



Ethics Policy (the “Policy”) is established to help all elected and appointed city officials. The citizens and residents of Westworth Village expect and deserve the best from every member serving on a Commission or City Council, and this Policy will aid in their service. This Policy establishes a baseline for all officials that builds off of the laws of Texas that govern the duties and behavior of elected and appointed municipal officials. This Policy holds all elected and appointed officials to a standard level of ethical conduct. It is important to remember that each incident is different and should be handled within the facts of that incident and established past precedent. The Policy is not intended to be nor shall it be used as a political weapon to intimidate or embarrass anyone. This Policy is established not as a tool to punish or deter anyone from serving on a Commission or the City Council for Westworth Village but rather to educate everyone on their ethical duties.

Serving on a Board or Committee

The City of Westworth Village’s boards and committees consist of concerned citizens who volunteer their time and knowledge to make a difference in their community. Some of these groups serve as advisory boards, examining issues in depth, such as park development or planning and zoning, and making recommendations to the city council. The work of these citizens assists the city council and directly contributes to the quality of life in Westworth Village. The city council selects each board or committee member after reviewing applications and interviewing candidates. Service on a board or committee is voluntary. Westworth Village board and committee members are not paid or compensated.

Ethics and Decision-Making for Westworth Village Public Officials

Ethical considerations in the decision-making process of Westworth Village public officials are at the forefront of public scrutiny. Even the mere appearance of impropriety impacts their effectiveness. Public confidence and respect can best be promoted if Westworth Village public officials are elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law, and avoid actual and potential conflicts between their private self-interest and the public trust.

Ethics is often defined as the principle of right and good conduct, a system of moral turpitude, the study of the general nature of morals and the specific moral choices to be made by the individual in his or her relationship with others.

The city ordinances, the Policy, and state law govern the conduct of Westworth Village’s public officials. Members of the city council and the members of all boards and committees appointed or confirmed by the city council must be knowledgeable of the city ordinances, the Policy, and state law regarding ethics when participating in and making decisions while serving on a board or committee.

Ethics Policy

These ethical standards apply to the mayor, any member of the city council, any appointed or confirmed member of any city board, corporation, or committee established by ordinance, charter, state law, or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the city council who exercises responsibilities beyond those that are advisory in nature, including the members of the Planning and Zoning Commission, Westworth Redevelopment Authority, Crime Control and Prevention District, Long Range Planning Committee, and Golf and Parks Advisory Board.

The Policy does not apply to employees, including those employed full-time, part-time, or internship, or to city independent contractors. The Westworth Village personnel policies and procedure manual governs employees' ethical standards of conduct. Any complaint that an employee has violated these standards is referred to the city administrator and city attorney. This Policy is to be used for all actions taken by public officials after its adoption.

The Policy adopts state law governing conflicts of interest for local public officials under Chapter 171 of the Texas Local Government Code and contains additional and stricter standards than found in state law or city ordinances. For your convenience, the ethical standards under state law are discussed below.

Purpose of the Ethics Policy

The purpose of the Policy is to ensure that Westworth Village public officials are independent, impartial, and responsible

only to the citizens of the city; to prevent any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity of an Westworth Village public official to conflict with the proper discharge of their duties in the public interest; to prevent public office from being used for personal gain; and to ensure that Westworth Village's boards and committees are at all times maintained as nonpartisan bodies. The Policy serves not only as a guide for the conduct of the city's boards and committee members but also as a basis for discipline for those who refuse to comply with its terms, the overriding interest being that officers of the city shall at all times strive to avoid even the appearance of impropriety. In addition, the Policy standards apply if a close relative (spouse, parent, child) of the Westworth Village public official has a conflict or has a prohibited situation or business relationship.

Ethics Policy Standards

No Westworth Village public official or close relative (within the second degree of consanguinity of affinity) shall:

- A. Have a financial interest, direct or indirect, in any contract with the city, nor shall such person be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies, or service. An actual financial benefit from the transaction shall not include:
 - 1) An ownership in the entity transacting business with the city where the ownership interest is less than ten percent;
OR
 - 2) Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is not affected by the entity's transaction with the city.
- B. Participate in a vote, decision, public discussion, or deliberation at the city council or committee level, aside from during Citizen Comments, with their conflict being disclosed at the beginning of their Citizen Comment, on any matter in which the officer has a "Substantial Interest," which is defined as: A Substantial Interest in a business entity (sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law) occurs when:
 - 1) the Westworth Village public official owns at least a ten percent share of the stock or shares of the business entity; or
 - 2) the Westworth Village public official owns either at least ten percent or at least \$15,000 of the fair market value of the business entity; or
 - 3) funds received by the Westworth Village public official from the business entity exceed ten percent of the Westworth Village public official's gross income for the previous year; and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public.

Additionally, a Westworth Village public official has a Substantial Interest in real property if:

- a) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public; and
- b) the Westworth Village public official's interest is an equitable or legal ownership with a fair market value of \$2,500 or more. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust); and

A Westworth Village public official is considered to have a Substantial Interest under this Policy if a person related to the officer in the second degree of consanguinity or affinity has a Substantial Interest under this Policy.

When a majority of the members of the board or committee have a Substantial Interest or conflict, and are required to file and do file affidavits, then all of the members of such board or committee, including those substantially interested, may participate and vote on the matter.

An action will be void (as if the action never took place or occurred) because of any Westworth Village public official's participation in a decision only if the action would not have passed without the violating official's vote. (that participation is determinative.)

Penalty for Conviction of the offense of failure to file the affidavit and to abstain from a vote on the matter constitutes a Class A Misdemeanor, punishable by a fine of up to \$4,000 and one-year confinement in the county jail.

- C. Represent or appear on behalf of private interests of others before the city council, or any agency, board, committee, corporation, or committee of the city, nor represent any private interests of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is or might be a party.
- D. Accept any gift from any person that might reasonably tend to influence such officer in the discharge of official duties. The prohibition against gifts does not apply to:
 - 1. a lawful political contribution as defined by the Texas Election Code;
 - 2. an honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - 3. meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - 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. an occasional item with a value less than \$50;
 - 7. tee shirts, caps, and other similar promotional material;
 - 8. meals, transportation, and lodging in connection with a seminar or conference at which the officer is providing services;
 - 9. gifts on account of kinship or a personal, professional, or business relationship independent of the officer's status;
 - 10. complimentary attendance at political or charitable fundraising events; and
 - 11. 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.
- E. Use such person's official position to secure special privileges or benefits for such person or others.
- F. 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.
- G. Disclose confidential information received via a party to any decision that will be ultimately voted on or any other confidential information attained as part of their responsibilities as a city official.
- H. Use city supplies, stationery, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance, or city policy. Should a communication be released by the city that contains anything other than notices, it shall be reviewed by the city attorney and an opinion shall be provided to city council on the contents of the reviewed communication.
- I. Act as a surety on any official bond required of any officer or employee of the city, or for a business that has a contract with the city.
- J. Engage in any outside activities that will conflict with or will be incompatible with such person's official position or duties as an officer of the city.
- K. Lend the member's name and official city title in connection with any election for public office or in connection with any election ordered by the city on a federal, state, or county proposition or measure. Notwithstanding the foregoing, each member of the city council, including the mayor and each councilmember, may lend the member's name and

use the member's official city title ("mayor" or "councilmember" as applicable) in connection with any election for public office or in connection with any election ordered by the city on a city proposition or measure.

Disclosure of Substantial Interests

If a Westworth Village public official has a Substantial Interest in a matter pending before the body of which the Westworth Village public official is a member, the person must, before a vote, public discussion, deliberation, or decision on such matter, file an affidavit on a form provided by the city, disclosing the interest and if necessary abstain from further participation in such matter. Note that Policy complaints concerning employees, except the city administrator, will be referred to the city administrator and attorney.

State Law

As previously stated, the Policy adopts state law governing conflicts of interest for local public officials. Chapter 171 of the Texas Local Government Code also governs the conflicts of interest of Westworth Village public officials. The purpose of Chapter 171 is to prevent local public officials from using their positions for hidden personal financial gain. The Texas law governing conflicts of interest applies to all local public officials, whether appointed, elected, paid, or unpaid, who exercise more than advisory responsibilities for Westworth Village. The state law governing conflicts of interest normally does not apply to purely advisory boards. However, these statutory provisions are minimum standards for ethical conduct, and the Westworth Village City Council desires that all elected officials and appointees be held to the same ethical standards. Therefore, as previously stated, the Policy shall apply to all city-elected and appointed officials.

Relationship to Official:

A. Relatives in the First Degree:

Consanguinity:	Affinity:
Parents	Spouse of those listed
Children	under consanguinity
Sisters and brothers	Spouse
	Spouse's parents
	Spouse's children
	Stepparents or Stepchildren

B. Relatives in the Second Degree:

Consanguinity:	Affinity:
Grandparents	Spouse of those listed
Grandchildren	under consanguinity
	Spouse's grandparents
	Spouse's grandchildren
	Spouse's siblings

C. Relatives in the Third

Degree: Consanguinity:

Great grandparents
Great grandchildren
Aunts and uncles
Nieces and nephews

Ethics Policy Complaints

This Policy permits anyone to file a complaint that a Westworth Village public official has violated the Policy. All complaints must be written on a form provided by the city, sworn to before a notary public, and filed with the city secretary. The complaint must describe in detail the act, or acts complained of and the specific paragraphs of the Policy alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained in this Policy and anonymous complaints will not be considered.

Ethics Policy Complaint Process

The city secretary shall provide a copy of the complaint to the affected officer, mayor, and city council and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the Policy. The affected officer may file a written response to the complaint within seven business days after the complaint is filed with the city secretary, who shall forward the response, if any, to the city attorney.

The city attorney shall submit a written report to the mayor and city council as soon as possible but not later than 15 business days after receiving the complaint unless a majority of the non-implicated city council grants an extension. The city attorney may contact the complainant, interview witnesses, and examine any documents necessary for the report. Such a report shall be comprehensive and explain in detail all facts, findings, and conclusions supporting the city attorney's opinion as to whether a violation of this Policy occurred. When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request written clarification. If the complainant fails to provide the city attorney with written clarification within five days of the city attorney's request, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the Policy a written report to that effect shall be submitted to the mayor and city council. If the city attorney determines a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency.

If it is determined by the city attorney that the facts as alleged could constitute a violation of this Policy then the city attorney shall, within 15 business days after receipt of the complaint, notify the mayor and city council of the existence and nature of the complaint. The mayor or any two city council members may cause a meeting of the city council to convene, whether regular or special, within 15 business days after being notified by the city attorney to further consider the said complaint in the executive session. In any event, the city attorney shall immediately proceed to investigate the alleged improprieties fully. For purposes of this investigation, the city attorney shall have all the powers of investigation to compel statements by witnesses and the production of documents and evidence and shall report back to the mayor and city council as soon as possible, but in no event more than 15 business days from the date of notification of the city council, unless an extension is granted by the city council. Said report shall be comprehensive and explain in detail all facts, findings, and conclusions supporting the city attorney's opinion of whether a violation of this Policy occurred.

The city council shall consider the complaint and the city attorney's report at an executive session of the city council. The affected officer may request that the complaint be considered in a public meeting. If a public hearing is requested, the affected officer shall have the right to a full and complete hearing before the city council, with the opportunity to call and cross-examine witnesses and present evidence on such person's behalf. The non-implicated city council members in attendance shall conduct a hearing and review the complaint. The city council may reject the complaint or take action authorized by this Policy, city ordinances, and state statutes.

The city council may appoint outside legal counsel or may direct the city attorney to appoint outside legal counsel, or the city attorney, with the city council's prior approval, may appoint outside legal counsel to perform the duties and responsibilities of the city attorney under subsections this section. The outside legal counsel shall have the same power to subpoena witnesses and the production of documents, books, records, and other evidence as the city attorney under this section when acting pursuant to this section.

A complaint or allegation of a violation of this Policy may only be made against an officer while such person holds such a position or office. A complaint made against an officer pursuant to this section shall be processed and resolved unless such person resigns from or ceases to hold such position or office prior to resolution of the complaint.

Action taken on Ethics Policy Violations

The city council may take any one or more of the following actions in an open meeting concerning a Policy complaint:

- A. Issue a statement finding the complaint is without merit, brought for harassment, or brought in bad faith.
- B. Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the officer of any steps to be taken to avoid future violations.
- C. Issue a letter of admonition when the violation is minor or may have been unintentional but calls for a more substantial response than a notification letter.
- D. Issue a reprimand when a violation has been committed knowingly or intentionally.
- E. Remove a Westworth Village public official other than a city council member from office for a serious or repeated violation of this Policy.
- F. Pass a resolution of censure or a recommendation of recall when the city council finds that a serious or repeated violation of this Policy has been committed intentionally by a city council member.

A complaint that an officer has violated a provision(s) of the Policy shall be filed not later than 60 days after the complained act(s) occurred, or it is barred.

Any officer may request, and the city attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this Policy as it affects such person.

Responsibility for Approving Plats

City council members and the planning and zoning committee must also be aware of the further requirements of section 212.017 of the Texas Local Government Code. These provisions are similar to those of Chapter 171 discussed above. Both the City Council and Planning and Zoning Commission must comply with the following standards. A member of the city council and planning and zoning commission is held to have a Substantial Interest in a subdivided tract if such a person:

- A. has an equitable or legal ownership interest with a fair market value of \$2,500 or more; or
- B. acts as developer of the tract; or
- C. owns ten-percent or more of the voting stock or shares or ten-percent or more or \$5,000 or more of a business entity which:
 - 1. has equitable or legal interest with a fair market value of \$2500 or more; or
 - 2. acts as developer
- D. receives funds equal to ten-percent or more of annual gross income from a business entity meeting, above; or
- E. is related in the first degree by consanguinity or affinity to someone who has Substantial Interest.

Members of the city council and the planning and zoning commission are required to: (1) file an affidavit disclosing their Substantial Interest with the city secretary; and (2) abstain from participating in any public discussion, deliberation, or vote. Conviction for failure to do so is a Class A Misdemeanor punishable by a maximum fine of \$4,000 and/or up to one year in County jail.

Nepotism

State law and the Policy contain nepotism provisions (the employment or appointment of relatives of public officials).

State law provides that Westworth Village public officials may not appoint, confirm the appointment of, or vote for appointment or confirmation of appointment of an individual to a position which will be directly or indirectly compensated from public funds if that individual is related to the public official within the third degree by consanguinity or second degree by affinity. State law applies only to paid or compensated positions. State law provides a continuous employment exception for a relative who was previously and continuously employed for a period of 30 days if the Westworth Village public official is appointed or for a period of six months if the Westworth Village public official is elected. Should an official appoint or confirm the appointment of a relative it must be disclosed, and they shall make a statement concerning the disclosure in open city council meeting where the vote takes place.

Misuse of Official Information

Westworth Village public officials may have access to information that is not available to the public, or that has not been made public. Members of the city council, planning and zoning commission, boards of directors of city corporations, and other boards and committees routinely have access to confidential official information, which would be valuable to land spectators and investors. Westworth Village public officials should not use such information to assist another person or entity in acquiring any property or enterprise or aid another in speculating on the basis of such information. Westworth Village public officials shall not use official information with city stationary or official communication concerning a vote and shall disclose that it is campaign information should the city attorney deem it not an official communication but campaign literature. All city communications shall come through official channels and shall not campaign for or against any measure to be voted on by a committee or city council. It shall only state what is voted on and any public hearings or information settings.

Under Texas law (Tex. Penal Code Sec. 39.06), it is a crime for a Westworth Village public official to profit, or help someone else profit, from inside information acquired by the Westworth Village public official by virtue of the official position on the city council or a board or commission.

Incompatibility

Oftentimes, citizens may serve on boards and committees at different levels of government or have employment positions that overlap or conflict with their duties as members of a Westworth Village board or committee. The doctrine of incompatibility prohibits an individual from serving on two boards or committees of conflicting loyalties. An individual may not promote the interest of one office to the detriment of the interests represented by the other office. The doctrine prohibits one individual from occupying two offices where one office might impose its policies on the other or subject it to control somehow. The doctrine of incompatibility also applies to situations of self-appointment or self-employment. Generally, it is incompatible to be both a member of a body making the appointment and an appointee of that body.

Conclusion

Public service as a Westworth Village elected or appointed official is an honor. Your voluntary service directly contributes to the quality of life in Westworth Village. Although this public service is not paid or compensated, the contributions and benefits to the Westworth Village community and its citizens are invaluable. Citizens fortunate enough to serve on boards and committees do so with pride, integrity, and the highest of ethical standards. It is always advisable that should any member or official have a legal question concerning any of these matters, they consult with the city attorney and, if advisable, outside counsel.”

Should any article, paragraph, subdivision, clause or provision of this policy or the Code of Ordinances of the City of Westworth Village as hereby amended be adjudged or held invalid or unconstitutional for any reason, such judgment or holding shall not affect the validity of this policy as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional.

The Ethics Policy shall take effect immediately after its passage by city council.

ADOPTED AND EFFECTIVE: April 9, 2024