

*Ivy Avalos*  
Mayor

*Ruben Reyes*  
At-Large

*Cesar Nevarez*  
District 1



*Alejandro Garcia*  
District 2/ Mayor ProTem

*Rudy Cruz, Jr.*  
District 3

*Yvonne Colon-Villalobos*  
District

## ORDINANCE 565

### ORDINANCE TO AMEND, PART II – CODE OF ORDINANCES, CHAPTER ADMINISTRATION, ARTICLE IV. – BOARDS, COMMISSION, AGENCIES AND AUTHORITIES, DIVISION 6. ETHIC REVIEW COMMISSION.

#### DIVISION 6. - ETHICS REVIEW COMMISSION

##### **Sec. 2-257. - Established; members.**

- (a) In order to assist the city council, the city has created an ethics review commission. All members shall be residents of the city and shall serve without compensation.
- (b) The commission shall be composed of seven appointees who shall serve four-year terms. All terms of office shall expire on December 1 on a staggered basis. Each member shall serve until his successor is appointed.
- (c) No member shall hold any elected office or be appointed to any position governed by this division or be a candidate for any such office or position. A member may contribute to a city political campaign, but to the extent this prohibition is consistent with state law, no member shall participate in any city political campaign or in a campaign relating to a referendum or other ballot issue in the city.
- (d) One commissioner shall be appointed by each member of the city council and two members shall be appointed by the mayor. Appointments shall be as follows:
- (1) Place 1—District 1.
  - (2) Place 2—District 2.
  - (3) Place 3—District 3.
  - (4) Place 4—District 4.
  - (5) Place 5—At large.
  - (6) Place 6—Mayor.
  - (7) Place 7—Mayor.
- (e) Commissioners may be removed by the nominating member of city council for any reason at any time by posting the removal and announcing same into the record of any city council meeting.
- (f) The ethics review commission shall select from among its members a chair and a vice-chair and shall adopt, subject to the approval of city council, such rules governing its proceedings as it may deem proper. Such rules and regulations must be consistent with the ordinances of the city and shall parallel, to the extent possible, the rules adopted by city council to govern its own meetings.
- (g) The ethics review commission shall serve as an advisory body to the mayor and city council on matters concerning ethics in government of the city.
- (h) The commission shall be assigned staff by the city council to assist in its duties as the city council deems it to be necessary. The ethics review commission appointees are

subject to this division, including the provisions on governing financial interests, restrictions on post-employment and penalties.

**Secs. 2-258 - Jurisdiction.**

The ethics review commission shall have jurisdiction to review alleged violations of the city's ethics ordinance by officers that occurred within two years of the complaint being filed.

**Secs. 2-259 - Duties.**

The ethics review commission shall meet as necessary to accomplish the following duties in conformity with its Bylaws:

1. Review, evaluate and provide recommendations on issues as requested by the city council.
2. Provide recommendations for the city council regarding orientation programs or procedures for officers and volunteers focusing on education of the importance of ethics in city government and on the provisions of this chapter.
3. Provide information to the community on ethics in city government, as may be necessary for the promotion of the public trust.
4. Issue advisory opinions in manners set forth herein.
5. Review, evaluate and issue determinations, impose sanctions and provide recommendations to the city council on complaints regarding officers.
6. Provide information on the disposition of specific issues by referring to minutes of commission meetings and ethics review commission reports.
7. Periodically review and propose changes to this chapter and the commission's bylaws.
8. Develop guidelines and procedures to promote compliance with this chapter.
9. Prepare written reports for the city council.
10. Any other duties or assignments that may be directed by city council.

**Secs. 2-260 - Procedures.**

- A. The ethics commission may adopt rules that are consistent with the city charter, city ordinances, its bylaws and the ethics code.
- B. The ethics review commission may be assisted by staff assigned by the city manager. If the ethics review commission is hearing a complaint against a member of city council or the city manager, outside legal counsel may be retained when requested by the city attorney.
- C. The ethics review commission may consolidate into one complaint the following:
  1. Multiple complaints against the same officer that involve the same incident; or
  2. Multiple complaints against the same officer that involve the same alleged misconduct.

**Secs. 2-261 - Advisory opinions.**

- A. By written request to the city attorney, any officer may request an advisory opinion regarding whether his or her proposed conduct would violate this chapter. Within thirty days of receiving the written request, the city attorney or city manager shall call a meeting of the commission to review the request.
- B. The city manager may request an advisory opinion regarding the proposed action or conduct of an employee by submitting a written request to the city attorney. The city attorney shall either approve or deny the request. If approved, the city attorney or city manager shall call a meeting of the commission to review the request.
- C. A person who in good faith acts in accordance with a written advisory opinion issued by the ethics review commission cannot be found to have violated this chapter by engaging in conduct approved in the advisory opinion if:
  - 1. The person requested the issuance of the opinion; or
  - 2. The request for an opinion fairly and accurately disclosed all relevant facts necessary to render an opinion.

**Secs. 2-262 - Filing a complaint.**

- A. Any resident of the city (including a member of the ethics review commission), or natural person conducting business with the city who believes a city employee has violated the city's ethics ordinance may file a sworn complaint to the city clerk.
- B. Any resident of the city (including a member of the ethics review commission) or natural person conducting business with the city who believes an officer has violated the city's ethics ordinance may file a sworn complaint with the city clerk.
- C. Any resident of the city (including a member of the ethics review commission) or natural person conducting business with the city who believes the city attorney or the city manager has violated the city's ethics ordinance may file a sworn complaint with the city clerk.
- D. A complaint filed under this section must be in writing and under oath and must include:
  - 1. The name of the complainant;
  - 2. The telephone number and the mailing address and/or electronic mail address of the complainant;
  - 3. Proof of residence or that the complainant is conducting business with the city;
  - 4. The name of each person complained about;
  - 5. The position or title of each person complained about;
  - 6. The nature of the alleged violation, including the specific provisions of this chapter alleged to have been violated;
  - 7. A statement of the facts explaining the alleged violation and the dates on which or period of time in which the alleged violation occurred;
  - 8. All other documents or material relating to the alleged violation that the complainant can provide; a list of the documents or materials that are

relevant to the alleged violation but are not in possession of the complainant or are unavailable to the complainant, including the location of such documents or materials; and

9. An affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts constitute a violation of this chapter. If the complaint is based on information and belief, the complainant shall state the source and basis of the information and belief. Each complainant, other than a member of the ethics review commission, shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. The complaint must state on its face an allegation that, if true, constitutes a violation of this chapter that is administered and enforced by the commission.

#### **Secs. 2-263 - Complaint review.**

- A. The city clerk will review a filed complaint to ensure it is properly sworn and complete. If the complaint is missing required information, the city clerk will send the complaint back to the complainant through regular mail and/or electronic mail, and the complainant will have twenty-one days to correct the complaint and refile it; otherwise, the city clerk may reject the complaint. If the complaint is complete, the city clerk will forward the complaint to the city attorney and the respondent within seven days. Respondent has fourteen days from receipt of the complaint to file a response with the city clerk.
- B. Within fourteen days of the receipt of the response, the city attorney (unless the city attorney is the subject of the complaint) will either:
  1. Dismiss the complaint because it falls outside the ethics review commission's jurisdiction. If a complaint is dismissed in this manner the decision of the city attorney will be final. The city attorney shall provide a copy of the dismissal to the ethics review commission and to the complainant through regular mail or electronic mail; or
  2. Refer the complaint to the ethics review commission. Once this occurs, the city attorney may confer with the chair of the ethics review commission and vice-versa about any procedural matters regarding the complaint.
  3. If the complaint is against the city attorney, outside counsel will be retained to determine whether the complaint falls within the ethics review commission's jurisdiction, who shall have the same authority to dismiss the complaint as the city attorney.

## **Secs. 2-264 - Hearing.**

- A. If a complaint is referred to the ethics review commission, the commission must schedule a hearing and provide copies of all relevant documentation to the members of the commission, the complainant, and the respondent within thirty days of being referred the complaint. While the complaint is pending members of the ethics review commission are prohibited from discussing the complaint or matters of the hearing with any officer, the city manager, or other employees of the city, or any other person whether that person is associated with the complaint or not.
- B. For all hearings, the person submitting the complaint and any persons named in the complaint will be sent written notice of the date, time, and place of the hearing by the ethics review commission through regular mail and/or electronic mail so each party may attend. Such notice shall be sent to complainant, respondent, and any other persons named in the complaint at least fourteen (14) days prior to the hearing date.
- C. If either the complainant or the respondent, or their attorneys, if any, are unable to attend any scheduled hearing, they may request a continuance of the hearing by submitting a written request for continuance to the ethics review commission through regular mail and/or electronic mail at least three days before the scheduled hearing. The complainant and the respondent, including their attorneys, shall receive one automatic continuance. Any other requests for continuance shall be delivered in writing to the ethics review commission through regular mail and/or electronic mail, and the chair will determine if a continuance will be granted at the next scheduled meeting. The request for continuance must be received at least three days before the scheduled hearing. The commission shall consider if granting a continuance promotes fairness to all parties and if there is good cause shown in the request for continuance.
- D. The complainant, respondent, either of their attorneys, or any witnesses that have been requested to appear at the hearing may raise questions regarding the proceedings before the ethics review commission or any preliminary issues regarding the scheduled hearing to the attention of the city attorney. The city attorney or his or her designee shall resolve the matters to the extent possible, and if necessary, consult with the commission to determine the appropriate resolution at the commission's scheduled meeting.
- E. Only eligible commissioners of the ethics review commission will hear matters referred to the commission. If a commissioner recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other commissioners of the ethics review commission. A commissioner shall not be eligible to hear issues under this chapter and shall recuse himself or herself in the following situations:
  - 1. Where, because of familial relationship, employment, investments, or otherwise, his or her impartiality might be questioned;
  - 2. When the commissioner issued the complaint;
  - 3. When the complaint involved the member of city council who nominated him or her for a seat on the ethics review commission; or

4. When the commissioner is not present during any portion of the hearing of the complaint. The commissioner shall recuse himself or herself from further hearings and matters regarding the complaint and will no longer be eligible to participate in the disposition of the complaint.

**F. General rules for the hearing:**

1. The ethics review commission may establish time limits and other rules relating to the participation of any person in the hearing for the purpose of establishing an orderly and fair hearing process for all participants. Such rules shall include determining parameters for opening and closing statements, the roles of the complainant and the respondent, limitations regarding testimony for non-relevant or cumulative witnesses, and the presentation and direct questioning of witnesses by the respondent, complainant, or their attorneys.

2. The respondent and the complainant have the right to attend the hearing, the right to make a statement and present witnesses pursuant to the rules set by the commission for the hearing, and the right to be accompanied by legal counsel or advisor. The respondent and the complainant may be advised by their legal counsel or advisor during the course of the hearing. The legal counsel or advisor of the complainant may not speak on behalf of the complainant, except to represent the complainant while testifying. The respondent, the complainant, or their legal counsel or advisor may question or cross-examine witnesses, unless the commission denies them permission to do so.

3. As provided by the city charter, the ethics review commission shall have the authority to request witness testimony and production. The commission chair or his/her designee on behalf of the commission, shall have the authority to request any and all necessary assistance from city council for the purpose of compelling testimony, including subpoenaing witnesses in accordance with the procedures set out by the city charter and city ordinances. The commission will have the authority to bring matters to city council through agenda items properly drafted by the city attorney or his/her designee.

4. The ethics review commission is not bound by the rules of evidence, but will rely on evidence that a reasonably prudent person commonly relies on in the conduct of their personal affairs. The commission shall hear relevant evidence, but shall not rely on hearsay.

**Secs. 2-265 - Disposition.**

A. After hearing the complaint, the ethics review commission will issue a decision within thirty days based on the information available to the commission through the hearing process. The ethics review commission will:

1. Dismiss a complaint because no violation of this chapter has occurred; or
2. Find that a violation of this chapter has occurred and either find that a sanction is not appropriate or issue a sanction as set forth in subsection D below.

B. If after hearing the issues, the ethics review commission dismisses the complaint or finds that no violation of the ordinance occurred, the commission shall create a written report of their findings or dismissal, and such report shall be filed with the minutes of the meeting in the office of the city clerk, and a copy of the report shall be sent to the parties associated with the complaint by regular mail and/or electronic mail.

C. The commission may determine if the complaint was frivolous. If the commission determines that a complaint is frivolous, they may issue a sanction provided in subsection D below. If within one year, a complainant is found to have filed more than one frivolous

complaint, the complainant will not be able to file further complaints for the following two years. If a complainant who is banned from filing a complaint does so within their prohibited period, the city clerk may refuse to accept the complaint and will notify the commission so an additional two years can be added to the current prohibition.

D. If after hearing the issues, the ethics review commission determines through clear and convincing evidence that a violation of this chapter has occurred, then the ethics review commission may issue one of the following sanctions:

1. Letter of notification. A letter of notification may be issued when the ethics review commission finds that a violation of this chapter was unintentional. A letter of notification may advise the person to whom the letter is directed of any steps to be taken to avoid future violations.

2. Letter of admonition. A letter of admonition may be issued when the ethics review commission finds that the violation of this chapter was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.

3. Letter of reprimand. A reprimand may be issued when the ethics review commission finds that a violation of this chapter was committed intentionally or through disregard of this chapter.

4. Recommend removal from office. In addition to a letter of reprimand, removal from office may be recommended to the city council for action when the ethics review commission finds that a serious or repeated violation of this chapter was committed by an officer intentionally or through culpable disregard of this chapter.

E. If the ethics review commission votes to impose a sanction of a letter of notification, a letter of admonition, or a letter of reprimand, the commission shall prepare a written report of their findings, which shall be filed with the minutes of the meeting in the office of the city clerk. The city attorney shall draft the letter of sanction per the direction of the commission, file a copy of the letter in the employment file of the person receiving the sanctions where it shall remain as a permanent record, and send a copy of the letter to said person by both regular mail and certified mail, return receipt requested, and/or by electronic mail.

F. If the ethics review commission recommends the imposition of the sanction of removal from office, it shall prepare a written report containing its recommendation. The report will be sent to the city clerk who shall, within fifteen days of receipt, place the matter on the city council agenda for discussion and action by the city council regarding the recommendation of the ethics review commission. The final authority to carry out a recommendation for removal from office shall be with the city council and shall take place in conformity with any other law or requirements for such removal. The recommendation(s) of the ethics review commission may be accepted, rejected, modified or recommitted to the commission for further action or clarification by city council. The city clerk shall, within fourteen days of the date of any city council action taken on a complaint, forward a copy of such action to the chair of the ethics review commission.

G. If the ethics review commission determines a violation of this chapter has occurred and imposes sanctions, the person who has received the sanctions may petition the ethics review commission to reconsider the matter only if there is newly discovered evidence which was not presented to the ethics review commission during the original proceedings. The person who was sanctioned may request the reconsideration by providing written notice to the city clerk within fourteen days of the date on the ethics review commission's written notice regarding the sanctions. If the sanctioned party does

not provide written notice to the city clerk on or before the expiration of the 14th day following the date of the written notice of the sanctions, the decision of the ethics review commission shall be final and no longer eligible for reconsideration.

**Sec. 2-266. Reserved.**

**ARTICLE VII. - ETHICS**

**Sec. 2-336. Policy, purpose and intent.**

(a) All city officials and employees have a fiduciary duty to the city to be ethical in fulfilling the responsibilities of their positions. Being ethical includes, but is not limited to, complying with all laws which apply to one's position.

(b) Ethical conduct is motivated not only by legal requirements, but also standards beyond those set forth in statutes, rules, regulations and ordinances. Therefore, the city strongly encourages development of the highest personal values and standards. The specific standards contained in this article are the minimum standards below which conduct must not fall. Since it is impossible to establish specific standards for all situations, the purpose of this article is to:

- (1) Provide a process by which officers and employees may identify and resolve ethical issues;
- (2) Avoid conflicts between personal interests and the public responsibilities of city officials and employees;
- (3) Provide penalties for failure to adhere to these minimum standards;
- (4) Improve standards of public service;
- (5) Increase pride and improve morale among public servants;
- (6) Require disclosure by public officials and employees of private financial interests in matters affecting the city; and
- (7) Help improve public confidence in the integrity of city government.

(Ord. No. 214, § 1, 11-2-2000)

**Sec. 2-337. Definitions.**

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

Benefit means any economic gain or economic advantage to an officer or employee or to a relative of an officer or employee, but does not include:

- (1) Political contributions made and reported in accordance with law;
- (2) Awards publicly presented in recognition of public service;
- (3) Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities;
- (4) Commercially reasonable loans made in the ordinary course of the lender's business;
- (5) Complimentary copies of trade publications;
- (6) Reasonable expenses, entertainment, and meals and refreshments, which are furnished in connection with:
  - (a) public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event; or
  - (b) in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity; and

(7) Any economic gain or economic advantage conferred by any one person or organization if the economic value totals less than \$50.00 per calendar year. Board means a board, commission or committee that is established by the City of Socorro, which is part of or involved with the operation or the conduct of city government. This includes boards, commissions and committees that are merely advisory, whether established by city ordinance, inter-local contract, state law or any other lawful means, if any part of its membership is appointed by the city council. This does not include a board, commission, or committee which is considered a separate governmental entity or is a part of a separate subdivision of the state.

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

Employee means a person employed and paid a wage or salary by the city whether or not a classified employee under civil service, including those individuals employed on a part-time basis and including those officially selected but not yet serving; but does not include an independent contractor or city council member. For purposes of this article and for no other purpose, the term employee includes volunteers.

Negotiations concerning prospective employment means a discussion between a city officer or employee and another employer concerning the possibility that the city officer or employee may be offered employment with the employer.

Officer means a member of the city council and any member of a board who is appointed by the city council. The term "officer" does not include any member of a board that functions only in an advisory capacity and which does not have the power to make findings as to the rights of specific parties.

Relative means a person who is related to an official or employee as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

Volunteer means an individual who provides services to the city without any expectation of compensation or financial gain and without receiving any compensation or financial gain.

(Ord. No. 214, § 3(A), 11-2-2000)

### **Sec. 2-338. Exemptions.**

The financial disclosure requirements of this article shall not apply to boards whose functions are solely advisory, boards whose regulation is preempted by state law, and boards expressly exempted by the city council for reasons to be stated by the city council upon granting such exemption. The city clerk shall maintain a list of the boards whose members are included in this section, and such list shall be made available to the public during working hours upon request.

(Ord. No. 214, § 3(A), 11-2-2000)

**Sec. 2-339. Standards of conduct.**

Officers and employees of the city shall not:

- (1) Accept or solicit, for personal financial gain, any benefit that might reasonably tend to influence or appear to influence them in the discharge of their official duties.
- (2) Use their official positions improperly to secure privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them.
- (3) Participate in making or influencing any city governmental decision or action in a matter that they have a financial interest distinguishable from the public generally or other city officers or employees generally.
- (4) By their conduct giving a reasonable basis to believe that a person can improperly influence, or unduly be favored by them, in the performance of their official duties, or that they are unduly influenced by the kinship, rank, position or influence of any person.
- (5) Use or disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions. This provision applies to both former and current officers and employees.
- (6) Transact any business (other than ministerial acts) on behalf of the city with any business entity in which they serve as an officer, agent or member or in which they have any financial interest. In the event such a circumstance arises, then they shall immediately disclose their interest, and:
  - a. In the case of an officer, abstain from voting on the matter and refrain from discussion of the matter at any time with other members of the body on which the officer serves and with any other person, department, Board, city council or other body involved in city government which may consider the matter; and
  - b. In the case of an employee, disclose the matter to the city manager and the employee's immediate supervisor so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter.
- (7) Personally provide services for compensation, directly or indirectly, to a person or organization which is requesting an approval, investigation, or determination from a department, Board, city council or other body involved in city government.
- (8) Accept other employment or engage in outside activities incompatible with the full and proper discharge of their duties and responsibilities with the city, or which might impair their independent judgment in the performance of their public duty.
- (9) Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determining, contract, claim, or other matter under the jurisdiction of the city, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by city manager that a conflict of interest exists. If an officer or employee begins to negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:
  - a. In the case of an employee, immediately notify the city manager, the employee's immediate supervisor and the department head who oversees the employee's employment of the nature of the negotiation or arrangement and, if the city manager determines that a

conflict of interest exists, follow the instructions of the city manager with regard to further involvement in the matter;

b. In the case of a board member, immediately notify the board chairperson and all members of the board of the nature of the negotiation or arrangement and refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter and abstain from voting on the matter; or

c. In the case of a member of the city council, file an affidavit with the city clerk describing the nature of the negotiation or arrangement and refrain from discussing the matter at any time with other council members or members of a board that will consider the matter and abstain from voting on the matter.

(10) Receive any fee or compensation for their services as officers or employees of the city from any source other than the city, except as may be otherwise expressly authorized by law.

(11) In the case of a member of the city council or an employee, personally represent or appear on behalf of the private interests of another before the city council, or any city board or department; or, if the represented person's interest is adverse to that of the city, represent any person in any quasi-judicial proceeding involving the city or in any judicial proceeding to which the city is a party; provided, however, that nothing in this subsection shall preclude:

a. A city council member from speaking or appearing without compensation before the city council or any board or department on behalf of constituents in the course of his duties as an elected official;

b. Any employee from performing the duties of his employment;

c. Any employee from appearing before the city council or any city board or department, in a manner consistent with other city policies and rules, to discuss any general city policies or matters of public concern, including the presentation of viewpoints or petitions of other employees; or

d. A city council member or an employee from testifying as a witness under subpoena in a judicial or quasi-judicial proceeding.

(12) In the case of a board member, personally represent or appear on behalf of the private interests of another before the board on which the member serves, before the city council, before a board which has appellate jurisdiction over the board on which the member serves, or in a judicial or quasi-judicial proceeding to which the city or an employee of the city is a party, if the interest of the person being represented is adverse to that of the city or an employee of the city and the subject of the proceeding involves the board on which the board member serves or the department that oversees or provides support services to that board.

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

(Ord. No. 214, § 3(B), 11-2-2000)

#### **Sec. 2-340. Financial interests.**

(a) Each officer and each department head shall file with the city clerk, immediately upon beginning service, a signed, sworn statement disclosing:

(1) Where, by whom and in what specific capacity that person is employed or self-employed;

- (2) Membership on boards of directors of corporations and other business entities, whether organized for profit or not;
  - (3) Partnership interests; and
  - (4) The name and address of any business in which the person has a financial investment.
- (b) The financial disclosure need not include the extent of the individual's financial involvement in an investment.
  - (c) Each person subject to this provision shall file with the city clerk a signed, sworn, updated revision of this statement, annually, while in office or employed.
  - (d) Each candidate for elective office, and each candidate for a department head position, shall be provided with a notice of financial disclosure requirements at the time of application for such office or employment.
- (Ord. No. 214, § 4, 11-2-2000)

**Sec. 2-341. Restrictions on providing post-employment representation of others.**


- (a) An officer or an employee in a supervisory position or in a position that involves significant decision-making, who leaves the service or employment of the city shall, during the 12 months after leaving the service or employment of the city, disclose his previous position and responsibilities with the city whenever he represents any other person or organization in any formal or informal appearance before the city, including before the city council and any department, commission.
  - (b) Former officers and employees shall not use for their personal benefit and shall not disclose, except as may be required by law, confidential information gained in the course of or by reason of their positions. This provision does not prohibit the disclosure of confidential information to city officers or employees whose duties involve such information.
- (Ord. No. 214, § 5, 11-2-2000)


**Sec. 2-342. Penalties.**

- (a) The failure of any officer or employee to comply with this article or the violation of one or more of the standards of conduct set forth in this article, which apply to him, shall constitute grounds for expulsion, reprimand, removal from office or discharge.
  - (b) In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city ordinance regarding personnel rules and regulations. In the case of a city council member, the matter shall be decided by a vote of the city council. In the case of members of boards or commissions, the matters shall be decided by the city council. The decision of these bodies shall be final.
  - (c) Any person violating section 2-339(5) or 2-341 shall be deemed guilty of a misdemeanor and fined in an amount not to exceed \$500.00.
- (Ord. No. 214, § 6, 11-2-2000)

Secs. 2-343—2-372. Reserved.

Approved on this \_\_\_\_20<sup>th</sup>, day of \_\_April, 2023.

  
\_\_\_\_\_  
Ivy Avalos, Mayor

ATTEST:  
  
\_\_\_\_\_  
Olivia Navarro, City Clerk



  
\_\_\_\_\_  
James Martinez, City Attorney

First Reading and Introduction: April 6, 2023  
Second Reading and Adoption: April 20, 2023 \_\_\_\_\_