

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

4. Removal from Office. Removal from office may be recommended when the commission finds that a serious or repeated violation of this chapter was committed by an officer intentionally or through culpable disregard of this chapter.

L. If the ethics review commission recommends the imposition of a sanction, it shall prepare a written report containing its recommendation. The report will be sent to the city clerk who shall, within fourteen 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. If the city council votes to accept the recommendation of the ethics review commission for the imposition of a letter of notification, a letter of admonition, or a letter of reprimand or makes its separate determination for the imposition of a sanction, the city attorney shall draft the letter of sanction and mail a copy of the letter to the person receiving the sanction, certified, return receipt requested. In the event that independent legal counsel was appointed to represent the commission as provided in this section, the independent legal counsel shall appear at the hearing on the matter before the city council and shall draft and mail any letter of sanction. A copy of the letter of sanction shall also be placed on file at the office of the city clerk. 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 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. (Ord. 15293 § 10, 2002)

### **2.92.090 Reserved.**

### **2.92.100 Campaign finances.**

#### **A. Conformity with Texas Election Code.**

Pursuant to this chapter, candidates, officeholders and political committees participating in city elections may be required to make additional disclosures, to file additional notices, and to comply with certain restrictions not set out in the Texas Election Code. It is not the intent of the city to enact any provision in conflict with or in derogation of the Texas Election Code. The requirements set out in this section are cumulative of those in the Texas Election Code, and nothing in this section shall be construed to limit obligations imposed by the Texas Election Code.

#### **B. Applicability of Section.**

1. The provisions of this section pertaining to candidates and officeholders shall apply to all persons who have an active appointment of a campaign treasurer by a candidate form on file with the city clerk.

2. Officeholders are subject to the regulations applied to candidates for the office he or she holds.

#### **C. Campaign Contributions.**

1. Use of Legal Name. An individual shall not make a contribution in support of, or opposition to, a candidate for city office under a name other than the name by which the individual is identified for legal purposes.

2. Making of Contributions. A contribution must be made in the name of the individual who owns and is contributing the thing of value, and one individual shall not make a contribution on behalf of another individual.

3. Prohibition of Contributions by Litigants. It shall be unlawful for any person who is an adverse party in any pending litigation against the city, or who has an ownership interest of ten percent or more in any entity that is an adverse party to the city in any pending litigation to contribute or donate any funds to any candidate for city office if the litigation seeks recovery of an unspecified amount or of an amount in excess of twenty-five thousand dollars, exclusive of costs of court and attorneys' fees. Such restriction shall not be applicable to attorneys representing a person or entity in pending litigation against the city. It shall be the duty of any candidate to refuse to accept any contribution that may be offered by a person who is known to the candidate to have a litigation interest described in this section. In the event that any candidate unknowingly accepts a contribution in contravention of the foregoing provision, then it shall be the duty of the candidate to return the contribution within ten days after the candidate becomes aware of the litigation.

#### **D. Required Filings.**

1. Each candidate shall file with his application, consent and affidavit of candidate, a written

statement acknowledging that he or she has received a copy of this chapter.

2. A political committee which makes contributions or expenditures in connection with advocating or opposing a position or issue in a city election must file with the city clerk a copy of each contribution and expenditure report filed with the Texas Ethics Commission. The filing date for filing with the city clerk shall be the date established under the Texas Election Code for filing with the Texas Ethics Commission.

3. The starting and ending dates of reporting periods and the due dates of contribution and expenditure reports by candidates for city elections, officeholders and by political committees shall be governed by the Texas Election Code.

#### E. Complaints.

1. Individuals may file a complaint alleging noncompliance with this section by an officeholder by submitting the matter to the ethics review commission in the same manner as provided in Section 2.92.080 of this chapter.

2. If the city clerk receives a written complaint alleging noncompliance with this section or if the city clerk determines that a required report of a candidate, officeholder or political committee has not been filed by the deadline imposed by this section or state law, the city clerk shall forward this information to the city attorney for investigation and appropriate enforcement action or submission to the ethics review commission, if warranted.

F. Severability. It is the intent of the city that this section shall comply in all respects with applicable provisions of the United States Constitution, the Texas Constitution, and the charter of the city. If any provision of this section is declared by a court of law to be illegal, void, invalid, or unconstitutional or in violation of the city charter, such holding shall not affect the validity of the remaining portions of this section, and such remaining portions shall remain in full force and effect. (Ord. 16301 § 3, 2006)

### **2.92.110 Disclosure of campaign contributions.**

A. If a member of the city council has received campaign contributions from a contributor totaling five hundred dollars or more subsequent to the date that the member last filed a campaign finance report pursuant to state law, such member shall disclose the receipt of such contributions to the council before any deliberation or vote of the city council regarding any matter on a meeting agenda which concerns or relates to the contributor, a business entity owned in whole or in part or operated by the contributor or which employs the contributor, or any other time that the contributor appears to address the council during the meeting.

B. This requirement shall apply to all meetings of the city council.

C. Such disclosure shall be orally made by the member and shall be recorded in the minutes of the meeting.

D. If a member of the city council accepts a campaign contribution from a contributor of five hundred dollars or more, he shall report the amount and the donor by an item for notation on the consent agenda of a city council meeting within thirty days of the date of such contribution.

E. No action of the council which is otherwise legal shall be invalidated merely by reason of the disclosure of a campaign contribution by a member of the city council or the failure of a member to disclose a campaign contribution. (Ord. 16301 § 4, 2006)

### **2.92.120--2.92.140 Reserved.**

### **2.92.150 Penalty.**

A. The failure of any officer or employee to comply with this chapter or the violation of one or more of the standards of conduct set forth in this article, which apply to him or her, shall constitute grounds for expulsion, reprimand, removal from office or discharge. In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city charter and personnel rules and regulations. In the case of a council member, the matter shall be decided by a vote of the city council in accordance with the charter. In the case of board members, the matters shall be decided by the city council. The decision of these bodies shall be final.

B. It shall be unlawful for any person to knowingly violate any provision under Sections 2.92.050

(F), 2.92.060 or 2.92.100 of this chapter.

C. Any offense for a violation of a criminal provision of this chapter shall be separate from and in addition to any criminal offense under the Texas Election Code. (Ord. 16301 § 6, 2006)

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