

Boards & Commissions HANDBOOK



FARMERS  BRANCH

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Introduction

Board and Commission Members have an important role assisting the City Council in fulfilling its obligations to the citizens of Farmers Branch, as well as helping maintain the high quality of life enjoyed by the City's residents. This handbook has been developed to help residents understand what is involved in serving on a board or commission in Farmers Branch.

As a member of one of the City's appointed boards or commissions, you will focus upon community needs that require your understanding, dedication and vision. This handbook will familiarize you with the legal aspects, function, duties, limitations and procedures of the various boards and commissions.

Participation on a board or commission provides an opportunity to become aware of the operating policies and challenges of municipal government. It gives citizens an opportunity to play a vital role in the communication process between citizens and elected officials. However, the City Council has the ultimate political and legal responsibility for conducting local government for the welfare of the entire community.

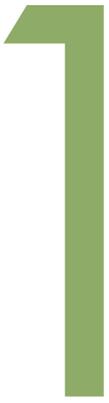
City Government

The City of Farmers Branch is designated by the State of Texas as a home rule city. Home rule cities may rely upon their general constitutional and statutory powers to pass and enforce ordinances that are necessary to protect the health, life, property and general welfare of the City's residents.

Farmers Branch is a council-manager form of government. Under this form of government, the City Council appoints the City Manager, who is responsible for hiring qualified employees to carry out the daily operations of the City.

City Council

The City Council is the governing authority and makes all policy decisions for the City through the enactment of ordinances and resolutions. The City Council establishes policies and procedures for the operation of the City; adopts an annual budget; appoints members to boards and commissions; represents the City at governmental and public functions; and carries out a variety of other governmental relations. Farmers Branch residents elect a Mayor at large and five Council members by Districts for staggered three-year terms. The City Council has final approval on actions of its appointed boards and commissions.



Board & Commission Overview

The Farmers Branch City Council depends on the input from residents serving on Boards and Commissions. Farmers Branch has two types of Boards and Commissions, advisory and quasi-judicial boards. Additionally, there are boards whose membership is appointed by the City Council but do not report to the City Council.

Advisory Commissions and Boards

These advisory boards play a very important role in city government by providing the City Council with ideas, feedback, and recommendations for proposed policy. Advisory Boards also provide valuable input to City departments. The following is a list of Farmers Branch Advisory Boards:

- Animal Adoption Center Advisory Committee
- Family Advisory Board
- Historical Preservation and Restoration Board
- Library Board
- Parks and Recreation Board
- Planning and Zoning Commission
- Senior Advisory Board

Quasi-Judicial Boards

Quasi-judicial Boards are governed by state law. These are also considered “decision making” boards which have authority to enforce policy. Appointment by the City Council is for simultaneous membership on both of the City’s decision making boards. The following boards are considered Quasi-Judicial Boards:

- Building Code Board of Appeals and Zoning Board of Adjustment

Separate Legal Entities

There are a number of Boards and Commissions that are entities or corporations separate from the City, although the City Council may appoint the membership to these Boards and Commissions. These boards are usually established under the provisions of a state law which outlines the functions, duties, and responsibilities of these separate entities.

The Boards that are considered component units of the City and have all positions appointed by the City Council are:

- Housing Finance Corporation
- Industrial Development Corporation

The boards which have members appointed by the Farmers Branch City Council, other city councils and various other entities are:

- Metrocrest Hospital Authority
- Valwood Improvement Authority

Standing Committees

These committees do not have the authority to establish policy but make recommendations to the appropriate board. Farmers Branch has standing committees that remain in place at the discretion of the City Council. These include:

- Community Watch Committee
- Sustainability Committee



Animal Shelter Advisory Committee

Purpose

State law requires any city that operates an animal shelter to appoint an Animal Shelter Advisory Committee to assist the City in complying with state regulations for animal shelters. The City operates an Animal Adoption Center at 3727 Valley View Lane.

Duties

The Advisory Committee will assist the City in complying with regulations that include:

- Standards for housing and sanitation
- Standards for separation and holding of animals
- Standards for feeding and watering animals
- Inspection of the facility by a veterinarian for compliance with state regulations
- Record keeping on the disposition of animals
- Standards for personnel training and euthanasia

Time Commitments

The Animal Shelter Advisory Committee meets three times a year for approximately one hour. Tours of the shelter are available for the members. Committee members are required to read occasional new state regulations.

Members

The City Council appoints seven members which shall consist of at least one licensed veterinarian, one city official, one person whose duties include the daily operations of an animal shelter, and one representative from an animal welfare organization.

Term

Two years (Term limit does not apply to this board, per Ord. No. 3331)

Meetings

At least three times a year. Dates, times, and place to be determined.



Family Advisory Board

Purpose

The Family Advisory Board serves as an advisory board to the City Council. This board studies, considers and makes recommendations on existing or proposed city services and events so that the quality of life for Farmers Branch families is continued and improved and to ensure Farmers Branch is positioned to recruit and retain families.

Time Commitment

The Family Advisory Board meets no less than one time per calendar year. Board members may be asked to consider and make recommendations on issues of importance to the Mayor and City Council.

Members

This Board is comprised of 10 members. Two members shall be children 12 years or older but have not completed the 12th grade of high school. The remaining 8 members must be older than 18 years of age. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the board a person must be a resident and citizen of Farmers Branch.

Term

Adult members - three year term; Youth members one year term with a six year term limit.

Meetings

Meeting are held as necessary, but in no case less than once per calendar year. Meetings may be called by the chairperson or the city staff person appointed by the City Manager.



Historical Preservation & Restoration Board

Purpose

The Historical Preservation and Restoration Board serves as an advisory board to the City Council and provides input to the Parks and Recreation staff in matters pertaining to the Historical Park. Located at 2540 Farmers Branch Lane, the Historical Park includes the 1856 Gilbert House, a designated National and State Historical Landmark; the 1900 Farmers Branch School; the original Farmers Branch Depot; the home of the first Mayor of Farmers Branch; a Log Culture area; a Victorian Cottage; the Old Church; a replica 1927 General Store and 1930s Texaco Gas Station; and a Museum Store.

Duties

- Review the acquisition of historical buildings and artifacts
- Seek donations of artifacts
- Assist with planning for the Historical Park
- Assist the Friends of the Historical Park with raising funds for park projects

Time Commitment

Members of the Historical Preservation and Restoration Board must attend regularly scheduled meetings that are typically held on the fourth Tuesday of each month. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from 30 minutes to several hours to complete. Board members occasionally visit other historical sites or facilities to observe existing conditions firsthand in order to be adequately prepared to deliberate certain issues or requests. Board members have the opportunity to serve as docents or volunteers but are not required to do so. Docents give tours of facilities, work on restoration projects, help with publications, take traveling exhibits to schools, or work in the gift shop. Docents may give from one to five hours a week or more with special projects.

Members

This Board is comprised of 11 positions. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the board a person must be a resident of Farmers Branch, and pass a background check.

Term

Two year term with a six year term limit.

Meetings

Regular meetings are typically held on the fourth Tuesday of the month at 7 p.m. at the Dodson House in the Historical Park, 2540 Farmers Branch Lane.



Library Board

Purpose

The Library Board serves as an advisory board to the City Council and acts as the coordinating agency through which citizens, business, government, and private organizations may work together in the best interest of the people of Farmers Branch concerning the constructive use of the Farmers Branch Manske Library.

Duties

- Keep current with the Manske Library and its programs and services.
- Review input citizens have placed in the Board's suggestion box.
- Consider requests from the community for materials acquisitions.
- Keep current with trends and advances in public libraries.

Time Commitment

Members of the Library Board must attend regularly scheduled meetings that are typically held on the first Thursday of the month. Depending on the number of items on the agenda, a meeting usually lasts no longer than an hour and a half. The Board member who is the liaison for the suggestion boxes spends approximately an hour each month contacting citizens who have submitted requests and suggestions to the Board. Board members who become involved in state or national library associations may be required to spend additional time each month tending to duties related to these organizations.

Members

This Board is comprised of 11 positions. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the Board a person must be a resident of Farmers Branch, a qualified voter; and pass a criminal background check.

Term

Two year term with a six year term limit.

Meetings

Regular meetings are scheduled for the first Thursday of the month at 7:15 p.m. at the Manske Library, 13613 Webb Chapel Road.



Parks & Recreation Board

Purpose

The Parks and Recreation Board serves as an advisory board to the City Council and the Director of Parks and Recreation on all issues relating to park facilities, improvements and recreation programs in Farmers Branch.

Duties

- Recommend Parks and Recreation projects in the City to the City Council.
- Serve as a liaison between other governmental agencies, civic groups, and all citizens of the City in the planning and programming of parks and recreation.
- Review and recommend the capital improvement budget for the Parks and Recreation Department.
- Work with other City staff in the development of special events in Farmers Branch.

Time Commitments

Members of the Parks and Recreation Board must attend regularly scheduled meetings that are held on the third Thursday of the each month. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from 30 minutes to several hours to complete. Furthermore, Board members must often visit park sites and facilities to observe existing conditions in order to be adequately prepared to deliberate certain cases or requests. Board members are often asked to serve on task-force committees dealing with parks and recreation issues. Board members may also choose to attend special seminars or training workshops to better prepare themselves for complex issues. Board members may also be asked to serve on local, state and/or national committees and boards as it pertains to Parks and Recreation.

Members

This Board is comprised of 11 positions. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the board a person must be a resident of Farmers Branch, a qualified voter and pass a background check.

Term

Two year term with a six year term limit.

Meetings

Regular meetings are typically held on the third Thursday of the month at 7 p.m. at City Hall, 13000 Wm. Dodson Pkwy.



Planning & Zoning Commission

Purpose

The Planning and Zoning Commission serves as an advisory board to the City Council concerning matters primarily related to the development and use of private property and the planning of public improvements.

Duties

Consider requests for zoning changes, Specific Use Permits, site plan approvals and the subdivision or platting of land. Conduct public hearings and makes recommendations to the City Council with regard to all of these matters. The P&Z Commission is responsible for the maintenance and accuracy of the City's Comprehensive Plan and Master Thoroughfare Plan. This Commission will periodically conduct special studies on issues that affect the physical, social and economic health of the community as needed.

Time Commitments

Members of the Planning and Zoning Commission must attend regularly scheduled meetings that are typically held on the second and fourth Mondays. Depending on the number of items comprising the agenda, a regular meeting may take anywhere from 30 minutes to several hours to complete. Regular meetings are usually preceded by a Study Session, 60 to 90 minutes in length, to discuss new business and preview the evening's regular meeting agenda items. Additional time must also be spent to study agenda-related information and materials provided to the Commission prior to study sessions and regular meetings. Furthermore, Commissioners often must visit property sites to observe existing conditions firsthand in order to be adequately prepared to deliberate certain cases or requests. Commissioners may also choose to attend special seminars or training workshops to better prepare themselves in discharging their duties.

Members

The Planning and Zoning Commission is comprised of 9 positions. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the Commission a person must be a resident of Farmers Branch, a qualified voter and pass a background check.

Term

Three year term with a six year term limit.

Meetings

Regular meetings are scheduled for the second and fourth Mondays of the each month at 7:30 p.m. Each regular meeting is preceded by a study session that typically begins at 6:00 p.m. Both meetings are held at City Hall, 13000 William Dodson Pkwy.



Senior Advisory Board

Purpose

The Senior Advisory Board serves as an advisory board to the City Council on all issues relating to the Senior Center, including programs and improvements.

Duties

- Recommend Senior Center projects and programs to the City Council
- Serve as a liaison between other government agencies, civic groups and all senior citizens of Farmers Branch in planning and programming the Senior Center.
- Review and recommend the capital improvement budget for the Senior Center.
- Work with City staff in the development of special events for senior citizens

Time Commitment

Members of the Senior Advisory Board must attend regularly scheduled meetings that are held on the second Thursday of each month except July and August. Depending on the number of items on an agenda, a regular meeting may take from 30 minutes to several hours to complete. Furthermore, Board members must be present and help with the Senior Advisory Board sponsored monthly breakfast. From time to time special called meetings of the Senior Advisory Board may be necessary.

Board members may be asked to serve on task-force committees dealing with senior citizen's issues. Board members may choose to attend special seminars or training workshops to better prepare themselves for complex issues. Board members may also be asked to serve on local, state and/or national committees.

Members

The Board is comprised of 12 positions, plus two alternate positions. All are appointed positions determined by a majority vote of the City Council. To be eligible to serve on the Board a person must be a resident, 50 years of age or older, a registered participant of the Senior Center, and pass a background check.

Term

Two year term with a six year term limit.

Meetings

Regular meetings are typically held on the second Thursday of the month at 1 p.m. at the Senior Center, 14055 Dennis Lane.

Building Code Board of Appeals & Zoning Board of Adjustments

Members

This Board is comprised of seven positions including five regular member positions and two alternate positions. Alternate members are furnished the same agenda packets and associated information as regular members, however, an alternate member may only serve in a voting capacity when a regular member is unable to attend a meeting. Persons appointed to the alternate positions should attend all meetings, study sessions, workshops, etc., that regular Board members attend. To be eligible to serve, a person must be a resident of Farmers Branch, a qualified voter and pass a background check.

Time Commitment

Members of these boards must attend regularly scheduled meetings that are typically held on the second and fourth Tuesdays of the month at 7:30 p.m. Depending on the number of items on the agenda, a meeting may last from 30 minutes to several hours to complete. Board members may need to visit sites to observe conditions in order to be prepared to discuss agenda items.

Term

Two year term with a six year term limit.

Building Code Board of Appeals Meetings

Regular meetings are typically held on fourth Tuesdays of the month at 7 p.m. at City Hall, 13000 William Dodson Pkwy.

Purpose

This Board enforces jurisdiction over substandard buildings, and hears and decides appeals pursuant to the building codes and specific sign regulations.

Duties

Hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the construction codes.

Zoning Board of Adjustment

Purpose

To act as an alternative for the consideration of individual site requests for relief from the literal interpretation and enforcement of the Zoning Ordinance

Duties

- Determine if the Administrative Official has committed an error in the interpretation and enforcement of the Zoning Ordinance.
- Permit such modifications of the height, yard, lot area coverage, floor area, minimum access, parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape or slope, that it cannot be appropriately developed without modification.
- Review the status of non-conforming uses.

Separate Legal Entities

There are a number of Boards and Commissions that are entities or corporations separate from the City, although the City Council may appoint the membership to these Boards and Commissions. These boards are usually established under the provisions of a state law which outlines the functions, duties, and responsibilities of these separate entities.

The members appointed to these Boards and Commissions oversee the operation of an organization just as a board of directors would oversee a corporation except it is in a public setting with public responsibilities. Board members will find that the organization to which they have been appointed will provide much of the information

needed. The state statute establishing the organization, the articles of incorporation and the bylaws of the organization which provides a great deal of information is available from the City Secretary.

The Boards that are considered component units of the City and have all positions appointed by the City Council are:

Housing Finance Corporation

The City created the Housing Finance Corporation in 1993 for the special purpose of providing a financial mechanism for the development and ownership of residential and multi-family housing initiatives. The Corporation is organized solely to carry out the purposes of the Texas Housing Finance Corporation Act. Membership on this board is simultaneous with membership on the Industrial Development Corporation.

Industrial Development Corporation

The City created the Industrial Development Corporation for the special purpose of promoting and developing commercial, industrial and manufacturing enterprises and encouraging employment generally through the issuance of industrial development bonds. The Corporation is authorized to issue industrial development revenue bonds after approval by the City Council.

The boards which have members appointed by the Farmers Branch City Council, other city councils and various other entities are:

Metrocrest Hospital Authority

The purpose of this board is to finance, facilitate, evaluate and oversee the development and operation of healthcare facilities, services and projects to ensure optimum quality healthcare. The hospital authority has jurisdiction over RHD Memorial Medical Center in Farmers Branch and Trinity Medical Center in Carrollton.

Valwood Improvement Authority

This authority was established by State law as a conservation and reclamation district. The authority is one of the largest planned industrial/business parks in Dallas County. One of its projects is to provide flood protection from both external and internal flood waters. Membership on this board is limited to those persons who own land in the Valwood Improvement District. Members serve for either two year or three year terms.

Standing Committees

These committees do not have the authority to establish policy but make recommendations to the appropriate board. Farmers Branch has several standing committees that remain in place at the discretion of the City Council. These include:

Community Watch Committee

The purpose of this committee is to organize new community watch neighborhoods and provide support to established neighborhoods, receive suggestions and recommendations from the citizens of Farmers Branch relating to the development and improvement of community watch activities by the Community Watch Committee, encourage development and advancement of the Police Department Crime Prevention programs and Code Enforcement compliance and education, to make special reports to the City Council concerning the work of the Committee, and act in an advisory capacity to the City Council in all matters pertaining to crime prevention, code enforcement and to the establishment of community watch neighborhoods.

Sustainability Committee

The Sustainability Committee is composed of 9 residents of the City of Farmers Branch that research and review in detail possible projects and submit recommended projects or initiatives for City Council consideration. The Sustainability Committee will assess current City facilities and needs, identify projects for consideration, determine costs and prioritize possible projects.



Appointment Process

Applications

Citizens interested in serving on a board or commission can obtain an application from the City Secretary's office at City Hall or online via the website. The application along with the Background Check form must be submitted in order to be eligible to serve on a Board and Commission. For applicants not selected, applications will be kept on file for one year and considered for any vacancies that may occur.

Appointments

The Farmers Branch City Council makes appointments to the Farmers Branch Boards and Commissions, separate legal entities, and standing committees. The City Council considers applications to these boards during the regular City Council meeting and fills vacancies as they occur.

Notice of Appointment

After the City Council appoints a person to serve as a member of a Board or Commission, the City Secretary will notify the appointee in writing of the appointment.

Eligibility and Qualifications

The Farmers Branch City Council seeks the best qualified resident (or landowner as is the case in the Valwood Improvement Authority and business professionals in the case of the Business Community Relations Board) to serve on Boards and Commissions.

The qualifications required to serve on a particular Board or Commission are determined by Farmers Branch City ordinance or by the state law which established the Board or Commission.

Appointments to Boards and Commissions that do have eligibility requirements must be made in accordance with the governing City ordinance or State statute. Board and Commission members must continue to meet the eligibility requirements during the entire time they serve on the Board or Commission. If a member cannot continue to maintain the necessary requirements he shall resign his position.

Oath of Office

Upon appointment, an oath of office is administered to all members of Boards and Commissions. The oath of office can be administered by the City Secretary or a City-employed Notary Public for the State of Texas. This must take place prior to the first board and commission meeting.

Orientation

The City of Farmers Branch provides Orientation information for new Board and Commission members.

Appointed Official Training

All Board and Commission Members are required to watch the Public Information Act Video and Open Meetings Act Training Video within 90 days of appointment. A certificate of training shall be printed and provided to the City Secretary for filing.

3

Meetings

Role of the Chairman

The function of the Chairman is to provide leadership for the group. The Chairman is selected by other board members in a method agreeable to all board members. There are certain duties and responsibilities which must be performed.

The chairman must ensure the smooth operation of the board or commission. The chairperson must be strong enough to make certain that the meeting is run by the rules, but democratic enough to use the power and authority of the position wisely. The chairperson's ability to handle meetings will have a significant impact on operation and effectiveness.

The chairperson must make certain that discussions do not get side-tracked on minor issues and must have the ability to remain focused on the agenda.

Role of Other Offices

The vice-chairperson will serve as chair in the absence of the chairperson. Other officers and duties shall be determined by the respective board or commission.

The Agenda

The agenda should always be prepared prior to the meeting and copies given to all Board or Commission members. Extra copies of the agenda should be available for the public.

The agenda is prepared by the City department head or staff person assigned to the Board or Commission. Although certain Boards and Commissions are required by the state, in the Open Meetings Act, to post the agenda publicly, at least 72 hours prior to the meeting, it is a City of Farmers Branch practice that all boards and commissions follow these procedures.

Parliamentary Procedures

Meetings of Boards and Commissions are generally conducted under standard parliamentary rules.

Public Hearings

These hearings are open forums that allow the public an opportunity to express their opinions on a specific issue. Public Hearings are generally conducted in the following manner:

- The Chairman of the Board or Commission formally opens the public hearing.
- The applicant's presentation of his request.
- Proponents (those in favor) of a measure speak first.
- Opponents (those against) speak second.
- After hearing all who wish to comment on the issue, the proponents are allowed to give a rebuttal and summarize their position, and then the Chairman formally closes the Public Hearing.
- Members of the Board or Commission may ask questions at any time of the witness, if recognized by the chair. Board or Commission members are encouraged to ask questions even after the hearing is closed. After the public hearing is closed, members of the public may speak ONLY when recognized by the chair.
- A time limit for individual speakers may be set by the Board or Commission before the Public Hearing begins.
- A motion is made on the issue by a Board or Commission after public hearing is closed and discussion has ended and a vote taken.

Signing the Minutes for the Meeting

The minutes of Boards and Commissions MUST be signed by the Chairman and the Recording Secretary once the minutes are approved by a majority vote of the members of the Board or Commission.

Meeting Attendance

Every Board or Commission member is expected to maintain a suitable attendance record. It is important to keep in mind that attendance is very important to the Board or Commission. Because attendance is important, the City Council has adopted an attendance policy of no more than three (3) consecutive absences without an excuse for regular board and commission members. The Chairman of the Board or Commission can excuse a member's absence.

The term "meetings" includes all meetings of the board and all meetings of the board's subcommittees on which the member serves. The Secretary of the Board or Commission is responsible for keeping track of the members' attendance. If a member does not follow the attendance policy set for the board or commission, the member can be removed from service by a vote of the City Council. Alternate members are expected to follow the same attendance policy as regular members.

Each Board or Commission member is encouraged to work closely with City Staff and with the appropriate department staff liaison assigned to that Board or Commission. The Director of Planning working with the Planning and Zoning Commission members and the Director of Parks and Recreation communicating with the Parks and Recreation Board are examples of these relationships. City staff is assigned to provide general assistance, such as preparation of agenda materials and general review of department programs and activities, and to perform limited studies and otherservices.

Reporting to the City Council

The Council is dependent on each Board and Commission to make recommendations to City projects. It is through the Boards and Commissions that the City Council can receive community input. All Boards and Commissions are encouraged to communicate the position of the Board or Commission to the City Council and from time-to-time may want to visit informally with a Council member.

There will be occasions when City staff will be required to prepare an agenda item for City Council review. In preparation of such a report the staff member should present both the staff position and board or commission's position. The position of a member not voting in the majority on an item should also be presented in the staff report if indicated by the member.

It is the desire of the City Council to have an opportunity to hear and consider all sides of an issue and alternative recommendations to assist in their decision-making process.

4

Responsibilities

It is an honor to be selected as a City Board or Commission member and it provides an unusual opportunity for genuine public service. Although specific duties of each board and commission vary widely, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Members should understand the role and scope of their responsibilities; be informed of the individual board or commission's purpose and of its operating procedures.
2. Members should be careful to represent the majority views of their individual board or commission. Individual "opinions" to the public and press should be as such.
3. Members should represent the public interest and not special-interest groups.
4. Good communication is essential - members are in a position to serve as liaison between the City and its citizens and can help to reconcile opposing viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and City, presenting recommendations and providing a channel for citizen expression.
5. Members are encouraged to do their homework and be thorough in recommendations - view situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on preparedness will strengthen the value of the group's recommendations.
6. Members are encouraged to establish a good working relationship within the group; respect individual viewpoints; allow other members time to present their views fully before making comments; be open and honest; welcome new members.
7. Council appointments to boards or commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities, however, members should not use or involve their membership in the conduct of political activities.

Open Meetings Act

Texas Law requires that every meeting of the City Council be open to the public. The law also requires certain Boards and Commissions to follow this as well. As part of this requirement, all Farmers Branch Boards and Commissions must follow the following procedures for open meetings.

- A Posted Notice is required of a meeting. Written notice of the date, hour, place and subject of each meeting must be posted on a public bulletin board, located at a place convenient to the public for at least 72 hours preceding the scheduled time of the meeting. All agenda items must be posted with sufficient specificity so that a member of the general public is informed of the subject matter to be discussed. As such general postings such as Old Business, New Business or Staff Reports are not sufficient to comply with state law. Only those matters posted as outlined above can be discussed and acted on by the Board or Commission.
- Minutes are required to be prepared or a tape recording made of each open meeting. Minutes must state the subject of each deliberation and indicate each vote, order, decision or other action taken.

Closed Meetings

The Texas Open Meetings Act, does allow for closed or executive meetings on a few limited subjects. Generally, Boards and Commissions will not have occasion or legal basis to meet in closed or executive session. Closed meetings are allowed to discuss pending litigation, certain personnel matters, certain economic development issues and the lease or acquisition of land. However, before a closed meeting can be held, a quorum of the governmental body must convene in an open meeting and the presiding officer must publicly announce that a closed meeting will be held and identify the sections of the Open Meeting Act authorizing the closed meeting. No final action, decision, or vote can be made in a closed meeting. All final actions, decisions, and votes must be made in open meetings. Further, the governmental body is required to keep a certified agenda of the matters discussed in the closed meeting and a record of any further action taken. The presiding officer must include an announcement at the beginning and end of the closed meeting indicating the time and place, and must certify that the agenda is a true and correct record of the proceedings. In lieu of maintaining a certified agenda, a tape recording of the closed meeting may be made.

Penalties

A fine of not less than \$100 nor more than \$500 or imprisonment in the county jail for not less than one month nor more than six months, or both fine and imprisonment, can be imposed for violating the provisions of the Open Meetings Act or conspiring to circumvent the provisions of the Open Meetings Act by meeting in numbers less than a quorum for the purposes of secret deliberations.

Open Records Act

Texas Law also requires that virtually all information held by a governmental body must fall under the rules of the Texas Open Records Act. If a request for information is received by a Board or Commission, the City Secretary should be notified for the proper procedure.

5

Liabilities

Personal Liability

As a general rule, board and commission members cannot be held personally liable for erroneous acts while honestly exercising the functions of their offices in good faith. The problem with stating such a general rule as a proposition of law is that there will always be exceptions to the general rule. For example, if a court finds that an officer performs certain functions in excess of his/her authority and such functions were not performed under a good faith assumption that the officer had the authority to act, then the officer will subject himself/herself to personal civil liability. When members of City Boards and Commissions are acting in good faith and within the bounds allowed by the City, state and federal law, the City will provide a defense for such members to the greatest extent

permissible. However, if a Board or Commission member acts maliciously or violates a criminal law while serving in his/her official capacity, the City generally will not provide that member a defense.

Board Liability

A city, its officers, and members of boards and commissions as a governmental entity, must treat all individuals or groups in the same manner unless there is a compelling governmental interest to treat someone or some group differently. Therefore, the City Attorney should be consulted concerning whether or not an individual or group can be treated differently. If an officer or board or commission member illegally discriminates against an individual or group, that individual or group can seek damages from the City and the individual officer for a violation of rights under the state and federal civil rights statutes.

The above discussion is by no means intended to be a comprehensive and complete discussion of legal liabilities to which the City or Board or Commission member may be subjected.

Board and Commission members are strongly encouraged to consult with the City Attorney anytime they feel their actions while serving on such Board or Commission may have some legal consequences. The law in this area is quite complex and requires a thorough analysis of the law and facts pertaining to each particular situation.



City of Farmers Branch Ethics Policy

Requirements

Every Board and Commission member is required to read the Code of Ethics Handbook and signoff annually that they are compliant with the Code of Ethics. The City Secretary's Office maintains Code of Ethics Complaint forms.

Policy

IT IS THE POLICY of the City of Farmers Branch to uphold, promote and demand the highest standards of ethics from all of its officials, whether elected to City Council or appointed to advisory boards. Accordingly, the City Council, pursuant to Section 2.02 of the City Charter, has enacted a Code of Ethics¹ ("the Code of Ethics") applicable to the City Council and all members of City boards, commissions, committees ("elected officials and advisory board members") in order to better ensure that all City officials maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or powers improperly or for personal gain. One of the City's guiding principles is "doing the right things for the right reasons delivers appropriate results." The pursuit of transparency and accountability wherever possible helps achieve this principle and illustrates the City's commitment to good government and high ethical standards.

The City of Farmers Branch and its elected officials and advisory board members all share a commitment to ethical conduct in service to their community. This handbook has been created to ensure that all elected and appointed officials and advisory board members have clear guidance for carrying out their responsibilities.

I. Applicable Laws and Policies

A. General Character

Elected officials and advisory board members are often called upon to make decisions that affect various groups and individuals adversely. Balancing diverse constituent interests is a difficult task. While someone will always be disappointed in decisions, officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality. Preservation of public trust is critical for the preservation of democracy.

A certain amount of detail is required in any code of ethics so that it serves as a clear guide. However, at the core of ethical behavior are some basic standards that officials shall use to reach a level of conduct that strives to be beyond reproach. Treating others as you would have them treat you is always a good ethical test. Another standard is to reflect on how your actions or decisions might be viewed by persons you or the public holds in high regard because of their ethical integrity.

Honesty and Integrity.

Honesty and integrity shall be the primary values in all issues. The public trust in the City Council and citizen boards can be a reality only when public officials are truthful.

Fairness and Respect.

All issues and citizens shall be handled with fairness, impartiality and respect. Elected officials and advisory board members have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, City Councilmembers and citizen advisory board members have an

¹ City of Farmers Branch Code of Ordinances Chapter 2, Article III "Code of Ethics".

obligation to be accessible, open and direct, not only with the other members of the City Council or board, but also to the citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand the position of the City Council and boards on public issues.

Effort.

Elected officials and advisory board members have an obligation to attend meetings and to be prepared. It is expected that these officials will review the materials, participate in discussions and make an informed decision on the merits of the issue.

B. Conflict of Interest

Elected officials and advisory board members must be constantly on guard against conflicts of interest. In short, elected officials and advisory board members shall not be involved in any activity which conflicts with their responsibilities to the City and its residents. Citizens of Farmers Branch have a right to expect independence and fairness toward all groups without favoring individuals or personal interests.

Self-Dealing and Financial Disclosure.

Texas conflict-of-interest laws, in particular the provisions of Chapter 171 of the Texas Local Government Code ("Chapter 171"), apply to members of the City Council and other City officers, whether elected or appointed, paid or unpaid. The Code of Ethics incorporates many of the provisions of Chapter 171 and applies them to the members of the City's boards and commissions. As a result, every Councilmember and board and commission member must be consistently aware of any potential issues which may appear to be self-dealing. Officials must not be involved in discussing or deciding any issue over which they have jurisdiction as a City Council or board member which may impact the member, or the member's family, financially.

The Code of Ethics provides that a City officer (which, for purpose of the Code of Ethics includes Councilmembers and City board and commission members) shall not participate in a vote or decision on any matter in which the officer has a "substantial interest." An officer has a "substantial interest" in the matter if the matter involves a business entity in which the officer:

- owns 10% or more of the voting stock or shares of the entity
- owns 10%, or \$15,000, of the fair market value of the entity
- 10% of the officer's gross income for the prior year consisted of funds received from the entity

and the action will not have a special economic effect on the entity distinguishable from the public.

As it relates to real property, an officer has a substantial interest in the matter if the officer owns an equitable or legal interest in the property with a fair market value of \$2,500 or more and it is reasonably foreseeable that the matter will have a special economic effect on the value of the real property distinguishable from its effect on the public. For example, in a case involving the zoning of a property, if the officer owns property within 200 of the property being rezoned and receives a public hearing notice regarding that case, it will be presumed the officer's property will be affected in a manner distinguishable from other property in the City.

The conflict of interest rules also apply to interests a City official's relatives own in a business entity or real estate. Be aware that while Chapter 171 applies only to relatives in the "first degree of consanguinity or affinity" (i.e., parents, spouse, or child), the Code of Ethics extends the rules to also include the officer's relatives within the "second degree of consanguinity or affinity" (i.e., step-children, father or mother-in-law, son or daughter-in-law, grandparents, grandchildren, brothers, and sisters). This is stricter than state law.

Prior to any meeting where a matter in which the City officer has a conflict of interest under Chapter 171 or the Code of Ethics, Councilmembers and board and commission members must file a conflict-

of-interest affidavit with the City Secretary or the board/commission staff liaison, and then refrain from participating in any part of the meeting where the matter at issue will be discussed. This means the member cannot discuss, let alone vote, on the matter. Because any form of communication from the officer, including, but not limited to, emails, text messages, hand gestures, applause, frowns and smiles, etc., might be perceived as the officer's attempt to improperly participate in the discussion of the matter for which a conflicts affidavit has been filed, it is recommended that the officer remove himself from the meeting room during the consideration of the matter.

Disclosure of and Policy on Acceptance of Gifts and Favors and Relationships with Vendors.

Chapter 176 of the Texas Local Government Code ("Chapter 176") in general requires disclosure by elected officials and members of certain quasi-judicial boards when receiving items of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the City. The Chapter 176 disclosure requirements may under certain circumstances apply to members of other boards and commissions if as a board or commission member the person acts as an agent of the City by exercising discretion in the planning, recommending, selecting, or contracting of a vendor.

A conflict-of-interest statement as outlined in Chapter 176 of the Texas Local Government Code must be filed by a City Councilmember or other City officer if the aggregate value of all gifts received by the officer or member of the officer's family from the same vendor exceeds \$100 in the twelve months preceding the City entering a contract with the vendor or considers entering a contract with the vendor. For purposes of this disclosure, a "gift" does not include (a) a political contribution; (b) food accepted as a guest; or (c) if the gift is offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. A "gift" would include transportation, lodging, and entertainment, even as a guest.

Similarly, a Chapter 176 disclosure must be made by a Councilmember or other City officer if the officer or the officer's family member has an employment or other business relationship with the vendor which results in the officer or officer's family member receiving taxable income of more than \$2,500 in the twelve months preceding the City entering a contract with the vendor or considers entering a contract with the vendor. The disclosure requirement does not apply if the officer only receives investment income, regardless of amount.

In addition, a Chapter 176 disclosure is required if the Councilmember or other City officer has a family relationship with the vendor. For purposes of this disclosure, a "family relationship" means a person related (i) within the third degree by blood (e.g. mother, father, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson and great-granddaughter) or (ii) with the second degree by marriage (e.g. spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepchild, sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson.

This statement (Form CIS) must be filed with the City Secretary not later than seven (7) days after the Councilmember or other City officer learns of the basis for being required to file the disclosure. The disclosure must also be posted on the City's website. Vendors of the City have a similar disclosure requirement (Form CIQ) if they have a business affiliation or relationship with a local government official. Political contributions are exempt from these requirements and are addressed in Title 15 of the Texas Election Code.

While Chapter 176 may not require members of all boards and commissions to file the statutory disclosure, the Code of Ethics requires all board and commission members to annually file a statement professing compliance with the Code of Ethics.

This would include Section 2-279 of the Code of Ethics which prohibits an officer of the City from having a direct or indirect financial interest in contracts with the City.

Under no circumstances shall a City Council or board member accept a gift or favor that is a bribe,

or reflects, to a reasonable person, an effort to improperly influence the member contrary to that member's responsibility to the public to act impartially and on the merits of a matter. City Council and board members are expressly prohibited from participating in vendor reward programs that provide cash or gifts to the member based on City purchases provided however that the City Council or board member may accept frequent flyer miles car rental or lodging reward points accumulated by the City Council or board member for City sponsored or reimbursed travel expenses for official City business. Additionally, the Farmers Branch City Charter (Section 9.01) specifically prohibits the acceptance of any gift, favor, privilege, or employment from any franchised public utility of the City. The prohibition against receiving gifts does not apply to items of de minimis value and other identified categories of gifts listed in Section 2-279(d) of the Code of Ethics. When in doubt about these requirements, elected officials and advisory board members shall disclose the gift, benefit or favor.

All disclosures will be kept for public record in the City Secretary's Office.

Gifts having a value greater than \$50 that are donated to the City or a bona fide charity also do not need to be reported.

Gifts exceeding \$50 in value and intended for the City rather than as a personal gift to a Councilmember or board member are not prohibited provided such items are timely delivered to the City's possession and become City property. Unreasonably delayed delivery of the gift to the City may subject the person to accusations that the person is making personal use of public property.

Loyalty.

Elected officials and advisory board members have an obligation to put the interests of the City of Farmers Branch over all personal considerations. Their goal should be "what is in the best interest for the broadest public good of the City of Farmers Branch, consistent with constitutional and other legal protections for property and other interests."

Nepotism.

As provided in the City Charter and Personnel Rules, no relative of a sitting Councilmember may be hired by the City, and no relative of a sitting advisory board member may be hired in the City department for which that advisory board member provides guidance. For a listing of relatives that are subject to this prohibition, refer to Section 9.16 of the City Charter.

Purchase of City Property.

No Councilmember or advisory board member shall purchase any personal property or real estate from the City regardless of the method of purchase excluding electronic computer tablet devices which have been issued to Councilmembers or advisory board members to be used as a resource during public meetings and for public email communications. These devices may be purchased by the user for fair market price at the end of a Councilmember's or advisory board member's term of office.

Subsequent Appointments and Contracts.

No Councilmember shall be appointed as an advisory board member within six months after the end of the Councilmember's term of office. No Councilmember or advisory board member, or a business entity in which the Councilmember or advisory board member has a substantial interest, shall be approved by Council to enter into a contractual purchase agreement with the City for a period of six months after the end of the person's term of office.

C. Legal Compliance

Meetings.

Public Access: Open Meetings and Public Records

Subject to certain exceptions, discussion of issues which may appear before the City Council or an appointed board are prohibited when a quorum of the members of the City Council or board is present. The Texas Open Meetings Act requires that the deliberations of its elected and, in some cases, appointed governing bodies be open to the public and that proper notice of such meetings be posted and made available to the public not later than 72 hours in advance of the meeting. Attempts by a quorum of the deliberating body to meet and discuss City business without fully complying with the Open Meetings Act is a criminal violation and can also be the basis for a charge of official misconduct pursuant to Section 9.18 of the City Charter. By local policy, all City boards and commissions, not just the City Council and other boards with quasi-judicial authority (e.g. Planning and Zoning Commission and Building Board of Adjustment), must comply with the Open Meetings Act.

Similarly, though subject to certain exceptions, the City is required to make available to the public upon written request "public information" pursuant to the Public Information Act. "Public information" is information which is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or by a third party on behalf of a governmental body.

Public information can also include emails, text messages, blog and social media pages, and other types of electronic media discussing City matters. Written and electronic communications by Councilmembers or board and commission members relating to City business are often subject to disclosure to the public pursuant to a written request, whether such information is contained on a City-provided device or a personally owned device. Failure of a Councilmember or board or commission member to provide to the City Secretary copies of public information in their possession when a proper request for public information is received could (1) create a presumption that information that would otherwise be confidential to be public information and (2) result in the unlawful withholding of public information from the requesting party. Besides being a violation of the Public Information Act, any such lack of cooperation is likely to be considered contrary to the interest of the City and subject to sanctions under the Code of Ethics.

Attendance.

Attendance is outlined by the City Charter and is enumerated below:

Mayor and City Council.

The City Charter provides that four (4) councilmembers may discipline another councilmember if the Councilmember misses three (3) regular (or 25% of the regular meetings in any six month period) duly noticed meetings of the City Council without good cause. Duly noticed meetings of the City Council include regular council meetings, special council meetings, study sessions, policy sessions, executive sessions, budget review meetings, and council committee meetings to which a councilmember is assigned.

The City Council generally finds that personal illness, family emergencies, military absences, family weddings, family graduation exercises, and bona fide business and vacation trips constitute good cause for nonattendance at council meetings. Whether good cause exists for any other absence shall be determined by vote of the entire City Council at the next regular meeting following the absence. The vote shall be taken after sufficient information is received explaining the reason for the councilmember's absence.

Boards, Commissions and Committees.

The City's attendance policy for members of boards, commissions and committees provides that if a member fails to attend three (3) consecutive and duly noticed meetings of such groups without being excused for good cause, the City Council may declare the seat vacant and appoint a replacement.

Members of City boards, commissions and committees are expected to attend all regularly

scheduled meetings and should make every effort to do so. The City Council appoints members for their experience, background and perspective in a particular policy area, and desires the benefit of knowledgeable consideration and judgment. Moreover, boards, commissions and committees cannot conduct any business unless a quorum is present. Members should notify the chairperson of the board or the staff liaison regarding any meeting missed or to be missed.

The advisory board, commission or committee shall decide by vote of the entire body at the next regular meeting following the absence, whether the absence was for good cause or not. Advisory boards, commissions and committees shall use the same standard for good cause as set forth above for councilmembers.

Disclosure of Confidential Information.

Texas law provides that, during a person's service with the City, no member of a City board, commission, committee or the City Council may disclose or use confidential information without appropriate authorization. The information is outlined in the Texas Open Meetings Act (Texas Government Code Chapter 551). For example, confidential information includes discussions during executive sessions and certain economic development information such as prospect leads. Unauthorized disclosure of confidential information to the public is a Class B misdemeanor.

Likewise, disclosure of public information which is confidential, such as emails or memos consisting of attorney-client communications, documents relating to proposed real estate purchases or sales, or documents relating to pending litigation, is a potential violation of the Public Information Act.

Discrimination and Harassment.

Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and city laws and ordinances.

It is the policy of the City of Farmers Branch that its elected officials and advisory board members conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both internally and in the relationships of the elected officials and advisory board members with their constituencies.

In addition, it is the policy of the City of Farmers Branch that the elected officials and advisory board members strive to create an operating environment internally and in the relationships of the elected officials and advisory board members with their constituencies, that is productive and free from intimidation, hostility or other adversity. Harassment of any sort – verbal, physical, visual – including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any elected official or advisory board member, is prohibited and is considered a violation of the Code of Ethics.

D. Political Activities

Elected officials and advisory board members shall not use their political or appointed office to advance private interests. City Charter Section 2.02 prohibits the Mayor, Councilmembers, and board members from holding other public offices.

Elected officials, advisory board members and candidates shall not engage in political campaigning at City meetings or within City buildings. They shall also not use public resources for political campaigning. For example, candidates or supporters of candidates shall refrain from circulating petitions during a City meeting and refrain from soliciting City employees to support their specific cause. City Council and board members are free to express their opinions about the public issues on the agenda before them, but they must not make campaign speeches at council or board meetings touting their, or another's, candidacy nor may they urge residents to vote for them or another, through words, signs, buttons or other means, during duly noticed meetings of the City Council or its citizen advisory boards.

City Councilmembers shall not solicit, request or encourage employees while on duty to engage in political activities.

E. Facilities, Resources and Expenses

Expense Reports and Travel.

When traveling on City business, elected officials shall conduct themselves professionally as representatives of the City of Farmers Branch. Officials are entitled to be reimbursed for actual and necessary travel expenses. Expenses must be documented completely and accurately and approved by a committee of Councilmembers designated for that purpose. Officials are asked to contact the appropriate City staff for assistance in travel plans and expense reports.

Use of Equipment and Facilities.

Elected officials and advisory board members shall not use City equipment or City facilities for private purposes, except to the same extent that they are available to the public.

Software Management.

Elected officials and advisory board members shall not make, use, accept or install illegal copies of computer software, documentation or templates. The City conducts periodic audits to ensure compliance with City policies on software installed on City-owned computers.

The legality of software is ideally established by possession or accountability of the following five items: the original software diskettes, the license, the original manuals, documented evidence of purchase, or copy of the completed product registration.

Electronic Mail.

City-assigned electronic mail accounts shall be used only for City business or for minor personal use such as setting up medical appointments or communicating occasionally with one's family in a way that does not interfere with City business. City-assigned electronic mail accounts may not be used for personal business or for any campaign purpose.

All City-assigned electronic mail is considered official City business and must be retained in accordance with the City's records management program. In general, electronic mail communications are public records and subject to disclosure under the public records laws. The Texas Public Information Act is found in Texas Government Code, Chapter 552. Because the Public Information Act has been expanded to include public information retained on private electronic devices such as laptops and cell phones, Councilmembers should do their utmost to only use their office City e-mail address when corresponding with the public or City staff about City business.

Use of Staff.

Under the council-manager form of government, the City Council appoints a City Manager, who directs the day-to-day operations of all employees. Councilmembers need to be sensitive to the role of the City Manager and City staff. In regard to administrative and executive duties under the City Manager, City Charter Section 2.10 requires the City Council to deal solely through the City Manager and expressly prohibits members of the City Council from privately or publicly giving any orders to City employees who are subordinates of the City Manager.

Councilmembers may ask other staff members about the status of a matter and may ask for information, but Councilmembers shall not expressly or implicitly give orders or direction to staff, except through their participation on the City Council. They shall not try privately to influence the decisions or recommendations of staff members, but they may share information with staff.

City Council and board members shall not intervene directly with staff on behalf of a particular constituent or organization on a pending matter, but shall participate with City Council or board colleagues in discussing and deciding policy matters for staff to carry out.

Appointed board members shall work through the staff liaisons of their board.

III. Procedures

A. Where to Seek Advice

Questions about this handbook, the City's Code of Ethics, a conflict-of-interest, compliance with open government laws, or other ethical issues should be presented to the City Attorney's Office. If time permits, requests should be in writing to the City Attorney directly.

B. What to Do if You Are Uncertain

The existence of an ethical issue often does not arise until a meeting is underway. Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents an elected official or advisory board member from participating. Indeed, if there is a consistent theme to this handbook, it would be: "If in doubt, don't."

C. How to Declare a Possible Conflict

If an official believes that a conflict-of-interest (or even a possible conflict) exists, then he or she should disclose the fact as soon as possible. For example, as soon as an elected official or advisory board member realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the minutes. From that point on, the official shall complete any required affidavit and not participate in any manner (by discussing, questioning or voting) in that matter.

Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, officials should declare possible conflicts to avoid any appearance of impropriety.

D. Where to Report Improper Behavior

Elected officials and advisory board members have a duty to create the image and reality of a responsive, accessible and fair city government. Accordingly, City Council and advisory board members have a duty to report if another elected official or advisory board member is violating laws or ethics relating to city government, as set forth in the Code of Ethics and this handbook. Moreover, officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

All complaints or allegations of a violation of the City's Code of Ethics against an elected official or advisory board member shall be made in writing on a form provided by the City, sworn to before a notary public, and filed of record with the City Secretary. A general complaint lacking in detail shall not be sufficient to merit investigation procedures outlined in the City's Code of Ethics Ordinance.

E. Annual Certification

Elected officials and advisory board members shall provide a confirmation upon taking office, and thereafter annually, as to compliance with the City's Code of Ethics and this handbook.

IV. Penalties and Sanctions

It is the intent of the City Council to educate, and, when necessary, discipline board or councilmembers who violate the City's Code of Ethics. Discipline shall be progressive, from the least

punitive to the most punitive measures, unless the City Council believes progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the City Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving a matter, including the intent of the one accused of wrongdoing. This Code does not prevent informal resolution of minor infractions, such as by immediate corrective action of the possible misconduct.

V. Adoption and Amendment

Adoption of and amendments to the City's Code of Ethics shall require the affirmative vote of a majority of the City Council. Adoption and amendment shall occur through passage of an ordinance by the City Council pursuant to City Charter Section 2.02(b).