



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		7/25/2016		
Department:		Legal		
Department Head		Paige Mims		
Agenda Coordinator (include phone #): Jason Stacy ext. 7109				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, repealing certain sections of Ordinance Nos. 98-10-18, 96-11-24, and 91-4-37 codified as Section 2-98, Standards of Conduct – Officers and employees, in Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas; adopting a new Section 2-98, Standards of Conduct – Officers and employees in Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to be consistent with state law and implement additional standards for board and commission appointees; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Adopting a Standards of Conduct for Officers and employees relates to the City's goals of Partnering for Community Benefit and Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
To adopt a new Section 2-98. Standards of Conduct—Officers and Employees in Article IV. Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to be consistent with state law and implement additional standards for board and commission appointees.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Ordinance				

An Ordinance of the City of Plano, Texas, repealing certain sections of Ordinance Nos. 98-10-18, 96-11-24, and 91-4-37 codified as Section 2-98, Standards of Conduct – Officers and employees, in Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas; adopting a new Section 2-98, Standards of Conduct – Officers and employees in Article IV, Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas to be consistent with state law and implement additional standards for board and commission appointees; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, the City Council enacted Ordinance Nos. 98-10-18, 96-11-24, and 91-4-37 to amend Section 2-98. Standards of Conduct—Officers and Employees of the Code of Ordinances of the City of Plano, Texas; and

WHEREAS, City Council wishes to further amend Section 2-98. Standards of Conduct—Officers and Employees of the Code of Ordinances of the City of Plano, Texas to be consistent with state law and to implement additional standards for board and commission appointees; and

WHEREAS, upon full review and consideration of all matters related and attendant thereto, the City Council is of the opinion that Section 2-98. Standards of Conduct—Officers and Employees in Article IV., Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas be repealed and replaced with a new Section 2-98 as provided herein.

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

Section I. Certain sections of Ordinance Nos. 98-10-18, 96-11-24, and 91-4-37 codified as Section 2-98. Standards of Conduct—Officers and Employees of the Code of Ordinances of the City of Plano, Texas is repealed in its entirety.

Section II. Section 2-98. Standards of Conduct—Officers and Employees in Article IV., Code of Conduct, of Chapter 2, Administration, of the Code of Ordinances of the City of Plano, Texas, is hereby adopted to read as follows:

“Sec. 2-98. Standards of conduct—Officers and employees.

(a) **Officer and Employee Standards.** No officer or employee of the city shall:

(1) Recommend, participate in the decision, including voting or discussion, or participate in the monitoring or fulfilling obligations of any contract (whether oral or written) for materials, supplies, or service with the city nor in any sale of any rights or interest in land, if the officer, employee, or a relative of the officer or employee has a

financial interest in such contract or rights or interest in land. In such event, an affidavit specifying the financial interest shall be filed with the record keeper prior to any discussion on the item and the affected member shall thereafter refrain from participation on that item.

Notwithstanding the above, the more restrictive prohibitions set forth under section 11.02 of the City Charter applies to officers who have final decision making authority such as city council members and appointees to boards or commissions.

The "financial interest" contemplated under this subsection and under section 11.02 of the City Charter requires that the officer, employee or relative receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:

- a. An ownership in the entity transacting with the city where the ownership interest is less than one (1) percent.
 - b. Compensation as an employee, officer or director of the entity transacting with the city where such compensation is not affected by the entity's transaction with the city.
 - c. An investment or ownership in a publicly held company in an amount less than ten thousand dollars (\$10,000.00).
- (2) Represent any private interest of others in any action or proceeding involving the city nor voluntarily participate on behalf of others in any litigation to which the city might be party nor appoint or recommend for appointment any person to a city board or commission that is a party to litigation against the City or representing any private interest of others in any litigation to which the City is a party.
 - (3) Accept any gift or favor from any person that might reasonably tend to influence him in the discharge of his official duties, or grant in the discharge of his official duties any improper favor, service or thing of value.
 - (4) Use his official position to secure special privileges or exemptions for himself or others.
 - (5) 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. This shall not prevent the granting of fringe benefits to city employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
 - (6) Disclose information that could adversely affect the property, government or affairs of the city; nor directly or indirectly use any information gained solely by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
 - (7) Disclose confidential information.
 - (8) Engage in any outside activities which will conflict with or will be incompatible with his position as an officer of the city, the duties assigned to him in his employment

with the city, or in which his employment in the city will give him an advantage over others engaged in a similar business, vocation or activity.

(9) Accept other employment incompatible with the full and proper discharge of his duties and responsibilities with the city or which might impair his independent judgment in the performance of his public duty.

(10) Receive any fee or compensation for his services as an officer or employee of the city from any source other than the city, except as may otherwise be provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the city if there is no conflict with his duties and responsibilities.

(11) While in uniform, on active duty, or in the course and scope of his term or appointment, use influence or prestige of his position or title in an endorsement of or opposition to any candidate for elective office; provided all officials and employees are encouraged to participate in all local, state and national elections and in any political process as a private citizen.

(12) Knowingly perform or refuse to perform any act to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.

(13) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.

(14) Engage in any conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.

(b) **Additional Standards - City Council and Employees.** No employee or city council member shall represent or appear in behalf of private interests of others before any agency of the city or any city board, commission or committee.

(c) **Additional Standards – Officers other than City Council.** No other city officer shall represent or appear in behalf of the private interests of others before the board, commission or committee of which he is a member, or before the city council or other board on an appeal from such board, commission or committee concerning such matter.”

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as provided by law.

DULY PASSED AND APPROVED this the 25th day of July, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY