

Wylie Code of Ethics Subcommittee Minutes

July 15, 2021 – 6:00 PM

Council Conference Room - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

Mayor Porter called the regular meeting to order at 6:03 p.m. The following Subcommittee members were present: Councilman Strang and Councilman Mize (6:08 p.m.).

Staff present included: City Manager Chris Holsted and City Secretary Stephanie Storm.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Porter led the invocation and Pledge of Allegiance.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address the Subcommittee regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. The Subcommittee requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, the Subcommittee is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

There were no citizens present wishing to address the Subcommittee.

DISCUSSION ITEMS

1. Discuss the City of Wylie Code of Ethics Policy.

City Manager Holsted addressed Subcommittee stating City Council in 2014 approved Ordinance No. 2014-19 which established a Code of Ethics and also approved Resolution No. 2015-11(R) setting the rules and procedures for the Board of Ethics. Since that time, staff has had discussions with Council and the City Attorney regarding some revisions to ensure the policy works more efficiently. Staff has provided some examples of other cities Ethics Policies and in addition, has summarized that information in a table. Staff is requesting direction on items that Council would like to see changed in the current Code of Ethics.

Councilman Mize took his seat at the table at 6:08 p.m.

Subcommittee members went through the list presented and gave the following direction:

- appearances - official must not appear before board or commission: keep as written in the Code of Ethics
- disclosure of official/confidential information: keep as written in Code of Ethics and add Boards & Commission rules in addition to Council in Section 6(B)(2)
- restrictions on political activity: keep as written in Code of Ethics and look at potential clarification or additional wording for Section 6(C)(1) as candidates typically meet with staff members to learn more about the City

- use of cell phones during meeting: tighten up language that the official's phone should not be used to do specific things, cover all city officials which includes all appointed board and commission members, do not prohibit use of pulling items up such as calendar, calculator, etc., and include language that the official step out to take personal phone calls during the meeting
- use of City letterhead and logo: maybe remove from the Code of Ethics as it may be addressed better in other areas such as use of city supplies, property, equipment, facilities
- financial interest in contract with city: combine this with the Conflict of Interest, add language that it must comply with state laws, and potentially add verbiage similar to City of Allen's and City of Sugarland's policy
- acceptance of gifts: reference to the state statute and add should not accept to influence the official
- use position to secure special privileges: get with attorney about wording so that officials do not use their position to gain benefits
- engage in outside activities: do not include as it is addressed in other areas
- use of city supplies, property, equipment, facilities: include language that includes letterhead and logo
- act as surety on bond requirement: do not include as it is addressed in other areas
- disclosure of real property interest: included under conflict of interest/financial interest
- represent private interest: included under appearances
- grant special consideration: do not include as it is addressed in other areas

The subcommittee discussed the process for handling complaints received. Complaints should be submitted to the City Manager, the City Manager should notify the official that the complaint was received and submit the complaint to the City Attorney to determine if the claim is found to be true, would it or would it not be a violation. If the City Attorney determines it would be a violation, then the Board of Ethics should meet to hold a hearing. If the City Attorney determines it would not be a violation, then the Board of Ethics would not meet. The Subcommittee also would like to see the language in Section M of the Resolution changed to read that the board shall meet within 31 days of receiving response back from the City Attorney stating if it would or would not be a violation. The Subcommittee stated they would like to add under Section M-2 of the Resolution, the reason for dismissal shall also be made available in writing to the official who the complaint was received for. The Subcommittee stated they would like to see in Section N and O of the Resolution a specific amount of time, such as seven calendar days, added for the evidence to be due before the hearing in order to have time to review.

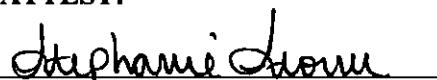
Mayor Porter convened the Subcommittee into a break at 7:45 p.m.
Mayor Porter reconvened the Subcommittee at 7:49 p.m.

The Subcommittee stated it may be beneficial that language be added that allows for the submission to the Board of Ethics a request for a postponement in light of new evidence. The Subcommittee requested language be added that a list of witnesses that will be in attendance be submitted as part of the evidence and would fall under the seven-calendar day requirement. The Subcommittee requested language added in Section P of the Resolution that if the Board of Ethics agrees that it is a minor violation, it does not require Council review; however, if the Board of Ethics determines it is a major violation it would go before Council with the attorney present to address options.

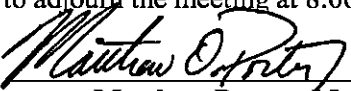
ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mize, to adjourn the meeting at 8:06 p.m. A vote was taken and motion passed 3-0.

ATTEST:


Stephanie Storm, City Secretary




Matthew Porter, Mayor