



## TOWN OF TROPHY CLUB ETHICS REVIEW COMMISSION

### MEETING AGENDA

November 4, 2025

6:00 PM

Council Chambers  
1 Trophy Wood Drive  
Trophy Club, Texas 76262

### CALL TO ORDER AND ANNOUNCE A QUORUM

#### PUBLIC COMMENT(S)

*This is an opportunity for citizens to address the Board/Commission on any matter pursuant to Texas Government Code Sec. 551.007. The Board/Commission is not permitted to discuss or take action on any presentations made concerning matters that are not listed on the agenda. Presentations are limited to matters over which the Board/Commission has authority. Speakers have up to three (3) minutes or the time limit determined by the Presiding Officer. Each speaker must have submitted their request to speak by completing the Speaker's Form or may email [tdixon@trophyclub.org](mailto:tdixon@trophyclub.org)*

#### REGULAR ITEMS

1. Introduction of members.
2. Overview of the Ethics Review Commission and general board training.
3. Consider the election of a chair and vice chair.
4. Consider approval of the July 29, 2025 Ethics Review Commission meeting minutes.
5. Conduct the annual review of Article 1.05 Code of Ethics and Conduct and consider recommendations, if any.

#### ADJOURN

The Board/Commission may convene into executive session to discuss posted items as allowed by Texas Government Code Sections 551.071 through 551.076 and Section 551.087.

Notice is hereby given that a quorum of the Town of Trophy Club Town Council may be in attendance at this meeting. The Town Council will not deliberate or take any action.

I do hereby certify that the Notice of Meeting was posted on the official bulletin board at the Town Hall for the Town of Trophy Club, Texas, in a place convenient and readily accessible to the general public at all times on the following date and time: October 28, 2025, at 11:30 a.m. and said Notice of Meeting was also posted concurrently on the Town's website in accordance with Texas Government Code Ch. 551 of the Texas Government Code.

Tammy Dixon, Town Secretary



## ETHICS REVIEW COMMISSION COMMUNICATION

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**MEETING DATE:** November 4, 2025

**FROM:** Brandon Wright, Town Manager

**AGENDA ITEM:** Overview of the Ethics Review Commission and general board training.

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**BACKGROUND/SUMMARY:** The Ethics Review Commission holds a unique role, existing as a foundational component of the Town's ethical infrastructure. Although the Commission may not meet frequently, its presence underscores the Town's commitment to ethical conduct and integrity. The Commission's primary responsibilities include the following areas.

### **Advisory Function**

The Commission may be called upon to issue advisory opinions regarding potential conflicts of interest or ethical concerns upon request. These opinions provide essential guidance and, when followed in good faith, offer protection to individuals from allegations of ethical violations.

### **Jurisdiction and Complaint Review**

The Commission has jurisdiction to review and make findings on alleged ethical violations if a written complaint is filed, as outlined in the ordinance. Independent legal counsel is retained annually by the Town Council to ensure unbiased advice and support for Commission deliberations when needed.

### **Role as a Safeguard**

The existence of the Ethics Review Commission serves as a safeguard within the Town's governance structure, ensuring that an independent body is always available to uphold ethical standards and respond to ethical inquiries or complaints.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**FISCAL IMPACT:** There is no financial impact associated with this agenda item.

**LEGAL REVIEW:** N/A

### **ATTACHMENTS:**

1. Presentation

### **ACTIONS/OPTIONS:**

This agenda item is being presented for discussion purposes only.





# Overview of the Ethics Review Commission

## Purpose:

- To ensure ethical standards are upheld for elected officials, appointed boards, and employees of the Town.
- Administers and enforces the Code of Ethics and Conduct.

# Commission Structure

- 5 members and 2 alternates, all appointed by the Town Council
- Members must reside in the town.
- Alternates step in when necessary.

# Terms of Office

## Staggered Terms:

- 2-year staggered terms (Sept 30 expiration)
- Members can serve a maximum of two consecutive full terms.
- Vacancies filled by Town Council for the unexpired term.
- No new member may participate in a decision regarding a complaint filed prior to the expiration of the previous member's term.

# Leadership & Meetings

## Leadership

- Commission elects a Chairman and a Vice-Chairman for 1-year terms.

## Meetings:

- At least once a year to review ethics regulations.
- Can make recommendations for amendments to the Town Council.



# Advisory Opinions

## Issuance of Advisory Opinions:

- **Reviews potential conflicts of interest or violations of the Code of Ethics.**
- **Responds to requests from Town officials, candidates, and appointees.**
- **Opinions must be issued within 30 days of the request.**

# Legal Counsel & Jurisdiction

- **The Town Attorney or independent legal counsel advises the Commission.**
- **Commission reviews alleged violations if a written complaint is filed.**



# Code of Ethics and Conduct

## Code Overview

- Applies to elected officials, appointed board members, and Town employees.
- Commission hears complaints involving town officials, candidates, and appointees.
- Town Manager hears complaints involving town employees.
- Ordinance-based, consistent with the Town Charter.

# Questions & Next Steps



[social media](#) | [email](#) | [website](#)



**ETHICS REVIEW COMMISSION  
COMMUNICATION**

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**MEETING DATE:** November 4, 2025

**FROM:** Brandon Wright, Town Manager

**AGENDA ITEM:** Consider the election of a chair and vice chair.

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**BACKGROUND/SUMMARY:** In accordance with Article 1.05.006 (e) of the Town's Code of Ordinances the commission shall elect a Chair and Vice Chair to serve a one-year term.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

None

**ACTIONS/OPTIONS:**

Elect a Chair and Vice Chair to serve a one-year term.



**ETHICS REVIEW COMMISSION  
COMMUNICATION**

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**MEETING DATE:** November 4, 2025

**FROM:** Tammy Dixon, Town Secretary

**AGENDA ITEM:** Consider approval of the July 29, 2025 Ethics Review Commission meeting minutes.

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**BACKGROUND/SUMMARY:** The Ethics Commission held a meeting on July 29, 2025.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**FISCAL IMPACT:** N/A

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. Meeting Minutes

**ACTIONS/OPTIONS:**

Staff recommends that the Ethics Review Commission move to approve the July 29, 2025 Ethics Commission meeting minutes.

Town of Trophy Ethics Review Commission Meeting Minutes  
July 29, 2025, 6:00 p.m., Regular Meeting  
1 Trophy Wood Drive, Trophy Club, Texas 76262

**CALL TO ORDER**

Vice Chair Olson called the meeting to order at 6:02 p.m.

**ETHICS REVIEW COMMISSION MEMBERS PRESENT**

Jennifer Olson, Chair  
Mindi Bone, Vice Chair  
Amy Mancuso, Place 2  
Julie Edwards, Place 3

**STAFF PRESENT**

Brandon Wright, Town Manager  
Jackie Ross, Sr. Administrative Assistant (for Town Secretary)

**PUBLIC COMMENTS**

There were none.

**REGULAR ITEMS**

1. Consider approval of the June 17, 2025, Ethics Commission meeting minutes. (Tammy Dixon, Town Secretary).

Commissioner Edwards moved to approve the June 17, 2025, meeting minutes. Vice Chair Bone seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Olson, Mancuso, Edwards, Bone

**NAYES:** None

**VOTE:** 4-0

2. Consider a recommendation to the Trophy Club Town Council proposed changes to Article 1.05, Code of Ethics and Conduct, of the Town's Code of Ordinances. (Brandon Wright, Town Manager)

Town Manager Wright explained at the July 14, 2025 Town Council Meeting, the Town Council reviewed the recommended changes proposed by the Ethics Review Commission and referred the matter back to the Commission for further consideration of Article 1.05.004(1)(E) regarding awards, grants, scholarships, or similar gifts related to training, licensing, or education from nonprofit organizations limited to Town employees and their families.

Teryl Flynn, 417 Ramsey Trail, spoke on Agenda Item 2, Article 1.05.004(1)(E), regarding the Trophy Club Rotary Club's First Responder Recognition Scholarship Award process for First Responders and their families. She distributed copies of the Club's policy and procedures to the commissioners. Mrs. Flynn emphasized The Rotary Club's blind, anonymous, and stringent selection process, noting that no town employees or council members participate in award decisions. She requested revising the policy to allow recipients to receive awards annually rather than once every four years mostly due to the small number of applications received.

The Commission's discussion included:

- **Scholarship Limitations:** Concerns were raised about the existing limitation of one scholarship every four years and its impact on awards for First Responders and family members.
- **Anonymity and Fairness:** The importance of maintaining anonymity and transparency in the awarding process was emphasized to avoid any appearance of undue influence.
- **Limiting Awards to Directors:** The committee discussed restricting the frequency of awards only for director-level employees (including chiefs), with a definition of "director" to be added referencing Town administrative policies.
- **Town Manager's Role:** Clarified that the Town Manager's role is to review scholarship processes for compliance with the Ethics Ordinance, not to approve recipients.
- **Effective Date:** Recommended changes to Article 1.05.004(1)(E) would be effective January 1, 2026, to avoid impacting ongoing awards.

Commission Mancuso moved to authorize the Town Manager to finalize the discussed changes to Article 1.05.004 and specifically Article 1.05.004(1)(E) of Ethics and Conduct, of the Town's Code of Ordinances, with Town Attorney for proper wording, and submit the revisions to the Town Council. Motion was seconded by Commissioner Edwards.

#### **VOTE ON THE MOTION**

**AYES:** Olson, Mancuso, Edwards, Bone

**NAYES:** None

**VOTE:** 4-0

#### **ADOURN**

Chair Olson adjourned the meeting at 6:54 p.m.

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Jennifer Olson, Chair

**ATTEST:**

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Town Secretary



## ETHICS REVIEW COMMISSION COMMUNICATION

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**MEETING DATE:** November 4, 2025

**FROM:** Brandon Wright, Town Manager

**AGENDA ITEM:** Conduct the annual review of Article 1.05 Code of Ethics and Conduct and consider recommendations, if any.

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**BACKGROUND/SUMMARY:** The purpose of this agenda item is to facilitate the Ethics Review Commission's annual review of the Code of Ethics and Conduct ordinance. As specified in Section 1.05.006(g) of the Town's Code of Ordinances, the commission is required to meet at least once each year to review the ordinance and ensure it aligns with current standards and best practices. This review allows the commission to address any areas needing clarification or updates, maintaining the ordinance's relevance and effectiveness in guiding ethical conduct within the Town.

**BOARD REVIEW/CITIZEN FEEDBACK:** N/A

**FISCAL IMPACT:** There is no financial impact associated with this agenda item.

**LEGAL REVIEW:** N/A

**ATTACHMENTS:**

1. Presentation
2. Article 1.05 Code of Ethics and Conduct

**ACTIONS/OPTIONS:**

This agenda item is being presented for discussion and feedback purposes. If desired, the Ethics Review Commission may direct staff to prepare revisions to Article 1.05 Code of Ethics and Conduct for consideration by the Town Council.



# Ethics Review Commission Ordinance Review

FY 2026

# Policy, applicability (1.05.001)

(a) Policy. It is hereby declared to be the policy of the town that the proper operation of democratic government requires that town officials, candidates, appointees, and employees be independent, impartial and responsible to the people of the town; that governmental decisions and policy be made in the proper channels of the governmental structure; that no town official, candidate, appointee, or employee have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest; that public office and public employment are positions of public trust imposing the duty of a fiduciary upon all employees and officeholders, who are not to use their public position for personal gain; and that the public should have confidence in the integrity of its government.

(b) Applicability. To implement this policy, the town council enacts this code of ethics and conduct for all town officials, candidates, appointees and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the town's public servants, but also as a basis for discipline for those who refuse to abide by its terms. The provisions of this article shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns, or the conduct of candidates in such campaigns, except as expressly provided herein.

# Principles of Conduct (1.05.002)

(a) Values. The town council further believes that town officials, candidates, appointees and employees require a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that town officials, candidates, appointees and employees should exemplify include the following:

- (1) Commitment beyond self.
- (2) Obedience and commitment beyond the law.
- (3) Commitment to the public good.
- (4) Respect for the value and dignity of all individuals.
- (5) Accountability to the public.
- (6) Truthfulness.
- (7) Fairness.
- (8) Responsible application of resources.

# Principles of Conduct (1.05.002)

(b) Conduct. In keeping with the values set forth in subsection (a) of this section and to assist in the fulfillment of responsibilities to the individuals and communities served, each town official, candidate, appointee and employee should:

- (1) Conduct himself and operate with integrity and in a manner that merits the trust and support of the public.
- (2) Uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the town's ability to accomplish its mission.
- (3) Treat others with respect, doing for and to others what the town official, candidate, appointee or employee would have done for and to himself in similar circumstances.
- (4) Be a responsible steward of the taxpayer resources.
- (5) Take no actions that could benefit the town official, candidate, appointee or employee personally at the unwarranted expense of the town, avoiding even the appearance of a conflict of interest, and exercise prudence and good judgment at all times.
- (6) Carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the town's reputation both in the community and elsewhere.
- (7) Strive for personal and professional growth to improve effectiveness as an elected or appointed town official, candidate, appointee or employee.

# Principles of Conduct (1.05.002)

(c) Interpretation. This section is a statement of principles only. Nothing in this section may be used to create a cause of action against an elected or appointed town official, candidate, appointee or employee under this article.

# Definitions (1.05.003)

Appointee. A person appointed or confirmed by the mayor or town council; provided, however, for the purposes of this definition, the term “appointee” does not include municipal judges.

Business entity. A corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any other entity recognized by law.

Candidate. A person who declares for or files for any office of the town to be filled by election.

Clear and convincing evidence. Evidence that is legally and factually sufficient such that a fact-finder could reasonably form a firm belief or conviction that the allegation is true.

Compensation. Any economic benefit received in return for labor, services, property, or investment.

Economic benefit. Any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Employee. A person employed by the town, including those individuals on a part-time basis, excluding independent contractors.

# Definitions (1.05.003)

Family member. A person related to a town official, candidate, appointee, or employee in the first degree by consanguinity (blood) or affinity (marriage) as determined under the Texas Government Code.

Gift. 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 established by a spouse or ancestor.

Income. Economic benefit received.

Intentionally. A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

# Definitions (1.05.003)

Knowingly. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Personal knowledge. Personal knowledge is knowledge gained by the complainant only through direct firsthand observation or the complainant's own direct sensory experience, and does not include a belief based on what someone else, other than the person who is the subject of the complaint, has said or done.

# Definitions (1.05.003)

## Substantial interest.

(1) A person has a substantial interest in a business entity if:

(A) The interest is ownership of ten percent or more of the voting stock or shares of the business entity or ownership of either ten percent or more or \$5,000.00 or more of the fair market value of the business entity;

(B) Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year;

(C) The person holds a position of member of the board of directors or other governing board of the business entity;

(D) The person serves as an elected officer of the business entity;

(E) The person is an employee of the business entity;

(F) The person is a creditor, debtor or guarantor of the business entity in the amount of \$5,000.00 or more; or

(G) Property of the person has been pledged to the business entity or is subject to a lien in favor of the business entity in the amount of \$5,000.00 or more.

# Definitions (1.05.003)

## Substantial interest.

(2) A person does not have a substantial interest in a business entity if:

(A) The person holds a position as a member of the board of directors or other governing board of a business entity or governmental body;

(B) The person has been designated by the town council to serve on such board;

(C) The person receives no remuneration, either directly or indirectly, for his or her service on such board; and

(D) The primary nature of the business entity is either charitable, nonprofit or governmental.

(3) A person has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500.00 or more.

(4) A person has a substantial interest under this article if the person's family member has a substantial interest under this article.

# Definitions (1.05.003)

Town official. The mayor, members of the town council, the town manager, the town attorney, the town secretary, judges of the municipal court, and individuals acting in the capacity of the aforementioned persons.

# Standards of Conduct; Prohibited Acts (1.05.004)

No town official, candidate, appointee or employee, or their family member shall:

(1) Accept or solicit any gift, favor, service or thing of value from any person, group or business entity, including a promise of future employment, that might reasonably tend to influence him in the discharge of his official duties or that the town official, candidate, appointee or employee knows or should know is being offered with the intent to influence the official conduct of the town official, candidate, appointee or employee. This prohibition shall not apply to:

- (A) An occasional non-pecuniary gift, insignificant in value that is less than fifty dollars (\$50.00);
- (B) An award publicly presented in recognition of public service;
- (C) Any gift which would have been offered or given to the town official, candidate, appointee or employee or a family member if he were not a town official, candidate, appointee, employee, or family member; or

# Standards of Conduct; Prohibited Acts (1.05.004)

(1) .... This prohibition shall not apply to:

(D) Any travel and related expenses to attend ceremonial functions, provided that such acceptance and attendance have been approved by the town council prior to the occurrence of the ceremonial function.

(E) Effective January 1, 2026, awards, grants, scholarships, or similar gifts, not otherwise prohibited by law, related to training, licensing, education, or performance offered by non-profit organizations by a blind-selection process that is restricted to a group of town employees, excluding the town manager, and including employees' family members where all members of the employee group have equal opportunity to apply or be nominated for and receive the award, grant, scholarship, or similar gift. The town manager has authority to review the selection process offered under this exception for compliance with this article. Any such award, grant, scholarship, or similar gift shall be shared publicly with the town council during a town council meeting. Under this exception, town directors, as defined in the town's administrative policies, and town directors' family members are limited to one (1) such award, grant, scholarship, or similar gift related to training, licensing, education, or performance from a non-profit organization. For example, a scholarship offered and accepted by a director's child shall prohibit that child, but not other director's family members or the director, from receiving another award, grant, scholarship, or similar gift from that same non-profit organization. This limit of one (1) award is not applicable to employees, or employees' family members, who are not classified as directors under the town's administrative policies.

# Standards of Conduct; Prohibited Acts (1.05.004)

No town official, candidate, appointee or employee, or their family member shall:

(2) Grant in the discharge of his official duties any improper favor, service or thing of value to any person, group or business entity.

(3) Disclose any confidential information gained by reason of the position of the town official, candidate, appointee or employee concerning property, operations, policies or affairs of the town, or use such confidential information to advance any personal interest, financial or otherwise, of such town official, candidate, appointee or employee, family members or third parties. This subsection shall not preclude disclosure of such confidential information in connection with any investigation or proceeding regarding whether there has been a violation of the standards of conduct set forth in this article.

(4) Use one's position or office of employment or town facilities, personnel, equipment or supplies to secure special privileges or exemptions for himself, family members or third parties or for the private gain of the town official, candidate, appointee, employee, or his family members or third parties.

# Standards of Conduct; Prohibited Acts (1.05.004)

No town official, candidate, appointee or employee, or their family member shall:

- (5) Engage in any exchange, purchase or sale of property, goods or services with the town, except:
  - (A) Rendering services to the town as a town official, candidate, appointee or employee;
  - (B) Paying taxes, fines, or utility service or filing fees;
  - (C) Executing and performing any developer's agreement or plat in compliance with laws and regulations applicable to any person; provided, however, that if any town ordinance, rule or regulation allows any discretion by the appropriate town official, appointee or employee in the interpretation or enforcement of such ordinance, rule or regulation, any such discretion shall be exercised in favor of the town in connection with any such developer's agreement or plat;
  - (D) Appointees who are not also town officials or employees of the town may engage in any exchange, purchase or sale of property, goods or services with the town, or enter into a contract with the town, provided that the board on which they are a member has no advisory function, involvement, or decision-making authority, either direct or indirect, present or prospective, with respect to the transaction in which such appointee engages or proposes to engage.

# Standards of Conduct; Prohibited Acts (1.05.004)

No town official, candidate, appointee or employee, or their family member shall knowingly or intentionally:

(6) Hold himself out as representing the town in any capacity other than that for which he was appointed, elected or hired.

(7) Engage in or accept private employment or render a service when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independent judgment in the performance of official duties.

(8) Make or permit the unauthorized use of town-owned vehicles, equipment, materials or property.

(9) Grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

# Standards of Conduct; Prohibited Acts (1.05.004)

No town official, candidate, appointee or employee, or their family member shall knowingly or intentionally:

(10) After termination of service or employment with the town, appear before any board or commission of the town in relation to any case, proceeding or application in which he personally participated or which was under his active consideration during the period of his service or employment.

(11) Transact any business in his official capacity with the town with a business entity in which he has a substantial interest.

(12) Perform or refuse to perform any act in order to deliberately thwart the execution of town ordinances, rules or regulations or the achievement of official town programs.

# Disclosure of Interest; Abstention from Voting (1.05.005)

(a) Vote not allowed. Except as expressly provided in subsection (b) of this section, if a town official, candidate, appointee or employee has a substantial interest in a business entity or real property involved in a matter pending before such town official, candidate, appointee or employee, or the body of which he is a member, such town official, candidate, appointee or employee shall disclose such interest as provided in subsection (c) of this section and shall not vote or discuss the substance of the matter at any time with any other member of the board of which he is a member or any other body which will vote on or otherwise participate in the consideration of the matter.

# Disclosure of Interest; Abstention from Voting (1.05.005)

(b) Vote allowed. If any of the following interests are involved in any matter pending before any town official, candidate, appointee or employee, or the body of which he is a member, such town official, candidate, appointee or employee shall disclose such interest as provided in subsection (c) of this section, but he shall be permitted to vote on and participate in the consideration of such matter:

(1) A matter concerning a bank or other financial institution from which the town official, candidate, appointee or employee has a home mortgage, automobile loan, or other installment loan, if the loan is not currently in default, was originally for a term of more than two (2) years and cannot be accelerated except for failure to make payments according to the terms thereof:

(2) A matter concerning a bank or other financial institution in which the town official, candidate, appointee or employee holds a savings account, checking account or certificate of deposit and which is fully insured by the U.S. government or an agency thereof;

# Disclosure of Interest; Abstention from Voting (1.05.005)

(b) Vote allowed. If any of the following interests are involved in any matter pending before any town official, candidate, appointee or employee, or the body of which he is a member, such town official, candidate, appointee or employee shall disclose such interest as provided in subsection (c) of this section, but he shall be permitted to vote on and participate in the consideration of such matter:

(3) A matter concerning a business entity with which the town official, candidate, appointee or employee has a retail or credit card account;

(4) A matter concerning the approval of substitution of collateral by a town depository bank;

(5) A matter concerning real property or a business entity in which the town official, candidate, appointee or employee has a substantial interest if the action on the matter would not have a special economic effect on the value of the property or business entity, distinguishable from the effect on the public.

# Disclosure of Interest; Abstention from Voting (1.05.005)

(c) Affidavit and reporting requirement. A town official, appointee or employee shall disclose the existence of a substantial interest in a business entity or real property involved in any matter pending before such town official, appointee or employee, or the body of which he is a member or serves as the staff liaison. To comply with subsection (a) of this section, a town official, appointee or employee shall, prior to any discussion or determination of the matter, file an affidavit of disclosure as required by section 171.004 of the Texas Local Government Code, as amended, with the town secretary. To comply with subsection (b) of this section, a town official, employee or appointee shall publicly disclose in the official minutes of the body the nature of his interest. To comply with subsection (b) of this section, an employee shall notify the town manager or his designee in writing of the nature of any substantial interest that he or a family member has in a business entity or real property which would be affected by an exercise of discretionary authority by the employee and such matter shall be regulated in accordance with town policies and procedures.

# Disposition of Alleged Violations (1.05.007)

(a) Form and contents of complaint. In order to file a complaint under this article, a complainant shall submit a written sworn complaint to the town secretary, which shall be notarized and shall be in the form specified below. A sworn complaint shall be based upon personal knowledge, shall allege a violation of this article, shall specify the provision(s) of this article alleged to have been violated, and shall name the town official, candidate, appointee, or employee being charged. If a filed complaint fails to meet these standards, the town secretary shall return the complaint to the complainant and a copy of the complaint to the person complained against. The town secretary shall outline which provision(s) of this article have not been satisfied to accept a valid complaint.

# Disposition of Alleged Violations (1.05.007)

(b) Consideration of complaints. Upon the timely filing of a written sworn complaint meeting all requirements of this section, the commission shall consider possible violations of this article by town officials, candidates, and appointees. The town manager shall consider possible violations of this article by town employees and former town employees.

# Disposition of Alleged Violations (1.05.007)

(c) Timely filing required. As a condition precedent to commission consideration of a complaint, such complaint shall be timely filed. A complaint alleging a violation of this article shall be filed with the town secretary within one (1) year after the date of the alleged violation in order to be considered timely. If a complaint is based on information obtained through either a civil proceeding or criminal charge, the timely filing deadline shall be extended to within one (1) year after the date that the civil proceeding or criminal charge has been filed in court. It shall be the responsibility of the complainant to furnish evidence of such civil proceeding or criminal complaint at the time of filing a complaint under this article. However, in no case shall a complaint alleging a violation of this article be considered timely filed if it is filed more than three (3) years after the date the alleged violation was committed. Each of the following complaints shall be deemed untimely filed and shall be returned to the complainant:

- (1) A complaint alleging a violation that occurred before the effective date of this article;
- (2) A complaint alleging a violation that occurred more than one (1) year before the date that the complaint is filed;

# Disposition of Alleged Violations (1.05.007)

(c) Timely filing required. .....Each of the following complaints shall be deemed untimely filed and shall be returned to the complainant:

(3) A complaint based on information obtained through either a civil proceeding or criminal charge that is filed more than one (1) year after the date that the civil proceeding or criminal charge was filed in court;

(4) A complaint filed more than three (3) years after the date the alleged violation was committed, if the complaint is based on information obtained through either a civil proceeding or criminal charge; and

(5) A complaint filed within the period beginning on the 60th day prior to the first date of early voting for a town election and ending on the later of the regular election date or runoff election date for such election.

# Disposition of Alleged Violations (1.05.007)

(d) False statements notification. If a complaint is timely filed and satisfies the requirements of section 1.05.007(a), the town secretary shall, in writing, advise the person filing a complaint that falsely accusing someone of a violation of this article may result in criminal prosecution, under penalty of perjury, of anyone who knowingly makes a false accusation. The town secretary shall also, in writing, send a copy of the written complaint to the person charged in the complaint, and advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution, under penalty of perjury, of anyone who knowingly makes a false response.

# Disposition of Alleged Violations (1.05.007)

(e) Processing of complaint. Complaints shall be processed as follows:

(1) Acknowledgement of receipt; distribution of copies. Not later than three (3) business days after the town secretary receives a sworn complaint, the town secretary shall acknowledge the receipt of the complaint to the complainant, and, if the complaint is timely filed and satisfies the requirements of section 1.05.007(a), the town secretary shall provide a copy of the complaint to the town attorney or independent counsel and the person complained against. If a complaint is not timely filed, it shall be returned to the complainant, and a copy of the complaint shall be sent to the person complained against.

# Disposition of Alleged Violations (1.05.007)

(2) Attorney preliminary review. Within ten (10) business days of receipt by the town attorney or independent counsel of a complaint determined by the town secretary to satisfy the requirements of section 1.05.007(a) and to have been timely filed, the town attorney or independent counsel shall review the complaint to determine whether the complaint is sufficient as to form, including, but not limited to, determining whether the complainant has Personal Knowledge, and whether the complaint alleges sufficient facts which if accepted as true would constitute a prima facie violation of this article. Further, the complaint shall be reviewed for compliance with subsections (a) through (c) of this section.

(A) Sufficient complaint. If the town attorney or independent counsel finds that the complaint is both sufficient as to form, that the complainant has Personal Knowledge, and accepting the facts alleged as true for the limited purpose of a threshold review, finds that the allegations would constitute a prima facie violation of this article, the complaint shall be forwarded to the commission and the person complained against if the complaint is against a town official, candidate, or appointee. The complaint shall be forwarded to the town manager if the complaint is against a town employee or former town employee. The town manager shall adhere to the town's administrative procedures and policies for reviewing complaints against town employees or former employees and any resulting disciplinary or criminal actions.

# Disposition of Alleged Violations (1.05.007)

(B) Insufficient or ineligible complaint. If the town attorney or independent counsel finds that the complaint is insufficient as to form, or the complainant lacks Personal Knowledge, or, accepting the facts alleged as true for the limited purpose of a threshold review, finds that the allegations would not constitute a prima facie violation of this article, the town attorney or independent counsel shall notify the town council, the commission, the town manager, the complainant, and the person complained against of this determination, and shall return the complaint to the complainant. Further, if the town attorney or independent counsel determines that the commission is prohibited from entertaining a complaint under the conditions set forth in subsection (1) of this section, the town attorney or independent counsel shall notify the town council, the commission, the town manager, the complainant and the person complained against of this determination, and shall immediately return the complaint to the complainant.

# Disposition of Alleged Violations (1.05.007)

(3) Notification of hearing date. Not later than fifteen (15) business days after the commission receives a complaint forwarded by the town attorney or independent counsel, the commission shall notify in writing both the person who made the complaint and the person complained against of a date for a preliminary hearing. If the commission does not hold a preliminary hearing within thirty (30) business days of its receipt of the complaint, it shall notify the person who made the complaint and the person complained against of the reasons for the delay and shall subsequently give the appropriate notifications to all parties.

# Disposition of Alleged Violations (1.05.007)

(f) Complaint filed by commissioner. A complaint filed by an individual member of the commission shall be deemed to have been filed in the commission member's capacity as a private citizen and, in such event, the member of the commission filing the complaint shall not thereafter participate in any commission meeting at which such complaint is considered except as the complainant.

(g) Communications of commission members. After a complaint has been filed and during the pendency of a complaint before the commission, a member of the commission 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 commission; provided that a member may consult with the attorney or the town manager or his designee for the commission as to process, procedure and legal issues. Ex parte communications by or to members of the commission are prohibited.

# Disposition of Alleged Violations (1.05.007)

(h) Disclosure of information prohibited. No town official, candidate, appointee, or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties or as required by law. All papers and communications relating to a complaint shall be treated as confidential unless required to be made public under the Public Information Act, court order, or other applicable law.

# Disposition of Alleged Violations (1.05.007)

(i) Preliminary hearing. A preliminary hearing shall be conducted in accordance with the following:

(1) As soon as reasonably possible, but in no event more than sixty (60) business days after receiving a complaint, the commission shall conduct a preliminary hearing. The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this article has occurred. The person filing a complaint shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint. 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 commission may question the complainant, the independent counsel for the commission, or the town official, candidate, or appointee named in the complaint. The town official, candidate or appointee named in the complaint may not be compelled to give evidence or testimony that violates his right against self-incrimination under the United States or the state constitution.

# Disposition of Alleged Violations (1.05.007)

(2) The town official, candidate or appointee named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The town official, candidate or appointee may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation.

(3) The complainant and the town official, candidate or appointee named in the complaint shall have the right of representation by counsel paid for at his own expense.

# Disposition of Alleged Violations (1.05.007)

(4) At the conclusion of the preliminary hearing, the commission shall decide whether a final hearing should be held. If the commission determines that there are reasonable grounds to believe that a violation of this article has occurred, it shall schedule a final hearing. If the commission does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be automatically dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred. Notwithstanding the foregoing, the commission may proceed to determine the appropriate sanction if the charged town official, candidate or appointee does not object and admits the charged violation, and the commission determines that there are no fact issues to be resolved.

(5) At the preliminary hearing or at least fifteen (15) business days prior to the final hearing, the complainant, the town official, candidate or appointee named in the complaint may request that the commission summon certain persons and evidence for a final hearing, if one is scheduled.

# Disposition of Alleged Violations (1.05.007)

(j) Final hearing. A final hearing shall be conducted in accordance with the following:

- 1) The final hearing shall be held as expeditiously as possible following the preliminary hearing at which a determination was made by the commission that there are reasonable grounds to believe that a violation of this article occurred, but in no event shall it be scheduled more than thirty (30) business days after such determination. The commission may grant two (2) postponements of the final hearing, not to exceed fifteen (15) business days each, upon the request of the town official, candidate or appointee named in the complaint.
- 2) The issue at a final hearing shall be whether a violation of this article has occurred. The commission shall make its determination based on a clear and convincing evidence standard of proof. Parties to the proceeding may present testimony and evidence at the final hearing. All witnesses shall make their statements under oath. If the commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular provision(s) of this article which have been violated, and within five (5) business days shall deliver a copy of its findings to the complainant, if any, the person named in the complaint and the town secretary.

# Disposition of Alleged Violations (1.05.007)

(3) If a complaint proceeds to a final hearing, the commission shall request in writing witnesses for which it has received a written request from the complainant or from the town official, candidate or appointee named in the complaint, provided that the requesting party shows good cause for the request and the request is timely submitted in accordance with subsection (i)(5) of this section. The request shall be made by certified mail, with return receipt requested, at least ten (10) business days before the date of the final hearing. Additionally, the commission may administer oaths and affirmations and receive testimony and evidence presented at the final hearing. It shall be a violation of this article for a person to fail or refuse to appear and testify before the commission in response to a written request served ten (10) business days or more prior to the scheduled time and date of final hearing. Notwithstanding the foregoing, no town official, candidate or appointee named in a complaint or witness may be compelled to give evidence or testimony that violates his/her right against self-incrimination under the United States or the state constitution.

# Disposition of Alleged Violations (1.05.007)

(k) Sanctions. The following sanctions are available:

(1) If the commission determines that a violation of this article has occurred, it shall proceed directly to determination of the appropriate sanction(s). A violation of this article shall not be subject to criminal penalties under the town Code of Ordinances, except for those instances specifically provided for in section 1.05.011 of this article. The commission may receive additional testimony or statements before determining sanctions, but is not required to do so. If the town official, candidate or appointee named in the complaint acted in reliance upon a written opinion of the town attorney, the commission shall consider that fact.

# Disposition of Alleged Violations (1.05.007)

(2) If the commission determines that a violation of this article has occurred, it shall take the following actions:

(A) If the person who committed the violation is the town manager, town attorney, town secretary, or a judge of the municipal court, the matter will be referred to the town council.

(B) If the person who committed the violation is a town council member, a candidate, an appointee or a former town official the matter will be referred to the town council.

# Disposition of Alleged Violations (1.05.007)

(3) When referring a matter under subsection (k)(2) of this section, the commission may impose or recommend the following sanctions:

(A) Letter of notification. A letter of notification may be recommended when the commission finds that a violation of this article was clearly unintentional or when the action or conduct found to have been a violation of this article was performed by the town official, candidate or appointee in reliance on a public written opinion of the town attorney. A letter of notification must advise the town official, candidate or appointee to whom the letter is directed of any steps to be taken to avoid future violations.

(B) Letter of admonition. A letter of admonition may be recommended when the commission finds that the violation of this article was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.

# Disposition of Alleged Violations (1.05.007)

(C) Reprimand. A reprimand may be recommended when the commission finds that a violation of this article was committed intentionally or through disregard of this article. A letter of reprimand directed to an elected town official shall also be transmitted to the town secretary and published in the official newspaper of the town.

(D) Censure, recall or removal from office or appointment. A letter of censure, a recommendation of recall, or a recommendation to institute proceedings for removal from office or appointment shall be the appropriate sanction when the commission finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by an elected town official or appointed member. A letter of censure, a recommendation of recall, or a recommendation to institute proceedings for removal from office directed to an elected town official or appointed member shall also be transmitted to the town secretary and published in the official newspaper of the town. The town council and citizens of the town may take actions in accordance with the town charter. Any proceedings for removal from office shall be in compliance with provisions of the town charter and state law.

# Disposition of Alleged Violations (1.05.007)

(l) Dismissal of complaint. If the complaint is dismissed because the evidence failed to establish a violation of this article, the commission shall issue a letter of dismissal or finding, and shall not entertain any other similar complaint based on substantially the same evidence. A complaint shall also be dismissed if it was filed by a person determined to be a vexatious complainant as outlined in section 1.05.010.

# Request for Review of Allegations (1.05.008)

Any town official, candidate or appointee against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the town secretary affirming their innocence, and to request the commission to review the allegations and make known its findings.

# Vexatious Complainants (1.05.010)

(a) The commission may find that a complainant is vexatious if the commission finds there is no reasonable probability that the complaint has merit against the town official, candidate, or appointee and that:

(1) The complainant, in the seven-year period immediately preceding the date of filing a complaint with the commission, has filed at least three (3) complaints resulting in no violations being found by the commission and found to be frivolous or groundless under the conditions of this article; or

(2) Damage a person's reputation.

(b) The commission may take action to determine a person who has filed a complaint as outlined herein is a vexatious complainant. A person who has been determined by the commission to be a vexatious complainant shall be prohibited from submitting a complaint under this article for a period of three (3) years as of the date of the commission's decision. Any pending complaint(s) filed by the vexatious complainant as of the date of the commission's decision shall be automatically dismissed by the commission.

**ARTICLE 1.05**  
**CODE OF ETHICS AND CONDUCT<sup>1</sup>**

**§ 1.05.001. Policy; applicability.**

- (a) Policy. It is hereby declared to be the policy of the town that the proper operation of democratic government requires that town officials, candidates, appointees, and employees be independent, impartial and responsible to the people of the town; that governmental decisions and policy be made in the proper channels of the governmental structure; that no town official, candidate, appointee, or employee have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest; that public office and public employment are positions of public trust imposing the duty of a fiduciary upon all employees and officeholders, who are not to use their public position for personal gain; and that the public should have confidence in the integrity of its government.
- (b) Applicability. To implement this policy, the town council enacts this code of ethics and conduct for all town officials, candidates, appointees and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the town's public servants, but also as a basis for discipline for those who refuse to abide by its terms. The provisions of this article shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns, or the conduct of candidates in such campaigns, except as expressly provided herein.

(Ordinance 2025-20 adopted 8/11/2025)

**§ 1.05.002. Principles of conduct.**

- (a) Values. The town council further believes that town officials, candidates, appointees and employees require a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that town officials, candidates, appointees and employees should exemplify include the following:
- (1) Commitment beyond self.
  - (2) Obedience and commitment beyond the law.
  - (3) Commitment to the public good.
  - (4) Respect for the value and dignity of all individuals.
  - (5) Accountability to the public.
  - (6) Truthfulness.

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1. Editor's Note—Former Article 1.05 Pertaining To The Code Of Ethics And Conduct, Was Amended And Replaced With Similar Provisions By Ordinance 2025-20 Adopted 8/11/2025. Prior To The Replacement, This Article Derived From The Following: Ordinance 2011-03 Adopted 2/7/11; Ordinance 2015-28 Adopted 9/22/15 And Ordinance 2021-23 Adopted 10/11/21.

- (7) Fairness.
- (8) Responsible application of resources.
- (b) Conduct. In keeping with the values set forth in subsection (a) of this section and to assist in the fulfillment of responsibilities to the individuals and communities served, each town official, candidate, appointee and employee should:
  - (1) Conduct himself and operate with integrity and in a manner that merits the trust and support of the public.
  - (2) Uphold all applicable laws and regulations, going beyond the letter of the law to protect and/or enhance the town's ability to accomplish its mission.
  - (3) Treat others with respect, doing for and to others what the town official, candidate, appointee or employee would have done for and to himself in similar circumstances.
  - (4) Be a responsible steward of the taxpayer resources.
  - (5) Take no actions that could benefit the town official, candidate, appointee or employee personally at the unwarranted expense of the town, avoiding even the appearance of a conflict of interest, and exercise prudence and good judgment at all times.
  - (6) Carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the town's reputation both in the community and elsewhere.
  - (7) Strive for personal and professional growth to improve effectiveness as an elected or appointed town official, candidate, appointee or employee.
- (c) Interpretation. This section is a statement of principles only. Nothing in this section may be used to create a cause of action against an elected or appointed town official, candidate, appointee or employee under this article.  
(Ordinance 2025-20 adopted 8/11/2025)

### **§ 1.05.003. Definitions.**

Appointee. A person appointed or confirmed by the mayor or town council; provided, however, for the purposes of this definition, the term "appointee" does not include municipal judges.

Business entity. A corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any other entity recognized by law.

Candidate. A person who declares for or files for any office of the town to be filled by election.

Clear and convincing evidence. Evidence that is legally and factually sufficient such that a fact-finder could reasonably form a firm belief or conviction that the allegation is true.

Compensation. Any economic benefit received in return for labor, services, property, or investment.

Economic benefit. Any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Employee. A person employed by the town, including those individuals on a part-time basis, excluding independent contractors.

Family member. A person related to a town official, candidate, appointee, or employee in the first degree by consanguinity (blood) or affinity (marriage) as determined under the Texas Government Code.

Gift. 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 established by a spouse or ancestor.

Income. Economic benefit received.

Intentionally. A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

Knowingly. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Personal knowledge. Personal knowledge is knowledge gained by the complainant only through direct firsthand observation or the complainant's own direct sensory experience, and does not include a belief based on what someone else, other than the person who is the subject of the complaint, has said or done.

Substantial interest.

- (1) A person has a substantial interest in a business entity if:
  - (A) The interest is ownership of ten percent or more of the voting stock or shares of the business entity or ownership of either ten percent or more or \$5,000.00 or more of the fair market value of the business entity;
  - (B) Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year;
  - (C) The person holds a position of member of the board of directors or other governing board of the business entity;
  - (D) The person serves as an elected officer of the business entity;
  - (E) The person is an employee of the business entity;
  - (F) The person is a creditor, debtor or guarantor of the business entity in the amount of \$5,000.00 or more; or

- (G) Property of the person has been pledged to the business entity or is subject to a lien in favor of the business entity in the amount of \$5,000.00 or more.
- (2) A person does not have a substantial interest in a business entity if:
- (A) The person holds a position as a member of the board of directors or other governing board of a business entity or governmental body;
  - (B) The person has been designated by the town council to serve on such board;
  - (C) The person receives no remuneration, either directly or indirectly, for his or her service on such board; and
  - (D) The primary nature of the business entity is either charitable, nonprofit or governmental.
- (3) A person has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500.00 or more.
- (4) A person has a substantial interest under this article if the person's family member has a substantial interest under this article.

Town official. The mayor, members of the town council, the town manager, the town attorney, the town secretary, judges of the municipal court, and individuals acting in the capacity of the aforementioned persons.

(Ordinance 2025-20 adopted 8/11/2025)

#### **§ 1.05.004. Standards of conduct; prohibited acts.**

No town official, candidate, appointee or employee, or their family member shall:

- (1) Accept or solicit any gift, favor, service or thing of value from any person, group or business entity, including a promise of future employment, that might reasonably tend to influence him in the discharge of his official duties or that the town official, candidate, appointee or employee knows or should know is being offered with the intent to influence the official conduct of the town official, candidate, appointee or employee. This prohibition shall not apply to:
  - (A) An occasional non-pecuniary gift, insignificant in value that is less than fifty dollars (\$50.00);
  - (B) An award publicly presented in recognition of public service;
  - (C) Any gift which would have been offered or given to the town official, candidate, appointee or employee or a family member if he were not a town official, candidate, appointee, employee, or family member; or
  - (D) Any travel and related expenses to attend ceremonial functions, provided that such acceptance and attendance have been approved by the town council prior to the occurrence of the ceremonial function.
  - (E) Effective January 1, 2026, awards, grants, scholarships, or similar gifts, not

otherwise prohibited by law, related to training, licensing, education, or performance offered by non-profit organizations by a blind-selection process that is restricted to a group of town employees, excluding the town manager, and including employees' family members where all members of the employee group have equal opportunity to apply or be nominated for and receive the award, grant, scholarship, or similar gift. The town manager has authority to review the selection process offered under this exception for compliance with this article. Any such award, grant, scholarship, or similar gift shall be shared publicly with the town council during a town council meeting. Under this exception, town directors, as defined in the town's administrative policies, and town directors' family members are limited to one (1) such award, grant, scholarship, or similar gift related to training, licensing, education, or performance from a non-profit organization. For example, a scholarship offered and accepted by a director's child shall prohibit that child, but not other director's family members or the director, from receiving another award, grant, scholarship, or similar gift from that same non-profit organization. This limit of one (1) award is not applicable to employees, or employees' family members, who are not classified as directors under the town's administrative policies.

- (2) Grant in the discharge of his official duties any improper favor, service or thing of value to any person, group or business entity.
- (3) Disclose any confidential information gained by reason of the position of the town official, candidate, appointee or employee concerning property, operations, policies or affairs of the town, or use such confidential information to advance any personal interest, financial or otherwise, of such town official, candidate, appointee or employee, family members or third parties. This subsection shall not preclude disclosure of such confidential information in connection with any investigation or proceeding regarding whether there has been a violation of the standards of conduct set forth in this article.
- (4) Use one's position or office of employment or town facilities, personnel, equipment or supplies to secure special privileges or exemptions for himself, family members or third parties or for the private gain of the town official, candidate, appointee, employee, or his family members or third parties.
- (5) Engage in any exchange, purchase or sale of property, goods or services with the town, except:
  - (A) Rendering services to the town as a town official, candidate, appointee or employee;
  - (B) Paying taxes, fines, or utility service or filing fees;
  - (C) Executing and performing any developer's agreement or plat in compliance with laws and regulations applicable to any person; provided, however, that if any town ordinance, rule or regulation allows any discretion by the appropriate town official, appointee or employee in the interpretation or enforcement of such ordinance, rule or regulation, any such discretion shall be exercised in favor of the town in connection with any such developer's agreement or plat;

- (D) Appointees who are not also town officials or employees of the town may engage in any exchange, purchase or sale of property, goods or services with the town, or enter into a contract with the town, provided that the board on which they are a member has no advisory function, involvement, or decision-making authority, either direct or indirect, present or prospective, with respect to the transaction in which such appointee engages or proposes to engage.
- (6) Hold himself out as representing the town in any capacity other than that for which he was appointed, elected or hired.
- (7) Engage in or accept private employment or render a service when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independent judgment in the performance of official duties.
- (8) Make or permit the unauthorized use of town-owned vehicles, equipment, materials or property.
- (9) Grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- (10) After termination of service or employment with the town, appear before any board or commission of the town in relation to any case, proceeding or application in which he personally participated or which was under his active consideration during the period of his service or employment.
- (11) Transact any business in his official capacity with the town with a business entity in which he has a substantial interest.
- (12) Perform or refuse to perform any act in order to deliberately thwart the execution of town ordinances, rules or regulations or the achievement of official town programs.
- (Ordinance 2025-20 adopted 8/11/2025)

**§ 1.05.005. Disclosure of interest; abstention from voting.**

- (a) Vote not allowed. Except as expressly provided in subsection (b) of this section, if a town official, candidate, appointee or employee has a substantial interest in a business entity or real property involved in a matter pending before such town official, candidate, appointee or employee, or the body of which he is a member, such town official, candidate, appointee or employee shall disclose such interest as provided in subsection (c) of this section and shall not vote or discuss the substance of the matter at any time with any other member of the board of which he is a member or any other body which will vote on or otherwise participate in the consideration of the matter.
- (b) Vote allowed. If any of the following interests are involved in any matter pending before any town official, candidate, appointee or employee, or the body of which he is a member, such town official, candidate, appointee or employee shall disclose such interest as provided in subsection (c) of this section, but he shall be permitted to vote on and participate in the consideration of such matter:
- (1) A matter concerning a bank or other financial institution from which the town

official, candidate, appointee or employee has a home mortgage, automobile loan, or other installment loan, if the loan is not currently in default, was originally for a term of more than two (2) years and cannot be accelerated except for failure to make payments according to the terms thereof:

- (2) A matter concerning a bank or other financial institution in which the town official, candidate, appointee or employee holds a savings account, checking account or certificate of deposit and which is fully insured by the U.S. government or an agency thereof;
  - (3) A matter concerning a business entity with which the town official, candidate, appointee or employee has a retail or credit card account;
  - (4) A matter concerning the approval of substitution of collateral by a town depository bank;
  - (5) A matter concerning real property or a business entity in which the town official, candidate, appointee or employee has a substantial interest if the action on the matter would not have a special economic effect on the value of the property or business entity, distinguishable from the effect on the public.
- (c) Affidavit and reporting requirement. A town official, appointee or employee shall disclose the existence of a substantial interest in a business entity or real property involved in any matter pending before such town official, appointee or employee, or the body of which he is a member or serves as the staff liaison. To comply with subsection (a) of this section, a town official, appointee or employee shall, prior to any discussion or determination of the matter, file an affidavit of disclosure as required by section 171.004 of the Texas Local Government Code, as amended, with the town secretary. To comply with subsection (b) of this section, a town official, employee or appointee shall publicly disclose in the official minutes of the body the nature of his interest. To comply with subsection (b) of this section, an employee shall notify the town manager or his designee in writing of the nature of any substantial interest that he or a family member has in a business entity or real property which would be affected by an exercise of discretionary authority by the employee and such matter shall be regulated in accordance with town policies and procedures.

(Ordinance 2025-20 adopted 8/11/2025)

### **§ 1.05.006. Ethics review commission.**

- (a) Established. An ethics review commission (commission) is hereby established to be composed of five (5) members and two (2) alternate members, all of whom shall reside in the town and shall be appointed by majority vote of the town council.
- (b) Appointment to positions. Each commission member shall occupy a position on the commission, such positions being numbered 1 through 5.
- (c) Term of office. The commission members shall be appointed to two (2) year staggered terms. Position 1 shall serve an implementation term that shall expire on September 30th of 2016 and shall expire thereafter in even-numbered years. The term for position 2

shall also expire in even-numbered years. The term for each alternate member and position 3 shall expire in odd-numbered years. No member shall serve for more than two (2) consecutive full terms. Implementation terms shall not be counted as full terms.

- (d) Vacancies. All vacancies shall be filled for the unexpired term. A member shall hold office until his successor has been appointed by the town council and shall continue to hold office after his successor has been appointed by the town council for the limited purpose of the disposition of all complaints filed during that member's term. No new member may participate in a decision regarding a complaint filed prior to the expiration of the previous member's term, but new members shall accomplish the duties of office with respect to all complaints filed after the previous member's term.
- (e) Chairman and vice-chairman. The commission shall elect a chairman and a vice-chairman to serve one (1) year terms. The vice-chairman shall act as chairman in the absence of the chairman.
- (f) Quorum. Four (4) members of the commission shall constitute a quorum, and no action of the commission shall be of any force or effect unless it is adopted by the favorable vote of three (3) or more members.
- (g) Meetings. The commission shall meet at least once a year to review this article and may make recommendations to the town council for amendments hereto.
- (h) Issuance of advisory opinions. The commission shall render advisory opinions on potential conflicts of interest or violation of this article at the request of a town official, candidate or appointee subject to the terms of this article. Such advisory opinion shall be rendered within a reasonable time, but in no event later than thirty (30) business days after a request is received by the commission. A copy of advisory opinions issued shall be forwarded to the town council.
- (i) Advisory opinion as defense. It shall be a defense to an alleged violation of this article that the person accused previously requested an advisory opinion of the commission and acted on such opinion in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Such advisory opinion shall also be binding on the commission in any subsequent charges concerning the person requesting the opinion.
- (j) Legal counsel. The town attorney or independent legal counsel shall be utilized to advise the commission and participate in hearings. The town council may designate and retain independent counsel, who shall be a duly licensed attorney in the state.
- (k) Authority. The commission shall have authority to review and make findings concerning alleged violations of this article by town officials, candidates, and appointees, if a written complaint meeting the requirements set forth herein is timely filed in accordance with section 1.05.007(c) of this article. The town manager shall have authority to review and make findings concerning alleged violations of this article by employees.

(Ordinance 2025-20 adopted 8/11/2025)

### **§ 1.05.007. Disposition of alleged violations.**

- (a) Form and contents of complaint. In order to file a complaint under this article, a

complainant shall submit a written sworn complaint to the town secretary, which shall be notarized and shall be in the form specified below. A sworn complaint shall be based upon personal knowledge, shall allege a violation of this article, shall specify the provision(s) of this article alleged to have been violated, and shall name the town official, candidate, appointee, or employee being charged. If a filed complaint fails to meet these standards, the town secretary shall return the complaint to the complainant and a copy of the complaint to the person complained against. The town secretary shall outline which provision(s) of this article have not been satisfied to accept a valid complaint.

THE STATE OF TEXAS:

COUNTY OF DENTON:

TO: THE ETHICS REVIEW COMMISSION (OR THE TOWN MANAGER IF A COMPLAINT AGAINST AN EMPLOYEE) OF THE TOWN OF TROPHY CLUB, TEXAS:

COMES NOW (complainant), and makes this complaint, UPON HIS/HER PERSONAL KNOWLEDGE AND UNDER OATH against (name of person complained against), and would show the Commission that: On or about the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, (insert date of the action, or omission, complained of) \_\_\_\_\_, (name of person complained against) a/an (insert appropriate designation; Town Official, Candidate, Appointee, or Employee) of the Town of Trophy Club, Texas, violated the following provision(s) of Code of Ethics and Conduct Ordinance, Town of Trophy Club, Texas, to wit: (specify by section, subsection and paragraph number the provision(s) alleged violated) by committing the following act, or omission, to wit:

By the making and filing of this affidavit, I certify under oath that the statements contained herein are true and correct.

(Original signature and executed notary block must be included.)

- (b) Consideration of complaints. Upon the timely filing of a written sworn complaint meeting all requirements of this section, the commission shall consider possible violations of this article by town officials, candidates, and appointees. The town manager shall consider possible violations of this article by town employees and former town employees.
- (c) Timely filing required. As a condition precedent to commission consideration of a complaint, such complaint shall be timely filed. A complaint alleging a violation of this article shall be filed with the town secretary within one (1) year after the date of the alleged violation in order to be considered timely. If a complaint is based on information obtained through either a civil proceeding or criminal charge, the timely filing deadline shall be extended to within one (1) year after the date that the civil proceeding or criminal charge has been filed in court. It shall be the responsibility of the complainant to furnish evidence of such civil proceeding or criminal complaint at the time of filing a complaint under this article. However, in no case shall a complaint alleging a violation of this article be considered timely filed if it is filed more than three (3) years after the

date the alleged violation was committed. Each of the following complaints shall be deemed untimely filed and shall be returned to the complainant:

- (1) A complaint alleging a violation that occurred before the effective date of this article;
  - (2) A complaint alleging a violation that occurred more than one (1) year before the date that the complaint is filed;
  - (3) A complaint based on information obtained through either a civil proceeding or criminal charge that is filed more than one (1) year after the date that the civil proceeding or criminal charge was filed in court;
  - (4) A complaint filed more than three (3) years after the date the alleged violation was committed, if the complaint is based on information obtained through either a civil proceeding or criminal charge; and
  - (5) A complaint filed within the period beginning on the 60th day prior to the first date of early voting for a town election and ending on the later of the regular election date or runoff election date for such election.
- (d) False statements notification. If a complaint is timely filed and satisfies the requirements of section 1.05.007(a), the town secretary shall, in writing, advise the person filing a complaint that falsely accusing someone of a violation of this article may result in criminal prosecution, under penalty of perjury, of anyone who knowingly makes a false accusation. The town secretary shall also, in writing, send a copy of the written complaint to the person charged in the complaint, and advise the person charged in the complaint that falsely responding to a complaint may result in criminal prosecution, under penalty of perjury, of anyone who knowingly makes a false response.
- (e) Processing of complaint. Complaints shall be processed as follows:
- (1) Acknowledgement of receipt; distribution of copies. Not later than three (3) business days after the town secretary receives a sworn complaint, the town secretary shall acknowledge the receipt of the complaint to the complainant, and, if the complaint is timely filed and satisfies the requirements of section 1.05.007(a), the town secretary shall provide a copy of the complaint to the town attorney or independent counsel and the person complained against. If a complaint is not timely filed, it shall be returned to the complainant, and a copy of the complaint shall be sent to the person complained against.
  - (2) Attorney preliminary review. Within ten (10) business days of receipt by the town attorney or independent counsel of a complaint determined by the town secretary to satisfy the requirements of section 1.05.007(a) and to have been timely filed, the town attorney or independent counsel shall review the complaint to determine whether the complaint is sufficient as to form, including, but not limited to, determining whether the complainant has Personal Knowledge, and whether the complaint alleges sufficient facts which if accepted as true would constitute a prima facie violation of this article. Further, the complaint shall be reviewed for compliance with subsections (a) through (c) of this section.

- (A) Sufficient complaint. If the town attorney or independent counsel finds that the complaint is both sufficient as to form, that the complainant has Personal Knowledge, and accepting the facts alleged as true for the limited purpose of a threshold review, finds that the allegations would constitute a prima facie violation of this article, the complaint shall be forwarded to the commission and the person complained against if the complaint is against a town official, candidate, or appointee. The complaint shall be forwarded to the town manager if the complaint is against a town employee or former town employee. The town manager shall adhere to the town's administrative procedures and policies for reviewing complaints against town employees or former employees and any resulting disciplinary or criminal actions.
- (B) Insufficient or ineligible complaint. If the town attorney or independent counsel finds that the complaint is insufficient as to form, or the complainant lacks Personal Knowledge, or, accepting the facts alleged as true for the limited purpose of a threshold review, finds that the allegations would not constitute a prima facie violation of this article, the town attorney or independent counsel shall notify the town council, the commission, the town manager, the complainant, and the person complained against of this determination, and shall return the complaint to the complainant. Further, if the town attorney or independent counsel determines that the commission is prohibited from entertaining a complaint under the conditions set forth in subsection (1) of this section, the town attorney or independent counsel shall notify the town council, the commission, the town manager, the complainant and the person complained against of this determination, and shall immediately return the complaint to the complainant.
- (3) Notification of hearing date. Not later than fifteen (15) business days after the commission receives a complaint forwarded by the town attorney or independent counsel, the commission shall notify in writing both the person who made the complaint and the person complained against of a date for a preliminary hearing. If the commission does not hold a preliminary hearing within thirty (30) business days of its receipt of the complaint, it shall notify the person who made the complaint and the person complained against of the reasons for the delay and shall subsequently give the appropriate notifications to all parties.
- (f) Complaint filed by commissioner. A complaint filed by an individual member of the commission shall be deemed to have been filed in the commission member's capacity as a private citizen and, in such event, the member of the commission filing the complaint shall not thereafter participate in any commission meeting at which such complaint is considered except as the complainant.
- (g) Communications of commission members. After a complaint has been filed and during the pendency of a complaint before the commission, a member of the commission 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 commission; provided that a member may consult with the attorney or the town manager or his designee for the commission as to process, procedure and legal issues. Ex parte communications by or to

members of the commission are prohibited.

- (h) Disclosure of information prohibited. No town official, candidate, appointee, or employee shall reveal information relating to the filing or processing of a complaint, except as required for the performance of official duties or as required by law. All papers and communications relating to a complaint shall be treated as confidential unless required to be made public under the Public Information Act, court order, or other applicable law.
- (i) Preliminary hearing. A preliminary hearing shall be conducted in accordance with the following:
- (1) As soon as reasonably possible, but in no event more than sixty (60) business days after receiving a complaint, the commission shall conduct a preliminary hearing. The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this article has occurred. The person filing a complaint shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint. 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 commission may question the complainant, the independent counsel for the commission, or the town official, candidate, or appointee named in the complaint. The town official, candidate or appointee named in the complaint may not be compelled to give evidence or testimony that violates his right against self-incrimination under the United States or the state constitution.
  - (2) The town official, candidate or appointee named in the complaint shall have the opportunity to respond, but is not required to attend or make any statement. The town official, candidate or appointee may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation.
  - (3) The complainant and the town official, candidate or appointee named in the complaint shall have the right of representation by counsel paid for at his own expense.
  - (4) At the conclusion of the preliminary hearing, the commission shall decide whether a final hearing should be held. If the commission determines that there are reasonable grounds to believe that a violation of this article has occurred, it shall schedule a final hearing. If the commission does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be automatically dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred. Notwithstanding the foregoing, the commission may proceed to determine the appropriate sanction if the charged town official, candidate or appointee does not object and admits the charged violation, and the commission determines that there are no fact issues to be resolved.
  - (5) At the preliminary hearing or at least fifteen (15) business days prior to the final hearing, the complainant, the town official, candidate or appointee named in the complaint may request that the commission summon certain persons and evidence

for a final hearing, if one is scheduled.

- (j) Final hearing. A final hearing shall be conducted in accordance with the following:
- (1) The final hearing shall be held as expeditiously as possible following the preliminary hearing at which a determination was made by the commission that there are reasonable grounds to believe that a violation of this article occurred, but in no event shall it be scheduled more than thirty (30) business days after such determination. The commission may grant two (2) postponements of the final hearing, not to exceed fifteen (15) business days each, upon the request of the town official, candidate or appointee named in the complaint.
  - (2) The issue at a final hearing shall be whether a violation of this article has occurred. The commission shall make its determination based on a clear and convincing evidence standard of proof. Parties to the proceeding may present testimony and evidence at the final hearing. All witnesses shall make their statements under oath. If the commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular provision(s) of this article which have been violated, and within five (5) business days shall deliver a copy of its findings to the complainant, if any, the person named in the complaint and the town secretary.
  - (3) If a complaint proceeds to a final hearing, the commission shall request in writing witnesses for which it has received a written request from the complainant or from the town official, candidate or appointee named in the complaint, provided that the requesting party shows good cause for the request and the request is timely submitted in accordance with subsection (i)(5) of this section. The request shall be made by certified mail, with return receipt requested, at least ten (10) business days before the date of the final hearing. Additionally, the commission may administer oaths and affirmations and receive testimony and evidence presented at the final hearing. It shall be a violation of this article for a person to fail or refuse to appear and testify before the commission in response to a written request served ten (10) business days or more prior to the scheduled time and date of final hearing. Notwithstanding the foregoing, no town official, candidate or appointee named in a complaint or witness may be compelled to give evidence or testimony that violates his/her right against self-incrimination under the United States or the state constitution.
- (k) Sanctions. The following sanctions are available:
- (1) If the commission determines that a violation of this article has occurred, it shall proceed directly to determination of the appropriate sanction(s). A violation of this article shall not be subject to criminal penalties under the town Code of Ordinances, except for those instances specifically provided for in section 1.05.011 of this article. The commission may receive additional testimony or statements before determining sanctions, but is not required to do so. If the town official, candidate or appointee named in the complaint acted in reliance upon a written opinion of the town attorney, the commission shall consider that fact.
  - (2) If the commission determines that a violation of this article has occurred, it shall

take the following actions:

- (A) If the person who committed the violation is the town manager, town attorney, town secretary, or a judge of the municipal court, the matter will be referred to the town council.
  - (B) If the person who committed the violation is a town council member, a candidate, an appointee or a former town official the matter will be referred to the town council.
- (3) When referring a matter under subsection (k)(2) of this section, the commission may impose or recommend the following sanctions:
- (A) Letter of notification. A letter of notification may be recommended when the commission finds that a violation of this article was clearly unintentional or when the action or conduct found to have been a violation of this article was performed by the town official, candidate or appointee in reliance on a public written opinion of the town attorney. A letter of notification must advise the town official, candidate or appointee to whom the letter is directed of any steps to be taken to avoid future violations.
  - (B) Letter of admonition. A letter of admonition may be recommended when the commission finds that the violation of this article was minor and/or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.
  - (C) Reprimand. A reprimand may be recommended when the commission finds that a violation of this article was committed intentionally or through disregard of this article. A letter of reprimand directed to an elected town official shall also be transmitted to the town secretary and published in the official newspaper of the town.
  - (D) Censure, recall or removal from office or appointment. A letter of censure, a recommendation of recall, or a recommendation to institute proceedings for removal from office or appointment shall be the appropriate sanction when the commission finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by an elected town official or appointed member. A letter of censure, a recommendation of recall, or a recommendation to institute proceedings for removal from office directed to an elected town official or appointed member shall also be transmitted to the town secretary and published in the official newspaper of the town. The town council and citizens of the town may take actions in accordance with the town charter. Any proceedings for removal from office shall be in compliance with provisions of the town charter and state law.
- (l) Dismissal of complaint. If the complaint is dismissed because the evidence failed to establish a violation of this article, the commission shall issue a letter of dismissal or finding, and shall not entertain any other similar complaint based on substantially the

same evidence. A complaint shall also be dismissed if it was filed by a person determined to be a vexatious complainant as outlined in section 1.05.010.  
(Ordinance 2025-20 adopted 8/11/2025)

**§ 1.05.008. Request for review of allegations.**

Any town official, candidate or appointee against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the town secretary affirming their innocence, and to request the commission to review the allegations and make known its findings.  
(Ordinance 2025-20 adopted 8/11/2025)

**§ 1.05.009. (Reserved)**

**§ 1.05.010. Vexatious complainants.**

- (a) The commission may find that a complainant is vexatious if the commission finds there is no reasonable probability that the complaint has merit against the town official, candidate, or appointee and that:
- (1) The complainant, in the seven-year period immediately preceding the date of filing a complaint with the commission, has filed at least three (3) complaints resulting in no violations being found by the commission and found to be frivolous or groundless under the conditions of this article; or
  - (2) Damage a person's reputation.
- (b) The commission may take action to determine a person who has filed a complaint as outlined herein is a vexatious complainant. A person who has been determined by the commission to be a vexatious complainant shall be prohibited from submitting a complaint under this article for a period of three (3) years as of the date of the commission's decision. Any pending complaint(s) filed by the vexatious complainant as of the date of the commission's decision shall be automatically dismissed by the commission.

(Ordinance 2025-20 adopted 8/11/2025)