

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

Program/Training including Frequency

Employee Handbook

- Handbook is provided upon hiring of employee. The following are included:
 - Ethical Standards and Prohibited Practices (policy included at end of document)
 - Sexual Harassment and Anti-Retaliation Policy
 - Title VII/Equal Employment Opportunity/Affirmative Action
 - Americans with Disabilities Act
 - Family Medical Leave Act
 - Health Insurance Portability and Accountability Act
 - Affordable Care Act
 - Reporting of Complaints process
 - Violation(s) of policies process; Employee may be subject to:
 - Disciplinary action up to and including termination
 - Criminal prosecution if appropriate
 - Completion of additional/repeat training

Bid, RFP, RFQ, Quote Competitive Processes

- Non-disclosure Agreement
 - Ongoing
- Evaluation Committee Participant Affidavit; attest to:
 - Confidentiality
 - No personal interest in submitted proposals or proponents
 - Evaluation can withstand public and legal scrutiny
 - Committee recommendation leads to proponent selection whose services/products are acceptable and in the best interest of the City
 - Evaluation scores are not based on supervisor's preference or new information
 - Violations are reported to City Manager's Office or Abuse/Fraud hotline

IT Specific Items

- IT Procedural Guide
 - Upon hire
- Code of Conduct Policy for IT employees
 - Upon hire
- IT Organizational Handbook and IT Policy Acknowledgement Form for all employees
 - Upon hire
- Ongoing Professional Trainings for IT Managers and staff; includes:
 - Executive Leadership in Information Technology Excellence (ELITE)
 - Certified Government Chief Information Officer (GCIO)

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

Memberships that Require Annual Ethics Training for Participants (City Manager, Assistant City Managers, Chief of Staff)

- Texas City/County Management Association (TCMA)
- International City/County Management Association (ICMA)

Trainings

- Creating a Harassment Free Workplace
 - Quarterly for new employees; Citywide every 2 years
- TMLIRP Supervisory Training
 - Annual
- TMLIRP Leadership, Ethics and Integrity in the Workplace
 - March 2018; repeated as available
- Interviewing, hiring, and employee selection
 - Ongoing
- Effective Performance Evaluations
 - Annual
- New Employee Orientation
 - Upon hire
- Benefits Open Enrollment Sessions
 - Annual
- Procurement Card Training
 - Every 2 years
- IT Security Awareness Training
 - Upon hire; repeated every year
- IT Knowledge Assessment
 - Every year

Other Ongoing Items

- Integrity Hotline
- COSM Ethics Ordinance

Employee Initiatives to be Implemented

- Employee Handbook Update
- More Prominent Display of Ethics Hotline
- Internal Website for Employees to:
 - Report Waste
 - Suggest Process Improvements
- Included in City Manager's 1 year Work Plan in Organizational - New Culture Priority (page 5):
 - Code of Conduct
 - Core Values
 - Directors Team
 - All City Employees

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

- Ethics Training-move toward annual training through implementation of technology solutions

ETHICS POLICY EXCERPT FROM THE EMPLOYEE HANDBOOK:

Section 7.05 - Personal Conduct:

All employees are expected to maintain a high level of personal conduct on the job, to render courteous, efficient service to the public, to be mindful of safety practices and to exercise the utmost care in the use of City property.

A. Ethical Standards:

As a public service organization, City employees are held to a high standard of ethical conduct. Employees should conduct themselves in a manner that avoids even the appearance of impropriety on and off the job. Actions in violation of conduct standards are subject to disciplinary action. Items one through five will not be construed to deprive an employee of the right to present employment related complaints or the right of due process under the law, including the right to represent him/herself in a court proceeding.

Consistent with this public trust, City of San Marcos employees must not:

1. Use their official position to secure special privileges or exemptions, whether direct or indirect, for themselves or others.
2. Grant any special consideration, treatment, or advantage to any citizen, individual or group beyond that which is available to every other citizen, individual or group.
3. Disclose any confidential information gained by reason of the position of the employee concerning the property, operations, policies or affairs of the City, or use such confidential information to advance any personal interest, financial or otherwise, of such employee or others.
4. Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties, or which might impair independent judgement in the performance of City duties.
5. No City employee will knowingly represent any private person, including the employee or any immediate family member, or any group or interest before any department, agency, commission or board of the City except that:
 - a. An employee may represent his/her interests in his/her owner occupied homestead before a board, agency, commission or department of the City other than those under which the employee is employed; and
 - b. An employee may appear before a board, agency, department or commission of the City, other than those by which the employee is employed, in matters of civic and public concern, and not representing a private person, group or interest.
6. Have a financial interest, whether direct or indirect, in any contract with the City including but not limited to the sale to the City of any land, materials, supplies, or services.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

7. Participate, directly or indirectly, in the sale or transfer of City-owned real property or personal property, to the employee, to any entity in which the employee has a personal interest, or to any person to whom the employee is related. (See Section 7.45 Nepotism Policy)
8. Use one's position or office of employment, or the city facilities, personnel, equipment or supplies, for the personal use or private gain of the city employee or immediate family members.
9. Participate in the discussion, consideration or decision by the City of any matter in which the employee has a conflicting personal interest, or fail to publicly disclose the nature and extent of the conflicting interest to the employee's supervisor and to the City Clerk.
10. Accept any improper gifts or gratuities (Section 7.10 - Gifts and Gratuities).
11. Misappropriate City funds, property or assets.

The above list of prohibited activities is not all-inclusive. Any conduct of an employee that places the personal interests of the employee above those of the City or of the public may be treated as a violation of the public trust and is subject to disciplinary action.

In addition to supervisory control over ethical standards, the City Ethics Review Commission oversees compliance by employees with the City's Ethics Code. The Commission may investigate alleged violations and recommend appropriate cases for criminal prosecution.

CITY OF SAN MARCOS ETHICS ORDINANCE

(SAN MARCOS CITY CODE, CHAPTER 2, ARTICLE 5)

Updated February 2010

ARTICLE 5. CODE OF ETHICS

DIVISION 1. GENERALLY

Sec. 2.421. Policy and purposes.

(a) *General policy statement.* It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.

(b) *Appearance of impropriety.* Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.

(c) This code of ethics has five purposes:

(1) To encourage ethical conduct on the part of city officials and employees;

(2) To encourage public service with the city;

(3) To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;

(4) To require disclosure by city officials and employees of their economic interests that may conflict with the interests of the city; and

(5) To serve as a basis for disciplining those who fail to abide by its terms.

(d) This code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

Sec. 2.422. Definitions.

In this article:

Benefit means anything reasonably regarded as pecuniary gain or pecuniary advantage, including any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service or other tangible or intangible thing of value. *Benefit* includes a pecuniary gain or pecuniary advantage to any other person in whose welfare the beneficiary has a direct and substantial interest.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

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

Economic interest includes a legal or equitable interest in real property, personal property, or intangible property, or a contractual right. Service by a city official or employee as an officer, director, advisor, or other active participant in a nonprofit educational, religious, charitable, fraternal, or civic organization does not create for that city official or employee an *economic interest* in the property of the 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 person in question participates in the management of the fund.

Employee means any person employed by the city, whether under civil service regulations or not, including those individuals on a part-time basis, but not including any independent contractor.

Immediate family means the spouse, children, brothers, sisters and parents of an officer or employee.

Officer or official means the mayor or any member of the city council and any appointive member of a city board, commission or committee established by ordinance, charter or state law on a permanent basis.

Sec. 2.423. Prohibition against involvement in actions affecting economic interests.

(a) *General rule.* It is unlawful for a city official or employee to take any official action that he or she knows is likely to:

(1) Affect an economic interest of:

(A) The official or employee;

(B) His or her immediate family member;

(C) A member of his or her household;

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(D) An outside employer of the official or employee or of his or her immediate family member;

(E) A business entity in which the official or employee or his or her immediate family member holds an economic interest;

(F) A business entity for which the city official or employee serves as an officer or director or in any other policy making position; or

(G) A person or business entity from whom the official or employee, or his or her immediate family member, has solicited, received and not rejected, or accepted an offer of employment within the past twelve months; or

(2) Confer a benefit on the official or employee, or deprive the official or employee of a benefit, where the effect of the action on the official or employee is distinguishable from the effect of the action on members of the public in general or a substantial segment of the public.

(b) *Meaning of “affect”.*

(1) In subsection (a)(1) above, an action is likely to *affect* an official’s or employee’s economic interest if it meets all of the following:

(A) The action is likely to have an effect on that interest, either positive or negative, that is distinguishable from its effect on members of the public in general or a substantial segment of the public.

(B) The effect of the action on that interest is direct, and not secondary or indirect. However, the action need not be the only producing cause of the effect in order for the effect to be direct.

(C) The effect on the interest must be more than insignificant or de minimis in nature or value.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(2) In determining whether a person, entity or property is or was *affected* by a vote or decision, it will not be necessary to prove the actual existence or occurrence of an economic effect or consequence if the effect or consequence would be reasonably expected to exist or occur.

(c) *Recusal and disclosure.* A city official or employee whose conduct would otherwise violate subsection (a), or a state conflict of interest law, if he or she took an action must abstain from participation in the action in accordance with the following:

(1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter, from the time he or she discovers or reasonably should have discovered the matter triggering the recusal;

(2) Promptly file a form for disclosing the nature and extent of the interest triggering the recusal with the city clerk, if the person is an official, or with the person's supervisor, if the person is an employee;

(3) Promptly notify the person's supervisor of the nature and extent of the interest triggering the recusal, if the person is a city employee, so that the supervisor can reassign responsibility for handling the matter to another person; and

(4) Promptly disclose the interest triggering the recusal, if the person is a member of a city board or commission, to other members of the board or commission, and leave the room in which the board or commission is meeting during the board or commission's discussion of, or voting on, the matter.

Sec. 2.424. Standards of conduct.

(a) *Standards for immediate family members.* It is unlawful for an immediate family member to intentionally or knowingly:

(1) Solicit, accept or agree to accept from another person any benefit that the member's relative, who is a city officer or employee, is prohibited from soliciting, accepting or agreeing to accept under state law;

(2) Misuse any official information obtained from the member's relative, who is a city officer or employee, to which the relative has access by virtue of the relative's office or employment and that has not been made public, in a manner prohibited as to the relative under state law; or

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(3) Misuse, as defined in V.T.C.A., Penal Code §39.01, any city property, services, personnel or any other thing of value belonging to the city that has come into the member's custody or possession by virtue of the office or employment of the member's relative who is a city officer or employee.

(b) *Representation and appearance at meetings.* No city officer or employee shall knowingly:

(1) Appear before the body of which the officer or employee is a member, as a representative for any private person, including the officer or employee or any immediate family member, or any group or interest;

(2) Represent, directly or indirectly, any private person, including the officer or employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party;

(3) Accept other employment or engage in outside activities incompatible with the full and proper discharge of city duties or that might impair independent judgment in the performance of city duties; or

(4) Make a false statement of material fact at a public meeting.

This subsection shall not be construed to deprive an officer or employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(c) *Representation by council members.* No city council member shall knowingly represent any private person, including the city council member or any immediate family member, or any group or interest in any matter before any department, agency, commission or board of the city, except that city council members may represent their interests in their owner-occupied homesteads before a board, agency, commission or department of the city other than the city council.

(d) *Representation in municipal court.* In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties:

(1) No city council member shall knowingly represent any private person other than himself or herself. If a city council member elects to have a trial in municipal court, the city

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

council, without the participation of the affected city council member, will appoint a special judge to preside over the trial.

(2) No city officer or employee shall knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(e) *Representation in land use and development matters.* A member of the planning and zoning commission shall not knowingly represent the member or any other person, group or interest in any matter before the zoning board of adjustments involving land use or development, and a member of the zoning board of adjustments shall not knowingly represent the member or any other person, group or interest in any matter before the planning and zoning commission involving land use or development. This subsection does not apply to members representing their interests in their owner-occupied homesteads.

(f) *Prohibited use of city position.* A city official or employee shall not use his or her position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to other persons. A city official or employee who represents to a person that the official or employee may provide an advantage or impediment to the person based on the official's or employee's office or position violates this rule.

Sec. 2.425 . Contracts with city; eligibility for appointment or election to office.

(a) No member of the city council and no city employee shall have a financial interest in the sale to the city of any land, materials, supplies or service, outside of the person's position with the city. Any person having an interest shall be ineligible for election as a city council member or appointment as a city employee, and any city council member or city employee who acquires an interest shall forfeit the office or employment. Any violation of this subsection with the actual or constructive knowledge of the city council member or employee shall render the contract voidable by the city manager or the city council.

(b) In subsection (a) of this section and in subsection 2.425(c), the term "sale to the city" includes a sale to city-sponsored entities and organizations subject to substantial control by the city in one or more of the following respects:

(1) All or a majority of the governing body of the entity or organization is appointed by the city council;

(2) The city provides more than one-half of the operating funds of the entity or organization;

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(3) The city has approval authority over purchasing decisions made by the entity or organization;

(4) The city has approval authority over bonds or other indebtedness issued by the entity or organization; or

(5) The city has approval authority over the budget of the organization.

(c) This section does not apply to acquisition of property by the city as a result of eminent domain proceedings or the threat of eminent domain proceedings.

Sec. 2.426 . Restrictions on former employees.

(a) No former city employee shall, for a period of one year from the date of leaving city employment, knowingly:

(1) Appear at a meeting of a board or commission staffed by members of the department of which the employee was a member, as a representative for any private person, including the employee or any immediate family member, or any group or interest.

(2) Represent, directly or indirectly, any private person, including the former employee or any immediate family member, or any group or interest in any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, commission or board thereof is a party.

This subsection shall not be construed to deprive a former employee of the right to due process under the law, including the right to represent himself/herself in a court proceeding.

(b) In any action or proceeding in the municipal court which is instituted by a city officer or employee in the course of official duties, no former city employee shall, for a period of one year from the date of leaving city employment, knowingly represent any private person other than himself or herself, including any immediate family member, or any group or interest.

(c) For a period of one year from the date of leaving employment, a former city employee shall not have any financial interest in the sale to the city of any land, materials, supplies or service.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

Any violation of this subsection with the actual or constructive knowledge of the former city employee shall render the contract voidable by the city manager or the city council. This subsection shall not apply to a former city employee whose employment was terminated as part of a reduction in force.

Secs. 2.427--2.440. Reserved.

DIVISION 2. ETHICS REVIEW COMMISSION

Sec. 2.441. Established; composition; term of members.

An ethics review commission is established, to be composed of seven members, all of whom will reside in the city. Members of the commission will be appointed for staggered three year terms, and will serve until their respective successors are appointed.

Sec. 2.442. Organization; rules and regulations.

The ethics review commission each year will elect from its membership its chairperson and will promulgate its own rules and regulations as to its forms and procedures and maintain proper records of its opinions and proceedings.

Sec. 2.443. Authority and duties.

(a) *Generally.* The ethics review commission shall act as authorized by section 12.02 of the Charter concerning conflicts of interest, ethical conduct or interests of city officials and employees.

(b) *Review and recommendations.* The commission will meet at least once a year to review this article and may make recommendations to the city council.

(c) *Hearings.* The commission shall consider and conduct hearings on complaints of violations of this article and of state conflict of interest laws in accordance with Section 2.444.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(d) *Advisory opinions.* The commission shall render advisory opinions on potential conflicts of interest or violation of this article at the request of a public official or employee subject to the terms of this article. The opinion must relate to an action proposed to be taken by the person requesting the opinion.

(e) *Opinions binding.* Any advisory opinion rendered by the commission to a person is binding on the commission in any subsequent complaint concerning the person about whom the opinion was requested and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in connection with the opinion.

Sec. 2.444. Complaints; review and hearings; sanctions for violations.

(a) *Complaint procedure.*

(1) Any resident or employee of the city who believes a person has violated a provision of this article or a state conflict of interest law may file a written complaint with the city attorney. The complaint must:

(A) Identify the complainant and the person who allegedly committed the violation;

(B) Provide a sufficient statement of the facts which if true would constitute a prima facie violation of a provision of this article or a state conflict of interest law;

(C) Specify the provision of this article or a state conflict of interest law which is alleged to have been violated;

(D) Identify sources of evidence, if any, that the complainant recommends should be considered by the commission; and

(E) Be filed on a form prescribed by the commission available on the City of San Marcos website and from the city attorney's office.

(F) No complaints shall be filed within a period beginning on the 60th day prior to the first day of early voting for any city election and ending on the later of the regular election day or runoff election day.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(2) The city attorney will acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the commission and to the person accused within seven business days of accepting the complaint form.

(b) Review of complaints by commission.

(1) The commission shall review each complaint in executive session prior to conducting a hearing to determine whether the complaint is in proper form and alleges sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law.

(2) If the commission determines that the complaint is defective in form or does not allege sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law, the commission shall dismiss the complaint, and provide notice, including the reasons for the dismissal, to the complainant and to the person accused.

(3) If the commission determines that the complaint is in proper form and alleges sufficient facts to constitute a prima facie violation of a provision of this article or a state conflict of interest law, the commission shall schedule a hearing on the complaint.

(c) Hearings.

(1) The commission will adopt rules of procedure to govern hearing on complaints. The rules will allow for the presentation of evidence by the complainant and the person accused, and cross examination of witnesses.

(2) The chair of the commission or any person acting in that capacity, and the recording secretary of the commission, are authorized to administer oaths to persons who testify at hearings conducted by the commission.

(d) *Ex parte communications.* It is unlawful for a person who has filed a complaint alleging a violation of this article or a state conflict of interest law by a city officer or employee, or a person against whom such a complaint has been filed, to communicate verbally or in writing about the subject matter of the complaint with a member of the ethics review commission at any time other than during a public meeting of the commission. All such communications by such persons to the commission outside of a

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

public meeting of the commission must be directed to the city attorney. The city attorney will collect all such communications and provide them to the commission with the agenda materials for the meeting at which the complaint is considered. The city attorney will make copies of these communications available to interested persons in accordance with state law.

(e) *Sanctions.* If the commission determines at the conclusion of a hearing that a violation has occurred, it may impose or recommend any of the following sanctions:

(1) A letter of notification, if the violation is clearly unintentional, or when the official or employee's action was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the official or employee of any steps to be taken to avoid future violations.

(2) A letter of admonition, if the commission finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notification.

(3) A reprimand, if the commission finds that the violation:

(A) was minor and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law; or

(B) was serious and may have been unintentional.

A copy of any reprimand directed to an official shall be sent to the city council. A copy of any reprimand directed to an employee shall be sent to the city manager and included in the employee's personnel file.

(4) A recommendation of suspension from office or employment, if the commission finds that the violation:

(A) was serious and that was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law; or

(B) was minor but similar to a previous violation by the person, and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

A recommendation of suspension of an official appointed by the city council shall be transmitted to the city council, and the council will have final authority on whether to impose a suspension. A recommendation of suspension of an employee shall be directed to the city manager, who will have final authority on whether to impose a suspension.

(5) A recommendation for recall or removal from office or employment, if the commission finds that the violation was serious and was committed knowingly, intentionally or in disregard of this article or a state conflict of interest law. A recommendation for recall of a city council member or removal of an official appointed by the city council will be forwarded to the city council. A recommendation for removal of an employee will be forwarded to the city manager.

(6) In addition to a sanction under subdivisions (1) through (5) above, the commission may recommend to appropriate authorities that a person be prosecuted for a violation of this article or a state conflict of interest law.

Sec. 2.445. Special counsel.

An independent outside attorney approved by the city council, who does not otherwise represent the city, shall be retained to serve as special counsel to the ethics review commission in the following situations:

(1) When a complaint is filed alleging that the mayor or a member of the city council, or the city manager, city attorney, city clerk or municipal court judge violated this article or a state conflict of interest law.

(2) When an advisory opinion is requested under section 2.443(d) by the mayor or a member of the city council, or by the city manager, city attorney, city clerk or municipal court judge.

Sec. 2.446. Discipline for violations.

The penalties prescribed in section 1.015 do not limit the power of the city manager to discipline employees under the city manager's supervision or the power of the city council to discipline its members for violations of this article or a state conflict of interest law.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

Secs. 2.447--2.460. Reserved.

DIVISION 3. FINANCIAL DISCLOSURE

Sec. 2.461. Definitions.

In this division:

Board member means a member of a board or commission whose membership is wholly appointed by the city council.

Business entity means a corporation, partnership, sole proprietorship, firm, holding company, joint stock company, receivership, trust or any other entity organized for profit.

Candidate means every person who declares for or files for any city office to be filled by election.

Compensation means any benefit received in return for labor, services, property or investment.

Family member means the spouse and any dependent children of any official or candidate.

Gift means a benefit received other than as compensation, but not including campaign contributions reported as required by state law.

Identification means, for an individual, the person's name, street address, city and state. For any entity other than an individual, the term "identification" means the name, address, city and state of the entity's principal location or place of business; the type or nature of the entity's principal location or place of business; the type or nature of the entity; the date on which it came into existence; the state of incorporation, if any; and the names of the partners or officers of the entity.

Income means a benefit received.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

Source of income means any business entity, employment, investment or activity which earned or produced income, including interest, dividends, royalties or rents.

Sec. 2.462. Financial disclosure statement required.

(a) Between March 15 and April 30 of each year, every city council member, and the city manager, city attorney, municipal court judge, and city clerk shall file a sworn financial disclosure statement with the city clerk reflecting the financial situation of the official as of December 31 of the previous year and the official's financial activity between January 1 to December 31 of the previous year.

(b) A newly elected city council member and a newly appointed city manager, city attorney, municipal court judge, or city clerk shall file a sworn financial disclosure statement with the city clerk within 30 days from the date the position is assumed. The statement shall reflect the financial condition as of the date and financial activity for the previous 12 months.

(c) A candidate for city council shall file a sworn statement with the city clerk not later than ten days from the date the candidate files with the city clerk an application to be placed on the official ballot. This statement shall include:

(1) A list of any financial interest the person has, direct or indirect, in real property located within the corporate limits or within the extraterritorial jurisdiction of the city.

(2) A list of any financial interest the person has, direct or indirect, in any business entity located in the city or its extraterritorial jurisdiction or any business entity doing business with the city.

(3) The financial interests listed by the person shall include those held at any time during the 12 months preceding the date of filing for office and shall include any interest held by the candidate or a family member of the candidate.

(d) All board members shall file a disclosure statement with the city clerk within 30 days after their initial appointment, and thereafter between October 1 and October 31 of each year, regarding their relevant substantial interests in business entities and real property during the 12-month period preceding the date of the statement. The statement shall be on a form provided by the city. For purposes of this section, the term "business entity" and the determination of substantial interests in business entities and real property shall be as defined and determined under V.T.C.A., Local Government Code Chapter 171. The form shall note whether the person claims a homestead exemption on any real property owned by the person.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(e) Any person filing a statement required by this section may include additional time periods.

Sec. 2.463. Information required on financial disclosure statement.

(a) Every person required to file a financial disclosure statement under subsection 2.462(a) or (c) shall include in that statement the following information:

(1) The person's name, the name of each family member and all names under which the person or family members do business.

(2) Identification of each source of income amounting to more than \$100.00 received in the reporting periods by the person or family members, stating the name, address, and nature of the source of income and stating the amount of income received; and identification of each option held, owned, acquired or sold during the reporting period, stating the nature of the option, the amount of transaction, and identification of the other parties to the transaction.

(3) Identification of each business entity, nonprofit entity or union in which the person or family member:

a. Was a partner, manager, officer, member of the board of directors, proprietor or beneficiary, during the reporting period, stating the position held; or

b. Had an ownership interest of more than \$100.00 at the fair market value at any time during the reporting period, stating the value and a description of that ownership interest; provided that, where the ownership interest includes or consists of shares of stock, the number of shares owned shall be stated together with the number of outstanding shares; and if sold during the reporting period a statement of the net gain or loss realized from the sale.

(4) Identification by street address, legal or lot-and-block description of all real property located within the city and its extraterritorial jurisdiction, together with its fair market value and present use, in which the person or family member has an interest as:

a. Fee simple owner;

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

- b. Beneficial owner;
- c. Partnership owner, naming the partners;
- d. Joint owner with an individual or corporation, naming them;
- e. Board member, officer or the owner of more than five per cent of a corporation that has title to the real property, naming the corporation; or
- f. A leaseholder, naming the person or corporation from whom the property is leased and the amounts of annual rental.

The form shall note whether the person claims a homestead exemption on any real property owned by the person.

(5) Identification of persons, business entities or guarantors to whom the person or a family member owed a debt of more than \$100.00 during the reporting period, stating the amount, but not including debts owed to persons related within the second degree of consanguinity or affinity and excluding loans to a political campaign which were reported as required by law. If this debt was repaid during the reporting period, the date and amount of repayment shall also be stated.

(6) Provided this information is not privileged by law, identification of persons, entities or guarantors who owed the person or a family member a debt of more than \$100.00 during the reporting period, stating the amount, including all bonds, notes and other commercial paper held or owed by the person reporting or any family member during the reporting period, but not including debts owed by persons related within the second degree of consanguinity or affinity. If this debt was repaid during the reporting period, the date and amount of repayment shall also be stated.

(7) Identification of the source of each gift or accumulation of gifts from one source of more than \$100.00 in value received by the person or family member, or received by another person for the use and benefit of the person or family member, within the reporting period, stating the amount; but this requirement does not include:

- a. A gift received from a relative if given because of kinship; or
- b. A gift received by will, by intestate succession or as distribution from an inter vivos or testamentary trust established by a spouse or ancestor.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(8) Provided this information is not privileged by law, if the person filing the statement is the owner of five per cent or more of any business entity, the person shall list all customers from whom the entity received at least ten per cent of its gross income during the reporting period.

(9) Identification of any financial interest in or any transaction during the reporting period with any holder of any franchise issued by the city, other than as a utility or franchise customer or patron, stating the nature and amount of interest and transaction, including transactions by any family member and any business entity in which the person filing the statement has an ownership interest of five per cent or more.

(b) Except for the identification of transactions and amounts required by subsection (a)(9) of this section, any amount required to be reported under subsection (a) of this section may be reported by categories as follows:

- (1) *Category I.* At least \$100.00 but less than \$10,000.00;
- (2) *Category II.* At least \$10,000.00 but less than \$20,000.00; or
- (3) *Category III.* At least \$20,000.00 but less than \$50,000.00.
- (4) *Category IV:* At least \$50,000.00 but less than \$75,000.00;
- (5) *Category V:* At least \$75,000.00 but less than \$100,000.00; and
- (6) *Category VI:* \$100,000.00 or more, report to nearest \$100,000.

Sec. 2.464. Retention of statements and inspection.

(a) The city clerk shall maintain all statements required to be filed with the city clerk under section 2.462 as public records and shall retain them for a period of three years, after which the statements will be returned to the person filing them or will be destroyed.

CITY OF SAN MARCOS

EMPLOYEE ETHICS-RELATED PROGRAMS AND TRAINING

(b) The financial disclosure statement file maintained by the city clerk under this section shall be kept in alphabetical order for each year in which statements are filed. This file is open to public inspection during normal hours. The city clerk shall maintain a list of all persons requesting to inspect these files, identifying the files inspected.

Sec. 2.465. Forms of statements.

Financial disclosure statements shall be filed on the form promulgated by the city clerk. The city clerk will provide a form to any person requesting one and, not less than ten days before the last day set for filing a statement by any person, shall send a form to the person.