance** - Mileage is not reimbursable if a traveler receives a car allowance. The traveler is allowed reimbursement for fuel purchases if the destination exceeds 50 miles one-way.
- **Rental Car** - The City will not assure payment for rental cars without the prior written approval of the employee's Director. When renting vehicles, the City's property and liability insurance is the primary source of coverage in the event of an accident. Employees should not purchase additional insurance. If an employee chooses to purchase the additional insurance, it is a non-reimbursable

expense. Mileage must be included in the rental agreement. Mileage will NOT be reimbursed using a rental car.

- **Lodging** - Authorized rates are based on single-occupancy rooms. The traveler should request a "government" room rate, which may be lower than the "conference" rate. Internet charges may be authorized by the Director if conducting City business. The traveler is responsible for room service or other personal charges.
- **Registration** - Required registration fees and materials are authorized.
- **Incidentals** - City of Corinth will not pay for dry cleaning, shoe shining, haircuts, magazines and books, tickets to the theater, sports events, or other such incidental expenses.
- **Miscellaneous Expenses** - Allowable expenses include tolls, parking, cab fares, copy/fax/phone charges and other business related expenses.

6.0 SPECIAL CIRCUMSTANCES

When practical, official travel should occur during regular work hours. In the event that travel occurs outside of regular work hours, every effort should be made to reduce overtime by adjusting the weekly work schedule or accrue compensatory time. Directors must approve travel outside of regular work hours.

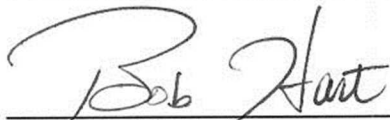
If the traveler cancels/does not attend due to non-business related reasons, expenses paid by the City are subject to be repaid to the City by the traveler. Only if changes are caused by unforeseeable and urgent business purposes will the City incur the expense. The Department Director is responsible for ensuring applicable fees are reimbursed to the City.

Official travel may coincide with personal travel plans (i.e. vacation, attend conference golf tournament, etc.) when vacation is approved prior to the trip. Any expenses not related to City business, such as extracurricular events, lodging, and meals will be the responsibility of the traveler.

A traveler is permitted to bring guest(s) and is responsible for any extra charges incurred. If the travel is cancelled, the City is not liable for any guest expenses and the traveler will not be reimbursed.

7.0 CITY MANAGER AUTHORIZATION

This directive is effective December 1, 2017



Bob Hart, City Manager



CITY OF CORINTH
Staff Report

Meeting Date:	1/24/2022	Title:	Future Training Projects
Ends:	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input checked="" type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input checked="" type="checkbox"/> Governance Policy <input type="checkbox"/> Ministerial Function		

Item/Caption

Discuss plans for Ethics Committee members to train other Advisory Boards on the Code of Ethics.

Item Summary/Background/Prior Action

The Ethics Committee is responsible for helping ensure that Council Advisory Board members act in accordance with the adopted Code of Ethics detailed within Ordinance No. 18-08-02-22. The Ordinance states that City Officials shall complete an annual training session on the Code of Ethics. The Ethics Committee can do this by working with the Deputy City Secretary to develop and become familiar with a training curriculum, and deliver this training to other Advisory Boards.

Applicable Owner/Stakeholder Policy

Ordinance No. 18-08-02-22 Se. 39.10 states that City Officials shall complete an annual training session regarding the Code of Ethics chapter.

Staff Recommendation/Motion

Staff recommends that members of the Ethics Committee deliver annual training presentations to other Council Advisory Boards including, but not limited to, Planning and Zoning, the Economic Development Corporation, and the Parks and Recreation Board.