



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): ETHICS POLICY

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): JANUARY 2, 2020, ~~JUNE 26~~ JULY 13, 2020

ETHICS POLICY

This section prescribes the ~~standards of conduct and ethics~~ Standards of Conduct and Ethics for all employees of the City of New Braunfels. ~~Please note that is an ordinance adopted by the City Council and any proven violation could result in criminal prosecution and conviction of a class C misdemeanor. The purpose of this policy is to encourage the highest ethical standards by employees in conducting official business, establish minimum guidelines for ethical standards of conduct to be followed by employees, and to provide a mechanism for punishment of disciplinary action those employees who violate the established standard of conduct.~~ The Human Resources Director, appointed by the City Manager as the City's Ethics Officer, is charged with monitoring compliance within the organization and taking appropriate action in response to compliance related complaints. The Finance Department is responsible for oversight of financial reports and establishing and maintaining an adequate internal control structure with appropriate checks and balances. The Finance Department responds to any suspicions of fraud and investigates appropriately. Regular monitoring of the Ethics Point system for reporting possible ethical violations is completed to assist in the reduction of identified problem areas within the organization. The Ethics Officer will be primarily responsible for responding to non-compliance and taking appropriate action to prevent future violations of this policy. To make a report through the EthicsPoint system, employees may use either of the following methods:

- Visit www.cityofnewbraunfels.ethicspoint.com and select the "Make the Report" link
- Dial toll-free: 1-866-883-9397

It is important for employees to come forward to report any violations of the ~~standards of conduct and ethics~~ Standards of Conduct and Ethics. If a member of management becomes aware of or ~~even~~ suspects unethical behavior and/or a violation of this policy ~~prohibiting unethical behavior~~, they have a responsibility to promptly consult the Ethics Officer for a proposed course of action. Anyone who condones or fails to take appropriate action may be found in violation of the ~~Standards of Conduct and Ethics~~ standards of conduct and ethics. The Ethics Officer will be responsible for investigations; however, Managers/Supervisors may need to preliminarily investigate and talk with the employee, the employee's co-workers or others to resolve an issue. If they are unsuccessful or require assistance, then the Ethics Officer will be responsible for any further investigation. The resolution of some issues may affect more than one employee. The City will strive to keep any investigations and issues submitted as confidential



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as possible.

All employees must abide by applicable federal and state laws, administrative rules, as well as the City's ~~Standards of Conduct and Ethics ordinance~~ standards of conduct and ethics. An employee who violates any provision of this Ethics policy is subject to disciplinary action up to and including termination, and possible prosecution. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action. Employees responsible for purchasing on behalf of the City are also responsible for communicating to individuals and companies doing business with the City that they must abide by applicable federal, state, and local laws, as well as the City's ~~Standards of Conduct and Ethics ordinance~~ standards of conduct and ethics. Criminal background checks are conducted upon employment for all future employees in an attempt to avoid the delegation of substantial discretionary authority to individuals whom the City of New Braunfels knows or should know, have previously engaged in illegal activity.

New eEmployees will ~~receive ethics related training~~ have access to this policy upon hire ~~when reviewing through~~ the City's of New Braunfels Policy Library ~~outlining this policy~~, as well as training at New Hire Orientation. In addition, the Human Resources Department will conduct required ethics training for all City staff on a biennial basis. All employees will be notified when revisions to the ~~Standards of Conduct and Ethics~~ standards of conduct and ethics are made, as well as all other sections of the City of New Braunfels Policy Library. ~~Council members will be given an Oath of Office and Statement of Officer upon appointment, as well as required review of the Open Meetings Act and Public Information Act and further Newly Elected Official training in accordance to these requirements, including but not limited to: City Council General Rules and Responsibilities, Standards of Conduct: Code of Ordinances, Section 2-1 through 2-5, Key Legal Requirements for Texas City Officials, and Chapter 171 and 176 of the Local Government Code. Council Members will also receive ethics training on a biennial basis.~~

STANDARDS OF CONDUCT & ETHICS

Ordinance 97-6 [Ethics Ordinance]

Sec. 2-1. Policy.

~~It is hereby declared to be the policy of the city that the proper operation of democratic government~~

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~~requires that public officers and employees be independent, impartial and responsible only to the people of the city; that no officers, employees or members of any standing committee or board shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a standard of conduct for all officers and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers and employees of the city shall at all times strive to avoid even the appearance of impropriety.~~

~~The city further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. It is not the intent of this article to thwart the opportunity of public servants to enjoy their rights as citizens of the community.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

~~Sec. 2-2. Purpose.~~

~~The purpose of this article is to:~~

- ~~(1) Encourage the highest ethical standards by city officers and employees in conducting official business;~~
- ~~(2) Establish minimum guidelines for ethical standards of conduct to be followed by city officers and employees; and,~~
- ~~(3) Provide a mechanism for punishment of those officers and employees who violate the established standard of conduct.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

~~Sec. 2-3. Definitions.~~

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

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership trust, or any other entity recognized by law.

City council or council member means the elected legislative and governing body of the city consisting of the mayor, mayor pro tem and council members.

Employee means any person employed by the city including part time and temporary employees.

Officer means any appointive member of a city board, commission, or committee set up by city council action, ordinance, charter, state law, or federal law on a permanent or ad hoc basis.

~~Sec. 2-4. Standards of Conduct.~~

A. Prohibition Against Gifts

1. Employees of the city shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence employees in the discharge of their official duties or grant any improper favor, service or thing of value.
2. Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and city employee/s, whether the benefit of the gift flows to the city or to an individual city officer or employee and whether any consideration is given in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to, the following: 1) political contributions made and reported in accordance with state law; 2) awards publicly presented in recognition of public service; 3) entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event.

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3. Any item offered to an employee of the city may be donated to a charitable organization or be presented to the city.

B. Personal Financial Interest

~~Personal financial interest. Council members, officers and employees~~ Employees of the city shall not participate in a vote or decision on any matter in which they have a direct or indirect substantial financial interest. Where ownership of stock in a corporation is involved, such stock ownership in an amount in excess of one percent of the stock of such corporation shall constitute substantial interest.

C. Confidential Information

~~Confidential information. Council members, officers and employees~~ Employees of the city shall not 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 their official position or employment for their own personal gain or benefit or for the private interest of others.

D. Use of City Property

Employees of the city shall not use city supplies, equipment or facilities for any purpose other than to conduct official city business, unless otherwise provided for by law, ordinance or city policy.

E. Conflict of Interest

Employees of the city shall not represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or any city board, commission or committee when a conflict of interest exists or represent the private interest of others in any action or proceeding involving the city.

A. Future employment

Representation before city council or city, boards and commissions. No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract,

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claim, or charge relating to any matter that involved the employee's former employment.

This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements. The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work. City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment. Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the City Manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file. No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment. (a) Prohibition against gifts.

(1) Council members, officers and employees of the city shall not accept or solicit any gift, favor, or service from any person or business entity doing business with the city that might reasonably tend to influence council members, officers or employees in the discharge of their official duties or grant any improper favor, service or thing of value.

(2) Several factors are considered in evaluating whether a gift is prohibited including the value of the gift, any preexisting relationship between the donor and city employee/s, whether the benefit of the gift flows to the city or to an individual city officer or employee and whether any consideration is given in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to, the following: 1) political contributions made and reported in accordance with state law; 2) awards publicly presented in recognition of public service; 3) entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if



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~~furnished by the sponsor of such public event.~~

~~(3) Any item offered to a councilmember, officer or employee of the city may be donated to a charitable organization or be presented to the city.~~

~~(b) *Personal financial interest.* Council members, officers and employees of the city shall not participate in a vote or decision on any matter in which they have a direct or indirect substantial financial interest. Where ownership of stock in a corporation is involved, such stock ownership in an amount in excess of one percent of the stock of such corporation shall constitute substantial interest.~~

~~(c) *Confidential information.* Council members, officers and employees of the city shall not 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 their official position or employment for their own personal gain or benefit or for the private interest of others.~~

~~(d) *Use of city property.* Council members, officers and employees of the city shall not use city supplies, equipment or facilities for any purpose other than to conduct official city business, unless otherwise provided for by law, ordinance or city policy.~~

~~(e) *Conflict of interest.* Council members, officers and employees of the city shall not represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or any city board, commission or committee when a conflict of interest exists or represent the private interest of others in any action or proceeding involving the city.~~

~~(Ord. No. 97-6, 5-1, 2-10-97)~~

Sec. 2-5. Additional standards of conduct—City employees.

~~(a) *Outside employment.*~~

~~(1) *Policy.* This provision does not prevent city employees from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employee complies with all applicable city requirements.~~

~~(2) *Purpose.* The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.~~

~~(3) *General rule.* City employees shall not accept any employment nor enter into any contract that results in a conflict of interest with their duties as a public servant of the city. Employees may be self-employed or take occasional or part time jobs if, in the opinion of the City Manager, there is no conflict with working hours, employees' efficiency in their city work, or other interests of the city. City~~

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employment shall remain the first priority and if at any time the outside employment interferes with employees' job requirements or performance for the city, employees shall be required to modify the conditions of the outside employment or terminate either the off-duty employment or their city employment.

~~(4) Disclosure. Before engaging in off-duty employment, employees must have the written approval of their department head. The department head shall seek initial approval from the City Manager before authorizing the outside employment. All notifications of outside employment shall state the type and place of employment, the hours of work and be placed in the employee's personnel file.~~

~~(b) Future employment:~~

~~(1) Representation before city council or city boards and commissions. No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment.~~

~~{{(2) Reserved.}} (c)~~

~~Political activity:~~

~~(1) Policy. The general prohibition contained in this provision is intended to protect the integrity of the municipal election process and applies only to municipal elections that are administered by the city. This provision is not intended to limit the political involvement of a city employee in county, state or national elections.~~

~~(2) General rule. No employee shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate. The following list of activities are the only activities permitted:~~

~~a. The placement of campaign signs on premises owned by the city employee.~~

~~b. The placement of bumper stickers on personal vehicles, except those vehicles supported in whole or in part by a car allowance provided by the city.~~

~~c. Attendance at a political rally or function for a city council candidate, as long as the city employee does not actively participate in the rally or function.~~

~~(Ord. No. 97-6, § 1, 2-10-97)~~

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