

Ordinance No. 2024-22  
Village of Salado  
County of Bell  
November 7, 2024

**ORDINANCE NO. 2024-22**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS ADOPTING A CODE OF ETHICS FOR THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING**

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, THAT:**

**WHEREAS**, the Village of Salado, Texas (the “Village”) is a Type A General Law Municipality located in Bell County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the state of Texas; and

**WHEREAS**, the Board of Aldermen (the “Board”) of the Village desires for all of its citizens to have confidence in the integrity, independence, and impartiality of those who act on their behalf in municipal government; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance that is for the good government, peace, or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, Pursuant to Texas Local Government Code, Section 54.004, the Village may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

**WHEREAS**, pursuant to this authority, the Board finds that the proposed Code of Ethics is reasonable, necessary, and proper for the good government of the Village of Salado.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS THAT THIS CODE OF ETHICS IS ADOPTED AS FOLLOWS:**

**Section 1. Enactment Provisions.**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**B. Popular Name:** This Ordinance shall be commonly referred to as “The Code of Ethics.”

**C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.

**D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

## **Section 2. Statement of Purpose.**

It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in municipal government. Such confidence depends on the conduct of those who exercise official power, as well as the availability of redress to all persons on equal terms, and the dissemination of information regarding the conduct of public business. The Salado Board of Aldermen adopts this Code of Ethics in order to promote confidence in the government of the Village of Salado, and in order to enhance the Village’s ability to effectively function. The Code of Ethics establishes standards of conduct, disclosure requirements, and fair enforcement mechanisms relating to all Village officials, candidates for public office, persons doing business with the Village, and Village employees. This Code of Ethics prohibits conduct that is incompatible with the Village’s best interests and state law, and minimizes the risk of any appearance of impropriety.

## **Section 3. Definitions.**

The terms used in this Ordinance shall have the following meanings:

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

*Candidate* has the meaning assigned by Section 251.001(1) of the Texas Election Code.

*Village official* means the mayor, every member of the Board of Aldermen, the village administrator, the village secretary, the village attorney, the village engineer, and all members of any commission, committee, or board appointed by the Board of Aldermen or the mayor.

*Confidential information* means any information that a Village official would be privy to because of the official’s position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Texas Government Code Chapter 552).

*Conflict disclosure statement* means the Texas Ethics Commission disclosure statement required by Texas Local Government Code Chapter 176.

*Conflict of interest questionnaire* means the Texas Ethics Commission conflicts of interest form required by Texas Local Government Code Chapter 176.

*Economic benefit* means taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or any other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

*Economic interest* means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than minimal or insignificant and would be recognized by reasonable persons to have weight in deciding a case or an issue. Service by a Village official as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an economic interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the Village official participates in the management of the fund. A Village official does not have an economic interest in a matter if the economic impact on the village official is indistinguishable from the impact on the public or on the particular group affected by the matter.

*Family member* means the spouse, parent, or child, and the parents of a spouse, of a Village official, or appointee.

*Gift* means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an *inter vivos* or testamentary trust.

*Income* means economic benefit received.

*Indirect ownership* means an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.

*Property* means real estate, personal items, equipment, goods, crops, livestock, or an equitable right to income from real estate, personal items equipment, goods, crops, or livestock.

*Second degree of consanguinity or affinity* is defined through a chart in Section 4(c)(4) of this Ordinance.

*Source of income* means any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a Village official, candidate, or family member or which would be taxable to said Village official, candidate, or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.

*Substantial interest* means an interest in an entity by a Village official or a family member who:

- (1) Owns ten percent or more of voting stock or shares of the business entity;
- (2) Owns ten percent or more or \$15,000.00 or more of the fair market value of the business entity;
- (3) If funds received from the business entity exceed ten percent or more of the person's gross income for the previous year;

(4) If a Village official or family member has a substantial interest in real property or controls or has an interest in the property and the interest has a market value of \$2,500.00 or more; or

(5) Owns or serves as an officer, director, advisor in an educational, religious, charitable, fraternal, or civic organization, including non-profit organizations.

#### **Section 4. Standards of Conduct.**

(a) General provisions.

(1) No Village official may disclose any confidential information gained through the official's position concerning property, operations, policies, or affairs of the Village, for gain or advantage in an economic interest of the Village official or the persons identified in section (c)(2)(b) of this section.

(2) No Village official may use the official's position or Village-owned facilities, equipment, supplies, or resources of the Village for gain in an economic interest of the Village official, for a political campaign of the official, or for any of the persons identified in section (c)(2)(b) of this section. A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the Village for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for the Village.

(3) Except as specifically authorized by Village ordinance, no Village official may appear before the body of which the official is a member to represent the Village official or any person identified in subsection (c)(2)(b) of this section. The Village official may designate and be represented by a person of the official's choice in any such matter.

(4) No Village official may act as surety for any person or business entity that has a contract with the Village, or as a surety on any bond required by the Village for a Village official.

(5) These general provisions do not prohibit a Village official from representing the Village official's interest in the Village official's owner-occupied homestead before any Village body, except the body of which the official is a member.

(b) Gifts. No Village official may solicit or accept any contribution, gift, or economic benefit that is offered or given with the intention of influencing the judgment or discretion of such official; or given in consideration of the favorable exercise of the official's judgment or discretion in the past.

(c) Conflict of interest.

(1) Substantial interest. No Village official may vote on or participate in any decision-making process on a matter concerning property, a business entity, or a non-profit organization if the official, or the official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity has:

- a. A substantial interest in the property or business entity; or
- b. Owns or serves as an officer, director, or advisor in an educational, religious, charitable, fraternal, or civic organization, including non-profit organizations.

(2) Economic interest.

- a. No Village official may vote on or participate in any decision-making process on a matter if the official has an economic interest in the outcome of the matter under consideration.
- b. To avoid the appearance and risk of impropriety, a Village official may not take any official action that the official knows is likely to affect the economic interests of:
  - 1. The Village official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity or a client of the Village official;
  - 2. An employer of the Village official, the official's parent, child, step-child, or spouse;
  - 3. A business entity for which the Village official serves as an officer or director or serves in any policy-making position;
  - 4. A person or business entity from whom, within the past 12 months, the Village official or the official's spouse, directly or indirectly, received an economic benefit;
  - 5. A person or business entity from whom, within the past 12 months, the Village official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

(3) Conflicts disclosure statement and recusal.

- a. A Village official shall file a sworn conflicts disclosure statement whenever a person or entity has contracted with the Village or is considering doing business with the person or entity and the Village official has an economic interest in or with the person or entity or if the person or entity has given to the Village official gifts that have a value in the aggregate of more than \$250.00 in the 12-month period preceding the date the Village official becomes aware that the Village has a contract with such person or entity or that the Village is considering doing business with such person or entity. The Village official shall file the conflicts disclosure statement with the Village Secretary no later than 5:00 p.m. on the seventh business day after the date the Village official becomes aware of the facts that require the filing of the statement.

- b. A Village official commits an offense if the Village official knowingly fails to file the conflicts disclosure statement.
- c. The Village Secretary shall accept and file any and all Village official conflict disclosure statements and any vendor conflict of interest questionnaires.
- d. The Village Secretary shall maintain a list of Village officials and shall make that list available to the public and any person who may be required to file a conflicts of interest questionnaire.
- e. A Village official, or relative of the official as defined in Section 4(c)(1) of this Ordinance, having a substantial interest in the outcome of a matter under consideration shall disclose that the official has a substantial interest and recuse himself/herself immediately from voting and from the discussion of the matter. The Village official shall also promptly file an affidavit with the Village Secretary disclosing the nature and extent of the conflict, and the affidavit shall be included in the official minutes of the body.

(4) Consanguinity and affinity.

<b>Affinity Kinship (Marriage) Relationships</b>	
<b>1st Degree</b>	<b>2nd Degree</b>
Father-in-law	Spouse's grandfather
Mother-in-law	Spouse's grandmother
Son-in-law	Spouse's brother (brother-in-law)
Daughter-in-law	Spouse's sister (sister-in-law)
Spouse	Spouse's grandson
	Spouse's granddaughter
	Brother's spouse (sister-in-law)
	Sister's spouse (brother-in-law)

<b>Consanguinity (Blood) Relationships</b>		
<b>1st Degree</b>	<b>2nd Degree</b>	<b>3rd Degree</b>
Father	Grandfather	Great-grandfather
Mother	Grandmother	Great-grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-grandson
	Granddaughter	Great-granddaughter
		Uncle
		Aunt

(5) Budget matters. The Board of Aldermen shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the Board of Aldermen has a substantial interest. The member of the Board of Aldermen that has the substantial interest may not participate in the separate vote.

**Section 5. Interest in Property Acquired With Public Funds.**

- (a) Disclosure of interest in property. A Village official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.
- (b) Affidavit. The affidavit must:
  - (1) State the name of the Village official;
  - (2) State the Village official's office, public title, or job designation;
  - (3) Fully describe the property;
  - (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
  - (5) State the date when the person acquired an interest in the property;
  - (6) Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
  - (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.
- (c) The affidavit must be filed with the county clerk of the county in which the Village official resides and the county clerk of each county in which the property is located.

**Section 6. Nepotism**

- (a) Prohibition.
  - (1) A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from Village funds or fees of office if:
    - a. The individual is related to the Village official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); or

b. The Village official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(2) A Village official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from Village funds or fees of office if:

a. The individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); and

b. The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(b) Exceptions.

(1) The prohibitions in Section 6(a) do not apply to:

a. An appointment to the office of a notary public or to the confirmation of that appointment;

b. An appointment or employment of a personal attendant by an officer of the Village for attendance on the officer who, because of physical infirmities, is required to have a personal attendant; or

c. Any other appointment excepted under Texas Government Code Chapter 573.

(2) The prohibition in Section 6(a)(1) does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

a. The individual is employed in the position immediately before the election or appointment of the Village official to whom the individual is related in a prohibited degree; and

b. That prior employment of the individual is continuous for at least:

1. Thirty days, if the public official is appointed; or

2. Six months, if the public official is elected.



(3) If, under subsection (b)(2), an individual continues in a position, the Village official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

### **Section 7. Honorariums.**

(a) Prohibition. A Village official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the Village official would not have been requested to provide but for the Village official's official position or duties.

(b) Exception. This section does not prohibit a Village official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the Village official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

### **Section 8. Gifts.**

(a) Prohibition.

(1) A Village employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the Village employee knows to be subject to regulation, inspection, or investigation by the Village employee or the Village.

(2) A Village employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the Village employee knows to be in his custody or the custody of the Village.

(3) A Village employee or a Village official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the Village shall not solicit, accept, or agree to accept any benefit from a person the Village employee or Village official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(4) A Village employee or Village official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any benefit from a person the Village employee or Village official knows is interested in or likely to become interested in any matter before the Village employee or Village official or tribunal.

(b) Donation of unsolicited gift. A Village employee or Village official who receives an unsolicited benefit that the Village employee or Village official is prohibited from

accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions. The prohibitions set out in this section do not apply to:

(1) A fee prescribed by law to be received by a Village employee or Village official or any other benefit to which the Village employee or Village official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a Village employee or Village official;

(2) A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

(3) A benefit to a Village employee or Village official required to file a statement under Texas Government Code Chapter 572, or a report under Texas Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:

a. The benefit and the source of any benefit in excess of \$50.00 is reported in the statement; and

b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or the Village;

(4) A political contribution as defined by Texas Election Code Section 251.001;

(5) An item with a value of less than \$50.00 excluding cash or a negotiable instrument as described by Texas Business and Commerce Code Section 3.104;

(6) An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;

(7) Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or

(8) Any gift or benefit otherwise excepted under Texas Penal Code Section 36.10.

### **Section 9. Village Records.**

(a) Prohibition. A Village official shall not:

(1) Knowingly make a false entry in, or false alteration of, a Village record;

(2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine Village record;

(3) Intentionally destroy, delete, conceal, remove, or otherwise impair the verity, legibility, or availability of a Village record;

(4) Possess, sell, or offer to sell a Village record or a blank Village record form with intent that it be used unlawfully;

(5) Make, present, or use a Village record with knowledge of its falsity; or

(6) Possess, sell, or offer to sell a Village record or a blank Village record form with knowledge that it was obtained unlawfully.

(b) Exception. It is an exception to the application of subsection (a)(3) of this section that the governmental record is destroyed pursuant to legal authorization or transferred under Texas Government Code Section 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Texas Local Government Code Title 6, Subtitle C.

#### **Section 10. Misuse of Official Information.**

(a) Prohibition.

(1) A Village employee or Village official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:

a. Acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

b. Speculate or aid another to speculate on the basis of the information; or

c. As a Village official, coerce another into suppressing or failing to report that information to a law enforcement agency.

(2) A Village employee or Village official shall not, with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:

a. The Village official Village employee has access to by means of his or her office or employment; and

b. Has not been made public.

- (b) Definition. In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Texas Government Code Chapter 552.

**Section 11. Electronic Information and Communications Systems Use Policy.**

- (a) Purpose. The establishment of a policy specifying acceptable use of electronic information systems that are the property of the Village of Salado, including computer hardware and software, tablets, land line and cellular telephones, printers/plotters, scanners, Fax machines, and electronic messaging (Email and texting) systems.

- (b) Applicability.

(1) This policy applies to all Village elected officials, employees, appointed board and commission members, other officials, contractors, volunteers, third parties and others, collectively known as “Village users,” authorized to use Village owned/leased and operated electronic systems to:

- a. Access Village data;
- b. Access the internet or Village intranet;
- c. Create/edit electronic content;
- d. Create, send, and/or receive Email messages, including accessing private Email accounts using Village resources;
- e. Print, plot, image, transmit or receive information by fax; and
- f. Communicate using Village owned/leased telephone equipment.

- (c) Ownership and use of the Village’s electronic systems.

(1) The Village utilizes electronic systems to allow more efficient and effective methods for the public to contact the Village and for Village officials and employees to conduct Village business. The Village’s electronic systems are the property of Village, and their intended uses are primarily for Village-related business purposes. Brief and limited use by Village users of the Village’s electronic systems for activities that do not directly relate to official Village business is permissible, provided:

- a. The use does not interfere with Village business or the performance by Village employees of their official duties;
- b. The cost to the Village is nominal; and
- c. The use does not create the appearance of impropriety.

(2) The following uses of the Village's electronic systems are prohibited:

- a. Accessing networks, servers, drives, folders, or files to which the user has not been granted access;
- b. Making unauthorized copies of Village files or other Village data and records;
- c. Printing, plotting, imaging, or transmitting or receiving documents via fax for personal business purposes;
- d. Destroying, deleting, erasing, altering, or concealing Village files or data, or otherwise making such files or data unavailable or inaccessible to the Village or to other authorized users of Village systems. (Access to files containing private, confidential, or proprietary information, per U.S. and/or Texas laws and regulations, will be restricted according to law.)
- e. Violating the laws and regulations of the United States or Texas, and Village policies and ordinances in any way;
- f. Engaging in unlawful or malicious activities;
- g. Knowingly or recklessly propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the Village's networks or systems or those of any other individual or entity;
- h. Causing congestion, disruption, disablement, alteration, or impairment of Village networks or systems;
- i. Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
- j. Using recreational games;
- k. Defeating or attempting to defeat security restrictions on Village systems and applications;
- l. Using Village-owned communications systems to make personal calls that are not related to an emergency;

m. When creating and sending Email and/or text messages, appropriateness and good judgment must always be exercised. These messages may be subject to disclosure under the Texas Public Information Act and civil litigation discovery procedures. Therefore, the following email, social media, and texting uses using Village-owned accounts or equipment, or otherwise related to Village business, are prohibited:

1. Communications that may, in any way, be construed by a reasonable person of ordinary sensibilities as disruptive, offensive, abusive, or threatening;
2. Communications of sexually explicit images or messages;
3. Communications that contain materials that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, sexual orientation, or religious beliefs;
4. Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-work related solicitations;
5. Any other use that may compromise the integrity of the Village, harm its image, and/or the conduct of its business in any way;
6. Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial Email (“spam”) unrelated to legitimate Village purposes;
7. Misrepresenting oneself or the Village.

(3) Users should have no expectation of privacy associated with data and information created by, uploaded to, stored in, or transmitted through the Village’s electronic systems. The Village reserves the right to examine, audit, and disclose all data and information created on, stored in, or transmitted through the Village’s electronic systems. Key logging systems and similar tools may be utilized to ensure compliance with this policy.

- (d) Internet browser policy. The Internet is to be used to further the Village’s mission, to provide effective service of the highest quality to the Village’s customers and staff, and to support other direct work-related purposes. The various modes of internet/intranet access are Village resources and may be provided as business tools to Village users who may use them for research and communications related to official Village business. In the event of a conflict between the use of the internet on Village -owned equipment by a Village user and the day-to-day business operations of the Village and its employees, the business operations of the Village and its employees shall prevail.

(e) Personal electronic equipment.

(1) Users should not bring personal computers or data storage devices (such as CDs/DVDs, external hard drives, flash drives or other data storage media) to Village facilities or connect them to Village electronic systems unless expressly permitted to do so by the Village Administrator.

(2) Users of the Village's WiFi connection without connecting to the Village's network are exempt from this provision.

(f) Policy violation.

(1) All individuals governed by this policy are individually liable for any and all damages incurred as a result of violating Village security policy, copyright, and licensing agreements.

(2) Violation of this policy shall result in disciplinary action, up to and possibly including immediate termination of employment, contractual relationship, membership on an appointed board, or a letter of censure for a member of the Board of Aldermen, depending upon the severity and repeat nature of the offense.

(3) In addition, the individual governed by this section may face either/both civil and criminal penalties.

**Section 12. Board of Aldermen role in ethics complaints.**

(a) The Board of Aldermen, which term includes the Mayor, has jurisdiction over ethics complaints involving Village officials and employees that are filed pursuant to this Ordinance. However, if the Mayor or a member of the Board of Aldermen is the subject of a complaint, the person who is the subject of the complaint shall recuse him or herself from the Board's consideration of the complaint.

(b) The Board of Aldermen shall have the authority to review and investigate complaints filed in accordance with this Ordinance and issue a written finding of the Board's determination when appropriate.

(c) Service on the Board of Aldermen does not preclude a member of the Board from filing an ethics complaint. The Board member filing the complaint must recuse himself/herself from the Board's procedure and consideration of the complaint.

(d) The Board may make recommendations and adopt revisions and changes to this Code of Ethics. The Board may seek any necessary assistance from the Village Administrator to carry out its duties under this Ordinance.

(e) The Village Attorney may be utilized to advise and assist the Board of Aldermen and take part in hearings held by the Board.

**Section 13. Role of the Village Attorney**

- (a) The Village Attorney serves as legal counsel to the Board of Aldermen. When complaints are filed relating to the Mayor, Board of Aldermen members, or Village Administrator, independent legal counsel may be utilized to advise the Board of Aldermen and take part in its proceedings.
- (b) The Village Attorney serves as ethics advisor to Village officials and Village employees. As ethics advisor, the Village attorney is available to respond confidentially to inquiries relating to this Code of Ethics, and may render advisory opinions on potential conflicts of interest or potential violations of this Ordinance at the request of a Village official or Village employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this section unless material facts were omitted or misstated by the person requesting the opinion.
- (c) The Village Attorney shall provide a preliminary review of the complaint to the Board of Aldermen. The preliminary review does not advise on the merits of a complaint.
- (d) If a complainant alleges a violation of this Ordinance by the Village Attorney, the Village shall retain independent legal counsel to advise the Board and take part in its proceedings on the complaint.

**Section 14. Ethics Complaint Process.**

(a) Filing.

(1) Any Village official, adult resident of the Village, or owner of property within the Village who believes that there has been a violation of this Code of Ethics by a Village official or employee may file a sworn complaint. A complaint alleging a violation of this Code of Ethics must meet the requirements herein and must be filed with the Village Secretary. A complaint must be filed within one year from the date of the alleged violation of the Code of Ethics.

(2) Required contents of a complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:

- a. The name of the complainant;
- b. The street or mailing address, email address, and telephone number of the complainant;
- c. The name of the person who allegedly committed the violation of the Code of Ethics;
- d. The position or title of the person who allegedly committed the violation;



e. The nature of the alleged violation, including, if possible, the specific provision of this Code of Ethics alleged to have been violated;

f. A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and which must contain the following:

1. Documents or other material available to the complainant relevant to the allegation;

2. A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known; and

3. A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.

g. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

(3) The complaint must be accompanied by 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 alleged constitute a violation of this Code of Ethics.

(b) Ex parte communications. After a complaint has been filed, and during the consideration of a complaint by the Board of Aldermen, a member of the Board may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Board regarding the complaint. This provision does not prohibit a member of the Board to consult with the Village Attorney regarding procedural and legal issues, or Village staff regarding procedural issues.

(c) Notification.

(1) A copy of a complaint which meets the requirements of this section shall be promptly forwarded by the Village Secretary to the Village Attorney and to the person that is the subject of the complaint.

(2) The person alleged in the complaint to have violated this Code of Ethics may, within fourteen (14) days of his or her receipt of a copy of the complaint, provide a sworn response to the Village Secretary.

(3) A copy of any response to a complaint must be provided by the Village Secretary to the complainant and the Board. The complainant may, within seven (7) days of being provided

a copy of the response, reply by sworn writing filed with the Village Secretary, who shall provide a copy of the sworn reply to the person charged in the complaint and the Board.

(3) Village officials and Village employees have a duty to cooperate with the Village Attorney, pursuant to this section.

(4) Unless recusal is required, all members of the Board shall receive copies of the complaint, any background documentation, and any responses or replies at least seven (7) days before a hearing on the matter.

### **Section 15. Ethics Hearing Process.**

(a) Preliminary hearing.

(1) As soon as reasonably possible, but in no event later than 60 days after receiving a complaint, the Board shall conduct a preliminary hearing. The purpose of the preliminary hearing is to determine whether there are reasonable grounds to believe that a violation of the Code of Ethics has occurred. The Mayor shall be chairperson for the purposes of the ethics complaint procedure. If the Mayor is the subject of the complaint or the complainant, the Mayor Pro Tem shall serve as chair of any hearings or other consideration of the complaint.

(2) The complainant and the Village official or Village employee named in the complaint have the right of representation by counsel if they so choose.

(3) Statements at a preliminary hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. Members of the Board may ask questions of the complainant and/or the person who is the subject of the complaint.

(4) The complainant shall state the alleged violation and describe in narrative form the testimony and other evidence which would be presented at final hearing that the complainant believes would prove the alleged violation stated in the written complaint. The complainant is allotted ten (10) minutes to state the basis of his or her complaint.

(5) The Village official or Village employee named in the complaint shall have the opportunity to respond, but is not required to attend the preliminary hearing or make any statement. The subject of the complaint is allotted ten (10) minutes to respond to the complaint. The subject of the complaint may describe in narrative form the testimony and other evidence that he or she will present at the final hearing to disprove the alleged violation.

(6) Only members of the Board may question the complainant, or the person who is the subject of the complaint.

(7) The complainant and the person who is the subject of the complaint are each allowed, but not required, to have five (5) minutes for rebuttal.

(7) At the conclusion of the preliminary hearing one of the following actions shall be taken:

a. If the Board does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be dismissed.

b. If the Board determines that there are reasonable grounds to believe that a violation of this article has occurred, it shall schedule a final hearing.

c. If the subject of the complaint has agreed that a violation has occurred, the Board may determine the appropriate sanction during the preliminary hearing.

(b) Final hearing.

(1) A final hearing shall be held as expeditiously as possible following the determination by the Board of Aldermen that there are reasonable grounds to believe that a violation of this Code of Ethics has occurred, but in no event shall it be held more than forty (40) days after said determination. The Board may grant two postponements, not to exceed fifteen (15) days each, upon the request of either the complainant or the subject of the complaint.

(2) If a complaint proceeds to a final hearing, the Board may request witnesses to attend and testify, administer oaths and affirmations, take evidence, and request the production of books, papers, records, or other evidence needed for the performance of the Board's duties or exercise of its powers, including its powers of investigation.

(3) At the final hearing, the Board and the subject of the complaint may make a statement under oath to the Board. The Board may determine the amount of time allotted for this statement. The complainant and the subject of the complaint may have attorneys present. The complainant, the subject of the complaint, and their attorneys are not permitted to cross-examine one another or witnesses at the hearing. However, the complainant, subject of the complaint, or their attorneys may submit questions for the witnesses to the Board chairperson for the Board's consideration. Members of the Board may question any witness.

(3) The issue at a final hearing is whether a violation of this Code of Ethics has occurred. The Board shall make its determination based on the evidence in the record. All witnesses shall make their statements under oath. If the Board determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this Code of Ethics which have been violated, and within ten (10) business days deliver a copy of the findings to the complainant, the person named in the complaint, and the Village Secretary, Village Administrator, and Village Attorney.

**Section 16. Sanctions and Violations**

- (a) If the Board determines that a violation of this article has occurred, it shall consider appropriate sanctions. The Board may receive additional testimony or statements before considering sanctions, but is not required to do so.
  
- (b) If the Board determines that a violation has occurred, it may impose the following sanctions:
  - (1) A letter of notification is an appropriate sanction when the violation is clearly unintentional. The letter of notification shall advise the Village official or Village employee of any steps to be taken to avoid future violations.
  
  - (2) A letter of admonition is the appropriate sanction when the Board finds the violation is minor.
  
  - (3) A letter of reprimand is the appropriate sanction when the Board finds a serious violation has been committed.
  
  - (4) A letter of censure is the appropriate sanction when the Board finds that a very serious violation has occurred or more than one serious violation or repeated serious violations of this Code of Ethics have been committed.
  
- (c) In addition, when the seriousness of the violation warrants, the Board, by majority vote, may suspend or remove any Village official from office.

**Section 17. Repealer.**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

**Section 18. Savings Clause.**

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 Village under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section 19. Severability Clause.**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**Section 20. Notice and Meeting Clause.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its date of approval.

APPROVED: November 7, 2024.

  
Bert Henry, Mayor

ATTEST:

  
Debra Bean, Village Secretary

Approved to Form:

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Josh Katz, Village Attorney